

**TOWN OF CIMARRON ANIMAL CONTROL ORDINANCE**

ORDINANCE NO.

TOWN OF CIMARRON

AN ORDINANCE PROVIDING FOR DOGS AND CATS, AND FOR THE FOLLOWING PROVISIONS WITH RESPECT TO DOGS AND CATS: FOR THEIR VACCINATION AND THE OWNERSHIP OR CONTROL OF SUCH ANIMALS; FOR THE LICENSING OF DOGS AND CATS AND THE FEES TO BE CHARGED FOR SUCH LICENSING, AND THE EVIDENCE OF VACCINATION BEFORE LICENSING; FOR NOTICE OF ANIMAL BITES, AND THE CONFINEMENT OF DOGS OR CATS WHICH ARE BITTEN BY RABID ANIMALS, OR WHICH HAVE BITTEN OTHER ANIMALS OR HUMANS; FOR INFORMATION TO BE GIVEN TO THE DISTRICT HEALTH OFFICER AND FOR CONFINEMENT AND KILLING AND DISPOSITION OF CERTAIN DOGS AND CATS; FOR VICIOUS ANIMALS, AND FOR RABID ANIMALS, AND FOR UNVACCINATED DOGS AND CATS, AND FOR THE PROCEDURE FOLLOWING A BITE FROM AN ANIMAL WITH RABIES, OR DEATH FROM RABIES; FOR DEFINITION OF AN UNLAWFUL DOG OR CAT AND FAILURE TO COMPLY WITH THE KILLING OF AN UNLAWFUL CAT OR DOG IN THE MUNICIPALITY OF CIMARRON; FOR DOGS AND CATS RUNNING AT LARGE, AND THE UNLAWFULNESS OF SUCH RUNNING AT LARGE, AND THE UNLAWFUL ACT OF ALLOWING A DOG OR CAT TO RUN AT LARGE BY AN OWNER OR KEEPER THEREOF; FOR DAMAGES TO PERSON OR PROPERTY CAUSED BY A DOG OR A CAT WHICH SHALL BE IN VIOLATION OF THE ORDINANCE; FOR A DOG WARDEN, AND THE AUTOMATIC APPOINTMENT OF POLICE OFFICERS AND TOWN MARSHALLS OF CIMARRON IN LIEU OF SPECIFIC APPOINTMENT OF A DOG WARDEN; PROVIDING FOR THE IMPOUNDMENT OF DOGS AND CATS, WHETHER LICENSED OR NOT, WHEN SUCH DOGS OR CATS ARE NOT IN THE PERSONAL CHARGE OF THEIR OWNERS OR CONFINED OR HARBORED ON THE PREMISES OF THE OWNER OR KEEPER; PROVIDING FOR NOTICE OF IMPOUNDMENT OR CAPTURE BY THE DOG WARDEN, OR ATTEMPTED NOTICE; PROVIDING FOR A CHARGE FOR IMPOUNDMENT OF DOGS AND CATS PER DAY, AND PROVIDING FOR DISPOSAL BY KILLING IN A HUMANE MANNER OF ANY UNLICENSED DOGS OR CATS, OR FOR LICENSED DOGS OR CATS WHICH HAVE BEEN IMPOUNDED PURSUANT TO THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR THE PUBLIC NUISANCE OF FIERCE, DANGEROUS OR VICIOUS DOGS OR BITCHES WHILE IN HEAT, WHEN RUNNING AT LARGE UPON THE STREETS; PROVIDING FOR THE EMER-

GENCY PROCLAMATION OF THE DANGEROUS CONDITION AS TO RUNNING AT LARGE OF DOGS OR CATS, AND THE DISPOSAL BY KILLING OF DOGS OR CATS WHICH ARE RUNNING AT LARGE, WITHOUT THE NECESSITY OF PRIOR IMPOUNDMENT; PROVIDING FOR THE ENFORCEMENT OF THE ACT, AND FOR FINES AND PENALTIES THEREUNDER, AND GIVING AUTHORITY FOR THE DISPOSAL PROVISIONS OF THE ORDINANCE; PROVIDING FOR THE PENALTY AND UNLAWFULNESS FOR BREAKING AND ENTERING OF A POUND IN WHICH AN ANIMAL IS KEPT, OR ANY PERSON WHO SHALL REMOVE OR AID IN THE REMOVAL OF ANY ANIMAL OR OBSTRUCT THIS ORDINANCE IN THE PERFORMANCE OF DUTIES, AND PROVIDING FOR A FINE THEREFORE; SETTING FORTH A REPEAL CLAUSE OF INCONSISTENT ORDINANCES OF THE TOWN OF CIMARRON, AND SETTING UP A SEVERABILITY CLAUSE.

WHEREAS:

1. The State of New Mexico has, by legislative enactment, required that each municipal corporation shall make provision by ordinance for the seizure and killing of all dogs and cats running at large and not claimed or harbored by any person on their premises; and
2. The keeping of dogs and cats without the precautionary requirements of vaccination, and the keeping or harboring of dogs and cats which run at large, are vicious, or are not within the personal charge of the owner and/or keeper of the dog and cat, and the allowing of any dog or cat to run at large or be contained within the boundaries of the city limits of the Town of Cimarron without proper current evidence, of vaccination, is a nuisance and endangers public health; and
3. For the purpose of providing of the safety, preserving the health, promoting the prosperity and improving the order of the municipality of Cimarron, New Mexico, and its inhabitants, it is necessary to enact an ordinance providing for the vaccination, licensing, running at large, and control together with disposal of dogs and cats;

Now therefore, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CIMARRON, COLFAX COUNTY, NEW MEXICO AS FOLLOWS:

**SECTION 1: VACCINATION AND OWNERSHIP OR CONTROL**

All dogs and cats within the boundaries of the Town of Cimarron, over the age of three months, and which shall be brought into Cimarron, within one week after entry into Cimarron, shall be vaccinated against rabies annually with a vaccine approved-by the Director of Health and Social Services Department of the State of New Mexico, to be

administered by or under the supervision of a licensed veterinarian of the State of New Mexico. The veterinarian who administers the anti-rabies vaccination to any dog or cat shall, at the same time, issue to the owner or keeper of the dog or cat a serially numbered vaccination certificate containing the name and address of the owner or keeper of the dog or cat, a description of the dog or cat vaccinated, the date of vaccination and the expiration date of the period of immunity. The veterinarian shall also furnish the owner or keeper with a metal tag bearing the certificate number and the expiration date of the period of immunity. Such tag shall be affixed by the owner or keeper of such animal to a collar or harness and shall be worn by the dog or cat for which the certificate is issued at all times.

**SECTION 2: LICENSING OF DOGS AND CATS-FEES**

The owner or keeper of any dog or cat over three months of age located within the Town of Cimarron for a period of longer than one week, shall cause the name of the dog, or cat together with the name and address of the owner and of the keeper, and a description of the animal, to be licensed with the Town Clerk of the Town of Cimarron, Colfax County, and shall pay, each year, to the Clerk of the Town of Cimarron, a license fee as set forth by the Town Council of the Town of Cimarron, and each dog and cat so licensed shall wear on a collar or harness a metal tag or check to be furnished by the Clerk of the Town of Cimarron, which will have a serial number of the license, and the year of licensing, to be marked thereon. The license period for each year shall expire on the 31st day of December, of each year. The Town Clerk shall not issue any license, despite application therefor, until evidence of vaccination against rabies by a licensed veterinarian as in this ordinance or the laws of the State of New Mexico contained, shall be first presented to the Town Clerk. No dog may be licensed until such certificate is furnished showing proper vaccination and that the period of immunity is unexpired. It shall be the duty of the owner or keeper of any dog or cat to have such animal re-vaccinated for rabies annually.

The license fee for each male dog and cat and spayed female dog and cat shall be \$3.00, and for each unspayed female dog or cat shall be the sum of \$5.00 per year.

**SECTION 3: NOTICE OF ANIMAL BITE, CONFINEMENT AND DOGS OR CATS BITTEN BY RABID ANIMALS**

(a) Whenever any person is bitten by an animal, it is the duty of such person or his parent or guardian and of the owner or keeper of the animal, to immediately notify the New Mexico District Health Officer. Except as provided in sub-section (b) of this section, the owner or keeper of the animal immediately, and at his own expense, shall confine it securely for ten (10) days at a place designated by the District Health Officer. Every physician shall, within twenty-four hours after his first professional attendance upon a person bitten by any ani-

mal, having, or suspected of having rabies, report to the District Health Officer the name, age, sex and address of the person bitten.

- (b) If the person bitten is bitten by a dog or cat and if the owner or keeper of the dog or cat produces a valid and unexpired certificate of vaccination for the dog or cat issued under this Ordinance or under the laws of the State of New Mexico, evidencing vaccination to be within four weeks of the period of immunity contained within the vaccination certificate, then the owner shall be permitted to keep the dog or cat at his own premises for the required period of ten (10) days. Owner confinement shall be permitted by the District Health Officer if he has declared his area of jurisdiction a rabies free area. No animal may be released from confinement except by a person designated by the District Health Officer.
- (c) Any dog or cat bitten by an animal known and proved to be rabid shall be killed immediately by its owner or by a peace officer, provided that any dog or cat which has been vaccinated at least three weeks before the bite, shall be confined for ninety (90) days. At the end of the confinement period the dog or cat shall be released if declared free of rabies by a licensed veterinarian. If, as determined by the veterinarian, the dog or cat has developed rabies during the period of confinement, the owner or keeper shall have it killed and properly disposed of.

**SECTION 4: 'VICIOUS, RABID OR UNVACCINATED DOGS AND CATS; PROCEDURE FOLLOWING BITE OR DEATH FROM RABIES**

(a) It is unlawful for any person to keep any animal known to be vicious and liable to attack and injure human beings unless such animal is securely kept so as to prevent injury to any person. It is unlawful to keep any unvaccinated dog or cat or any animal which has shown any symptom of rabies, except that, if such animal has bitten a human being, it shall be confined for a ten day period. If the animal dies during the confinement period, the head shall be immediately sent to a laboratory by the District Health Officer. The head of any animal suspected of having died of rabies shall be immediately sent to a laboratory designated by the Health and Social Services Department under such procedures as specified by the Department.

**SECTION 5: DISPOSAL; FAILURE TO KILL-PENALTY.** It is the duty of any person who is the owner or keeper of any dog or cat within the confines of the Town of Cimarron, the keeping of which is unlawful as set forth by this Ordinance or by the laws of the State of New Mexico, to cause such animal to be disposed or killed. Failure to comply with this section after knowledge by the owner or keeper of the fact which renders such keeping unlawful, shall subject such owner or keeper to a fine of \$10.00 and costs, and each day's failure to comply is a separate offense.

**SECTION 6: DOGS AND CATS RUNNING AT LARGE-UNLAWFUL.** It shall be unlawful for any dog or cat to run at large or for any person, owner or keeper, to allow any dog or cat to run at large in any part of the municipality of Cimarron, except on the premises and in charge of the owner or keeper thereof, unless such dog or cat is on a leash with his owner or keeper, or within the personal charge and under the direct restraint of such owner or keeper. It shall be unlawful for any dog or cat to be kept, or live in the Town of Cimarron, unless it has a license under the provisions of this Ordinance.

**SECTION 7: DAMAGES**

The owner or keeper of any dog or cat which shall be in violation of this Ordinance, shall be liable for any and all damages which it may cause to the person or personal property of any other person.

**SECTION 8: DOG WARDEN-POLICE OFFICER-APPOINTMENT** The Mayor of Cimarron may appoint a "Dog Warden" whose duties shall be as prescribed in this Ordinance, and in absence of such appointment, the Town Marshall and other police officers of the Town of Cimarron shall be deemed to have been appointed as Dog Warden or Wardens.

**SECTION 9: IMPOUNDING OF DOGS AND CATS**

It shall be the duty of the Dog Warden to take up and confine or impound all dogs and cats running at large in the Town of Cimarron, whether licensed or not, when such dogs or cats are not in the personal charge of their owners or confined or harbored on the premises of the owner or keeper thereof, as set forth elsewhere in this Ordinance. If such dog shall have been licensed, the Dog Warden shall attempt to notify the owner or keeper thereof by mail, telephone, publication or other method of notice, to be determined by the Dog Warden. The owner or keeper may thereafter claim the dog within five (5) days of the attempted notice, after paying to the Town Clerk a fee of \$5.00 for each day, or fraction thereof, that the dog has been impounded. The Dog Warden is authorized to dispose of any dog in a humane manner and to bury the same, after the five day notice herein provided for licensed dogs, or, for the public safety and health, immediately, as to unlicensed "dogs."

**SECTION 10: PUBLIC NUISANCE:**

Every fierce, dangerous or vicious dog, or bitch while in heat, when running at large upon the streets or in any other public place, is hereby declared to be a public nuisance; and it shall be the duty of the Dog Warden or any police officer, to take up and confine any such dog, or, if deemed necessary in the sole discretion of such Dog Warden or police officer, to kill such dog at once, whether or not the same may be licensed. Every dog shall be deemed fierce, dangerous or vicious that shall run after, chase, or attempt to bite any person or that shall chase or molest other animals, or which shall be unconfined upon public places or playgrounds or

school grounds, or which shall run in packs (of two or more dogs).

**SECTION 11: EMERGENCY PROCLAMATION AND DISPOSAL OF DOGS AND CATS.**

Whenever the Town Council shall determine an emergency or dangerous condition to exist with respect to the running at large of dogs and cats, and such proclamation shall be disseminated by written notice, oral pronouncements, newspaper publication, or other means which, in the determination of the Town, shall give reasonably public notice to the general citizens of Cimarron, that the running at large of unlicensed dogs or cats is a menace to the health and safety of Cimarron and of its' inhabitants, then such proclamation shall be direct and sufficient authority for the Dog Warden or any other police officer in Cimarron, to kill and dispose of all unlicensed dogs and cats running at large in Cimarron during a period as established by the Town Council. Such proclamation, and the notice thereof disseminated to all persons, shall be sufficient authority and declaration of the dangerous circumstance and the emergency thereby created, for the immediate destruction of all such unlicensed dogs and cats running at large.

**SECTION 12: ENFORCEMENT**

- (a) It shall be the duty of the Dog Warden, or other police officers of Cimarron, to enforce the terms of this Ordinance.
- (b) If a civil or criminal Complaint shall be issued, it shall be in addition to, and not in lieu of, any of the other remedies or criminal penalties provided by this Ordinance or any part thereof.
- (c) A Complaint, if utilized, shall notify violators to appear before the Municipal Magistrate or Magistrate of the State of New Mexico nearest to the municipality of Cimarron, and to answer charges of violation of any provision of this Ordinance as may be requested.
- (d) Any person violating any of the foregoing provisions of this Ordinance, except those provisions with respect to criminal penalties, may be punished upon the finding of guilt under the Complaint as issued, by a fine as set forth in this Ordinance, and if none, by a fine not exceeding \$100.00 or imprisonment in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 14: BREAKING POUND-PENALTY**

Any person who shall break open any place or pound where-in any animal is kept or impounded under the provisions of this Ordinance, or who shall remove or aid in the removal of any animal so kept or impounded without having previously paid all costs, charges and fees herein provided for, or who shall hinder, delay or obstruct the Dog Warden or any police officer in the performance of his duties as prescribed herein, or shall violate any of the other provisions of this Ordinance, shall upon conviction be punished by a fine not exceeding

\$100.00 or imprisonment in the County Jail for a period not exceeding thirty (30) days, or by both such fine and imprisonment in the discretion of the Court.

**SECTION 15: REPEAL CLAUSE**

All other ordinances of the Town of Cimarron that are in conflict with this Ordinance are hereby repealed, including specifically Ordinance No. 75.

**SECTION 16: SEVERABILITY:**

Should any section, paragraph, sentence, clause or phrase of this Ordinance or the application of the same to a particular set of persons or circumstances be declared unconstitutional or invalid for any reason, the remainder of such Ordinance shall not be affected thereby.

This Ordinance was passed by a majority of the Town Council of the Town of Cimarron, New Mexico at a regular meeting scheduled on the 14th day of January, 1974, and following notice by publication as required by New Mexico state law.

DATED this 14th day of January 1974.

VILLAGE OF CIMARRON

ORDINANCE NO 194

AN ORDINANCE PERTAINING TO PIT BULLS, REGULATING EXISTING OWNERSHIP AND LICENSING EXISTING PIT BULLS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF CIMARRON THAT:

**SECTION 1. PIT BULLS PROHIBITED**

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, or sell within the municipal limits any pit bull.

**SECTION 2. DEFINITIONS**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given therein:

- A. **"Owner,"** for purposes of this ordinance, is defined as any person who owns, possesses as any person who owns, possesses, keeps, exercises control over, maintains, harbors, transports or sells an animal.
- B. **"Pit Bull,"** for purposes of this ordinance, is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the clerk of the Village of Cimarron.
- C. **"Secure Temporary Enclosure,"** for purposes of this

ordinance is a secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a "door" for removal of the pit bull. Such enclosure must be of such material, and such door closed and secured in such a manner, that the pit bull cannot exit the enclosure on its own.

- D. **"Chief of Police,"** for purpose of this ordinance is the chief of police of the Village or his or her designated representative.
- E. **"Confinement,"** for purpose of this ordinance is a building or a secure enclosure as approved by the Chief of Police.

**SECTION 3. EXCEPTIONS.**

The prohibition in Section I shall not apply in the following enumerated circumstances. Failure by the owner to comply and remain in compliance with all of the terms of any applicable exception shall subject the pit bull to immediate impoundment and disposal pursuant to Section 3 and shall operate to prevent the owner from asserting such exception as a defense in any prosecution under Section 1.

- A. The owner of a pit bull, who has applied for and received a dog license for such pit bull pursuant to this ordinance at the Village Hall on or before the date of publication of the enactment of this Ordinance, who has applied for and received a pit bull license in accordance with Section 4 of this Ordinance, and who maintains the pit bull at all times in compliance with The pit bull license requirements of Section 4 of this Ordinance and all other applicable requirements of this Ordinance, may keep a pit bull within the municipal limits.
- B. The Chief of Police may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this Ordinance.
- C. The owner of any pit bull which had been licensed pursuant to Ordinance No. 155 Section 7-1-6 before the date of publication of this ordinance enactment shall be allowed to keep such pit bull within the municipal limits upon compliance with the terms of the exception contained in subsection A of this section only if the owner applies for and receives an annual pit bull license on or before July 1, 1997. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with the following regulations:
  - (1) The owner of the pit bull shall provide proof of rabies vaccination and shall pay the annual pit bull license fee of fifty dollars (\$50.00).
  - (2) The owner of the pit bull shall keep current the license for such through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such license. A pit bull license tag will be issued to the owner at the time

of issuance of the license. Such license tag shall be attached to the pit bull by means of a collar or harness and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a two-dollar fee.

- (3) The owner must be at least twenty-one (21) years of age as of July 1, 1997.
- (4) The owner shall present to the animal control officer that the owner has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by a pit bull during the twelve month period covered by the pit bull license. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.
- (5) The owner shall, at the owner's own expense, have the pit bull spayed or neutered and shall present to the Chief of Police documentary proof from a licensed veterinarian that this sterilization has been performed.
- (6) The owner shall take the pit bull to a veterinarian, where a person authorized by the Chief of Police shall cause a registration number assigned by the police department to be tattooed or otherwise marked on the pit bull. The Chief of Police shall maintain a file containing the registration numbers and names of the pit bulls and addresses of the owners. The owner shall notify the manager of any change of address.
- (7) At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined" as that term is defined in Section 1 E of this Ordinance. At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull either securely leashed and muzzled or in a "secure temporary enclosure," as that term is defined in Section 1 D of this Ordinance.
- (8) The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the Chief of Police within five (5) days in the event that the pit bull is lost, stolen, dies, or has a litter. In the event of a litter; the owner shall deliver the puppies to the veterinarian designated by the Chief of Police for destruction or permanently remove the puppies from the Village of Cimarron and provide sufficient evidence of such removal by the time the puppies are weaned. In no event shall the owner be allowed to keep in the Village of Cimarron a pit bull puppy born after the date of

publication of this ordinance, that is more than eight (8) weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to Section 4 of this Ordinance.

- (9) The owner shall have posted at each possible entrance to the owner's property where the pit bull is kept a conspicuous and clearly legible pit bull sign (10) inches in rectangular dimensions and shall contain the words "PIT BULL DOG" in lettering not less than two (2) inches in height.

#### **SECTION 4. IMPOUNDMENT**

If a complaint has been filed in the municipal court of the municipality against the keeper of an impounded pit bull for a violation of this ordinance, the pit bull shall not be released except upon order of the court which also may direct the owner to pay any penalties for violation of this ordinance in addition to all impounding fees, care and feeding charges and veterinary fees. If release is denied by order of the municipal court the Chief of Police may cause the pit bull to be humanely destroyed.

#### **SECTION 5. PENALTIES**

Any person found guilty of violating any of the provisions of this ordinance shall be a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period of not more than ninety (90) days or both such fine and imprisonment, and each day this ordinance is violated shall constitute a separate offense; provided, however, that if a specific penalty is provided therefore in any particular and individual section of this ordinance, then the specific penalty shall prevail.

#### **SECTION 6. SEVERABILITY**

Should any section, subsection or clause of this ordinance be found to be in violation of the state statute or otherwise unenforceable, that section, subsection or clause shall be deemed severed and the remaining sections shall remain in full force and effect.

#### **SECTION 7. EFFECTIVE DATE**

This ordinance shall be in full force and effect five days after its adoption, approval and publication as provided by law.

#### **PASSED, APPROVED AND ADOPTED this 18th DAY OF JUNE, 1997.**

The above and foregoing Ordinance was duly presented, approved unanimously, and adopted at a Regular Council Meeting of the Village of Cimarron, New Mexico held on the 18th day of June, 1997.