

## TOWN OF CLAYTON ORDINANCE NO. 465

AN ORDINANCE REGULATING THE OWNING, KEEPING, IMPOUNDING AND DISPOSITION OF DOGS IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE TOWN OF CLAYTON AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CLAYTON, NEW MEXICO:

### SECTION 1. POUND

The Town Board of Trustees may, at its discretion, establish a municipal dog pound or contract, for animal control services on behalf of the Town of Clayton. Such pound or services, with respect to dogs, shall provide adequate pick-up, impounding, holding, isolation and humane disposition facilities for sick, biting, rabid, unwanted, unclaimed or other dogs in violation of this ordinance and shall supply proper housing, feed, water and care for all dogs while in lawful custody under this ordinance.

### SECTION 2. POUNDMASTER

The Town Board of Trustees may employ a poundmaster on such terms, salary or other compensation as it may determine or a public or private provider of animal control services on such terms as may be agreeable. In either case all municipal ordinances and state statutes shall be complied with and such records and reports as the Board may require shall be made.

### SECTION 3. LICENSING

All dogs over three (3) months old within the Town of Clayton shall be licensed by its owner or keeper with the Town Clerk by presenting to the Clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies and paying a fee of Two and no/00 (2.00) Dollars for males and spayed females and Three and no/00 (3.00) Dollars for unsplayed females for part or all of an annual license year commencing January first of each year. The Town Clerk shall thereupon issue a license and license tag for such dog, keeping a record thereof. The license tag shall be affixed to a collar worn around the neck of the dog. If the license tag is lost or destroyed, a duplicate may be obtained from the Town Clerk upon the payment of a fee of fifty (.50) cents. In the event that the ownership or possession of the dog is changed, a new dog license and tag shall be obtained pursuant to the ordinance.

### SECTION 4. RUNNING AT LARGE GENERALLY AND COMMITTING DAMAGE OF NUISANCE

It shall be unlawful for any person, owning, harboring or having the custody, control or possession of any dog to cause or permit it:

- a. Be in or upon any public street, alley or other public

place, or in or upon any unenclosed premises unless subject to control by leash, chain, cord or other suitable material attached to a collar or harness.

- b. Commit any damage or nuisance upon the property of any other person or upon a public street, alley or other public place.

Except as provided in subsection a, hereof, the person owning, harboring or having the custody, control or possession of any dog shall keep such dog restrained securely within an enclosure or fence which will prevent it from running at large within the corporate limits of the Town.

**SECTION 5. SEIZURE OF DOGS RUNNING AT LARGE** It shall be the duty of the Chief of Police or his deputies, while on duty to seize and impound all dogs, licensed or unlicensed, found running at large within the corporate limits of the Town.

### SECTION 6. IMPOUNDMENT, DISPOSITION AND RECOVERY OF DOGS

All unlicensed dogs and all licensed dogs not maintained in accordance with this ordinance shall be impounded in a dog pound. Any dog so impounded shall be held for a period of forty eight (48) hours and if not redeemed by its owner or keeper within that period, may be sold or given away. All dogs not redeemed, sold or given away shall be forthwith destroyed in a humane manner. The owner or keeper of any dog impounded may, at any time before its disposition redeem it by paying a fee of Five and no/00 (\$5.00) Dollars for impoundment together with a feeding charge of One and 50/100 (\$1.50) Dollar for each day or fraction of a day the dog has been impounded and any other charges which may be assessed. If the dog is unlicensed the owner shall be required to purchase a license as required by this ordinance. The owner or keeper of a dog repeatedly impounded shall pay an additional Five and no/100 (\$5.00) fee to the amount previously paid.

### SECTION 7. MISDEMEANOR

Any person who shall molest or interfere with the personnel of the Town of Clayton in the performance of the duties provided herein, shall be subject to a fine of not less than Ten and no/100 (10.00) Dollars nor more than Twenty-five and no/100 (\$25.00) Dollars or by imprisonment in the Town jail for a term not exceeding thirty (30) days in the discretion of the court.

### SECTION 8. VICIOUS DOGS

- a. It shall be unlawful for any person to keep any dog known to be vicious and liable to attack and injure human beings unless such dog is securely kept so that he cannot injure any person.
- b. It shall be the duty of all persons who shall be the owners or keepers of a vicious dog liable to attack and



injure human beings to cause such dog to be killed, and failure to do so shall be unlawful.

### **SECTION 9. DOG KILLING OR INJURING LIVESTOCK - DAMAGES - DOG TO BE KILLED**

If any dog shall kill or injure any livestock, the owner or keeper of such dog shall be liable for all damages that may be sustained thereby to be recovered by the party so injured before any court having competent jurisdiction, and it shall be unlawful to keep such dog after it is known that the dog is liable to kill livestock, and it shall be the duty of the owner to kill, or have killed, the dog upon order of the court after a finding that the dog has killed or injured livestock, and provided further that it shall be the right of any owner of livestock so killed or injured by the actions of any dog to kill the dog while it is upon property controlled by the owner of the livestock.

### **SECTION 10. VACCINATION OF DOGS REQUIRE**

Any person who owns or keeps a dog over the age of three (3) months in the Town of Clayton shall have the dog vaccinated against rabies annually whether phonolized vaccine or chicken embryo modified live rabies virus vaccine is used, or at such intervals as determined by the state board of public health. All anti-rabies vaccine shall be administered by or under the supervision of a licensed veterinarian.

### **SECTION 11. VACCINATION CERTIFICATES AND TAGS**

The Veterinarian who administers anti-rabies vaccine to any dog shall issue to the owner or keeper of the dog a serially numbered vaccination certificate furnished by the state board of public health, containing the name and address of the veterinarian, the type of vaccine used, the name and address of the owner or keeper of the dog, a description of the dog 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 furnished by the state board of public health, bearing the certificate number and the expiration date of the period of immunity. The tag shall be affixed by the owner or keeper to a collar or harness and shall be worn by the dog for which the certificate is issued.

### **SECTION 12. VACCINATION OF DOGS BROUGHT INTO TOWN**

Any dog brought into the Town shall be securely confined by the owner or keeper until vaccinated against rabies and until licensed by the Town, which vaccination shall be administered and license secured within one (1) week after entry into the Town unless the owner or keeper had a certificate of vaccination issued by a veterinarian in another city, state or foreign country and such vaccination conforms to the requirements of the Town and State. Any dog brought into this Town which is under the age of three (3) months shall be securely confined by the owner or keeper until it reaches the age of three (3) months and is properly vaccinated and licensed.

### **SECTION 13. NOTICE TO HEALTH OFFICER OF**

**ANIMAL BITE** When 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 immediately to notify the district health officer. 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, or in his absence, it may be done by a peace officer, or a police officer of the Town of Clayton. Every physician shall, within twenty-four (24) hours after his first professional attendance upon a person bitten by an animal having or suspected of having rabies, report to the district health officer the name, age, sex and address of the person bitten.

### **SECTION 14. DOGS BITTEN BY RABID ANIMALS**

Any dog bitten by an animal known or proved to be rabid shall be killed immediately by its owner or by a peace officer or a police officer of the Town, provided that any dog which has been vaccinated at least three (3) weeks before it was bitten shall be confined for one hundred twenty days (120). At the end of the confinement period the dog shall be released if declared free of rabies by a licensed veterinarian. If as determined by the veterinarian, the dog develops rabies during the period of confinement, the owner or keeper shall have it killed properly and disposed of. The dog pound may upon being notified of the rabid condition of such animal dispose of same without further notice.

### **SECTION 15. QUARANTINE**

In the event the district health officer of the State of New Mexico, having jurisdiction over the Town of Clayton, shall declare a quarantine against rabies within the health district of his jurisdiction when in his jurisdiction when in his judgment rabies exist, to the extent that it is a danger to public health, upon such declaration, all dogs within the Town of Clayton shall be confined on the premises of the owner or keeper, in a veterinary hospital, commercial dog kennel or in a municipal pound. After reasonable effort to apprehend any dog running at large and uncontrolled by its owner or keeper during a period of quarantine, any peace officer, including, but not limited to, police officers of the Town may kill the dog and properly dispose of the body. A quarantine shall not be removed except on order of the district health officer.

### **SECTION 16. RABID OR UNVACCINATED DOGS, KEEPING UNLAWFUL PROCEDURE FOLLOWING DEATH FROM RABIES**

It is unlawful to own or keep any dog within the Town of Clayton, New Mexico, which is not vaccinated against rabies, or any dog or other animal which has shown any symptoms of rabies, except that, if such dog or other animal has bitten a human being, the animal shall be confined for a ten (10) day period as hereinafter provided. If the animal is a dog and dies during the confinement period, the head shall be immediately sent to a laboratory by the district health officer. The head of any other animal suspected of having died of rabies shall be immediately sent to a laboratory des-



igned by the state board of public health under such procedures as specified by the board.

**SECTION 17. PAYMENT OF LICENSE AND OTHER FEES: SEIZURE OF VICIOUS ANIMAL**

Any such dog so confined shall not be released until the owner or keeper likewise pays the dog license fee due the Town of Clayton and has had such animal vaccinated against rabies by a licensed veterinarian and has paid his reasonable fee therefore, unless such animal has already been so vaccinated and the effective period for said vaccination has not expired. In the event such license fees and vaccination charge and confinement charge if any, should not be paid before the time for release of such animal has expired, said animal shall be forthwith destroyed by the owner or by any police officer of the Town of Clayton.

In order to take any such dog or other animal which has bitten any human being into custody should the owner or keeper fail to have it confined where and when lawfully ordered so to do, it shall be lawful for any peace officer or police officer of the Town of Clayton to enter any residence home, or other place of abode for the purpose of seizing any such dog or other animal which has bitten a human being, and to use such force as is reasonably necessary for such purpose.

**SECTION 18. FAILURE TO KILL - PENALTY**

It is the duty of any person who is the owner or keeper of any dog, or other animal, the keeping of which is unlawful, to cause such animal to be 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 Ten and no/100 (\$10.00) Dollars and costs, and each day's failure to comply is a separate offense.

**SECTION 19. MUNICIPAL LICENSING - FEES FOR GUIDE DOGS EXEMPT.** Every owner of a guide dog trained to lead a blind person shall have such dog vaccinated against rabies and licensed as provided hereunder. The Town of Clayton, New Mexico shall charge no license fee for the licensing of such guide dogs.

**SECTION 20. MISDEMEANOR.** It is hereby declared to be a misdemeanor for any person who is the owner or keeper of a dog to fail to have the same licensed and vaccinated, as herein provided, and it is further declared to be a misdemeanor for any physician to fail to report a person bitten by an animal, as provided hereunder, and upon conviction thereof, said person shall be fined in the sum of Ten and no/100 (\$10.00) Dollars and each day's failure to comply shall constitute a separate offense.

**SECTION 21. REPEALING OF ORDINANCES.** This ordinance specifically repeals ordinance No. 6, ordinance No. 148, ordinance No. 74, ordinance No. 317, ordinance No. 425, and sections 11, 12, 13, 14, 15, and 17 of ordinance No. 119 of the Town of Clayton and any other ordinance in

conflict therewith.

**SECTION 22.** This ordinance shall be in full force and effect May 1, 1973 after its passage, approval and publication as required by law. PASSED, ADOPTED, and APPROVED THIS 17th day of April, 1973.

**TOWN OF CLAYTON ORDINANCE NO. 482**

AN ORDINANCE AMENDING SECTION OF ORDINANCE No. 465 AND ESTABLISHING THE OFFENSE OF FAILURE TO EXERCISE PROPER CARE AND CONTROL OF DOGS AND LIMITING THE NUMBER OF DOGS TO BE KEPT BY A FAMILY AND ESTABLISHING A PENALTY THEREFORE DECLARING AN EMERGENCY.

IT IS HEREBY ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CLAYTON, THAT SECTION FOUR OF ORDINANCE NO. 465 BE AMENDED TO READ AS FOLLOWS:

**SECTION 4. RUNNING AT LARGE GENERALLY, COMMITTING DAMAGE, AND BEING A NUISANCE.** It shall be unlawful for any person owning, harboring or having the custody, control or possession of any dog to cause or permit it:

- a. To be in or upon any public street, alley or other public place, or in or upon any unenclosed premises unless subject to control by leash, chain, cord or other suitable material attached to a collar or harness.
- b. Commit any damage or nuisance upon the property of any other person or upon a public street, alley or other public place.
- c. To become a public nuisance through excessive, continuous or untimely barking, molesting passers-by chasing vehicles, including bicycles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private property in such manner as to damage property.

Except as provided in subsection a, hereof the person owning, harboring, or having the custody, control or possession of any dog shall keep such dog restrained securely within an enclosure or fence which will prevent it from running at large within the corporate limits of the town.

Any person found to be in violation of this section may be fined up to \$300.00 or imprisoned up to 90 days or both.

**SECTION 4.1 LIMITATION ON NUMBER OF DOGS TO BE KEPT BY A FAMILY OR RESIDENTIAL UNIT.**

It is the finding of the Board of Trustees of the Town of Clayton that the health, safety and welfare of the residents of the Town of Clayton requires that a limitation be placed



upon the number of dogs that a family may permanently maintain at their place of residence within the Town of Clayton. Therefore, it shall be unlawful for any family to maintain at their place of residence within the Town of Clayton for a period of time longer than seven days, more than three adult dogs. Violation of this provision shall be prima facie evidence of maintenance of a nuisance. Adult dogs shall be defined as dogs that must be licensed under this ordinance. No more than three licenses for dogs shall be issued by the Town of Clayton for any one address or place of residence within the Town of Clayton. Anyone found in violation of this ordinance shall be subject to a fine of not more than \$300.00 or imprisonment for not more than ninety days or both. The fine and imprisonment provided for may be suspended by the court upon written promise by the offender that the offender will comply with this provision by disposing of the excess dogs. The keeping of an excessive number of dogs within the Town of Clayton shall constitute one offense and only one citation shall be issued irrespective of the number of dogs in excess of the limit the offender may have. In the event an offender agrees to remove excess dogs under court order, but fails to comply with such order, the court shall invoke its suspended sentence unless good cause is shown. The Town shall in the event that excess dogs are not removed under court order have the right to go upon the offenders premises and remove the excess dogs. The excess dogs shall be properly maintained by the Town at a location of its selection for 48 hours and the offender shall be given notice that such dogs will be disposed after expiration of the 48-hours period unless the offender makes other arrangements for the dogs. In no event will the dogs be returned to the offender.

The offender shall be responsible for all expenses reasonably incurred by the Town in enforcing this provision.

DATED this 23rd day of September, 1974.

