

CLOUDCROFT

CHAPTER 1 -ANIMAL CONTROL

5-1-1: DEFINITIONS:

As used in this Chapter, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein:

ANIMAL: Any vertebrate, excluding man.

ANIMAL SHELTER: Any establishment authorized by the Village of Cloudcroft for the care and custody of impounded animals.

BITE: A puncture or tear of the skin inflicted by the teeth of an animal.

CHIEF OF POLICE: Chief of Police of the Village of Cloudcroft.

EXOTIC ANIMAL: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.

KEEPER: Any person who owns, harbors, keeps, or has control or custody of an animal for more than six (6) days; provided, that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.

KENNEL: Any establishment or premises where dogs or cats are boarded or kept.

MAYOR: The Mayor of the Village of Cloudcroft or his or her designated representative.

NUISANCE: Means, but is not limited to, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offensive to the environment of the Village of Cloudcroft.

PERSON: Any individual, household, firm, partnership, corporation, society, association and every agent and employee thereof.

QUARANTINE: To detain or isolate an animal suspected of being infected with rabies.

RUNNING AT LARGE: An animal off the premises of the keeper and not under the direct control of a competent person. Direct control means connected by a secure leash not over six feet (6') in length or some other equivalent means of direct control.

STRAY OR ESTRAY: Any animal where there is no identifiable keeper.

VACCINATION: The vaccination of an animal with an anti-rabies vaccine approved by the State Veterinarian and administered by and under the supervision of a veterinarian.

VETERINARIAN: Any veterinarian licensed in the State of New Mexico.

VICIOUS ANIMAL: Any animal which commits an unprovoked attack upon a person on private property, or Village of Cloudcroft which terrorizes or attacks a person on public property or in a public place.

VILLAGE: That area lying within the corporate boundaries of the Village of Cloudcroft.

WILD ANIMAL: Any animal which is wild by nature and cannot normally be domesticated or controlled.

(Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-2: ADMINISTRATION AND ENFORCEMENT:

A. **Responsibility:** The Chief of Police is responsible for the administration of this Chapter. Reasonable rules and regulations may be prescribed by the Chief of Police to carry out the intent and purpose of this Chapter.

B. **Enforcement:** The Chief of Police or his or her designated representative shall have the authority to issue citations for violation of this Chapter and to perform such other duties as are prescribed herein.

C. **Investigation:** For the purpose of discharging the duties imposed by this Chapter and to enforce its provision, the Chief of Police or any designated representative is hereby authorized to enter upon any premises upon which an animal is kept or harbored during the daylight hours, and to demand the exhibition, by the owner of such animal, of the license and vaccination certificate for such animal and further to investigate and file a complaint against the owner of any animal for violation of any of the provisions of this Chapter; provided however, that in the event any dog, cat or animal has been exposed to rabies, or when any person has been bitten by any dog, cat or other animal, the Chief of Police or any designated representative is hereby authorized to enter upon any premises upon which such dog, cat or other animal is kept or harbored, during the daylight hours for the purpose of investigating and enforcing the provisions of this Chapter. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-3: LICENSING OF DOGS AND CATS:

A. **Required.** Every keeper of any dog or cat three (3) months of age or older shall procure a license. License fees shall be paid annually and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee by the Village, a dated and numbered certificate shall be issued stating the name and address of the owner, rabies tag number and the animal's description. (Ord. 85, 5-9-1978; amd. 2000 Code)

B. **Proof Of Rabies Vaccination:** No dog or cat shall be licensed without proof of rabies vaccination as provided in this Chapter. (Ord. 85, 5-9-1978)

C. **Certificates And Tags:** The current Village license and rabies tags shall be affixed to the licensed dog or cat at all times, except when the dog is being kept in an approved kennel, veterinary hospital or training class. The original license and tag and the rabies certificate and tag of all dogs and cats shall be retained by the owner and shall be available for inspection by any person charged with the enforcement of this Chapter. (Ord. 85, 5-9-1978; amd. 2000 Code)

D. **Loss Of License Tag:** In the event the original license tag

is lost, the keeper shall obtain a duplicate tag from the Village at a cost of one dollar (\$1.00). (Ord. 85, 5-9-1978)

- E. Fee: The annual license fee shall be five dollars (\$5.00) for a neutered dog or cat, and shall be twenty five dollars (\$25.00) for an unneutered dog or cat. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-4: KENNELS:

- A. Restrictions: No person, group of persons, or business entity in the Village may own, keep or harbor five (5) or more dogs or cats four (4) months of age or older; or where the business of buying, selling, breeding, grooming, training or boarding of dogs or cats is conducted, without obtaining a kennel license. (Ord. 85, 5-9-1978; amd. 2000 Code)
- B. License Required: Persons desiring to operate a kennel, which must be located in an appropriately-zoned location, must obtain a nontransferable kennel license, provided it can be appropriately zoned, which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December 31 of each year and shall be renewed by February 1 of the following year. No kennel license may be issued without an inspection certificate issued by the Village Clerk/Treasurer or a duly appointed law enforcement officer of the Village. The annual kennel license fee shall be twenty five dollars (\$25.00). (Ord. 240, 12-10-1991; amd. 2000 Code)
- C. Facilities And Care: Animal housing facilities must be structurally sound and shall be constructed of nontoxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages or runs for periods exceeding twenty four (24) hours must be provided with adequate space to prevent overcrowding and to permit adequate exercise according to the requirements of the species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animal from sunlight, rain, snow or cold weather detrimental to the animal's health. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors and disease hazards. Except where indicated for health, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be observed daily and diseased or injured animals must be provided with veterinary care. (Ord. 85, 5-9-1978)
- D. Inspection: Any duly appointed law enforcement officer of the Village shall be permitted to enter, at any reasonable time, for the purpose of inspecting or reinspecting

any kennel or pet shop to determine compliance with this Chapter. (Ord. 240, 12-10-1991)

- E. Violations; Suspension And Revocation; Hearing: A kennel license may be denied, suspended or revoked by the Board of Trustees upon a determination that the operator of the kennel or pet store is in violation of this Chapter. An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the Board of Trustees. Based upon the record of such hearing, the Board of Trustees shall make a finding and shall sustain, modify or rescind the action considered at the hearing. Any owner of a kennel or pet store whose license has been suspended or revoked may make application for reinstatement of the license. If, following inspection, the applicant has complied with the requirements of this Chapter, the license shall be reinstated. (Ord. 85, 5-9-1978)
- F. Exceptions: This Section shall not be construed to require a kennel license for: (Ord. 85, 5-9-1978; amd. 2000 Code)
 - 1. A veterinary hospital or clinic operated by a licensed veterinarian.
 - 2. A bona fide research institution using animals for scientific research.
 - 3. A publicly owned animal control center or shelter.
 - 4. A bona fide animal shelter operated by an organized humane society. (Ord. 85, 5-9-1978)

5-1-5: WILD AND EXOTIC ANIMALS:

- A. Prohibited Animals Specified:
 - 1. Wild animals kept in such numbers or in such a manner as to constitute a likelihood of harm to the animals themselves or to other animals, or to human beings, or to the property of human beings, or which constitute a public or private nuisance.
 - 2. Exotic or wild animals prohibited by Federal or State law or regulation.
 - 3. Bats.
 - 4. Skunks. (Ord. 85, 5-9-1978)
- B. Permit Required: No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the Board of Trustees and from the State Department of Game and Fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animals involved. The Chief of Police or his designated representative is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this Chapter. The Chief of Police or his designated representative or the Department of Game and Fish may deny, revoke or suspend a permit for failure to comply with this Chapter. The fee for such a permit shall be twenty five dollars (\$25.00) and shall be renewed annually. A separate permit shall be required for each species

of wild or exotic animal. (Ord. 85 5-9-1978; amd. 2000 Code)

5-1 -6: DOMESTIC LIVESTOCK:

A. Restrictions:

1. Except in an appropriately-zoned district where a stockyard or stable is permitted, no owner may keep any domestic livestock, including, but not limited to, horses, cattle, goats, sheep and swine, including Chinese or Vietnamese miniature pot bellied pigs, within the Village without first applying for and receiving from the Board of Trustees a permit to do so.
2. No owner shall, keep any equine or bovine over six (6) months of age on any premises, the overall area of which is less than one-half (1/2) an acre for each equine or bovine. (Ord. 247 6-9-1992- amd 2000 Code)
3. All domestic livestock shall be cared for according to accepted livestock management practice and in such manner as to not create a public nuisance.
4. domestic livestock, except Chinese or Vietnamese miniature pot bellied pigs, shall be kept in a secure pen or enclosure which shall not be less than one hundred feet (100') from any inhabited dwelling, or currently used church or school.
5. The owner or person in possession of a pen or enclosure for domestic livestock shall keep it in such a manner as to control offensive odors, insect breeding and other conditions effecting public health.
6. Chinese or Vietnamese miniature pot bellied pigs may be kept at a residence in the same manner as a dog or a cat; provided, that no more than two (2) such miniature animals may be kept at a residence.

B. Permit Required: No person shall own or keep any domestic livestock without first applying for and receiving from the Village Clerk/Treasurer a permit to do so. The Village or its representatives shall be permitted at any reasonable time to enter the premises for the purpose of inspection or reinspection to determine compliance with this Chapter. After reasonable notice and opportunity to be heard, the Board of Trustees may deny, suspend or revoke the permit for any violation of this Chapter. The fee for such a permit shall be twenty five dollars (\$25.00) and shall be renewed annually. Each species of domestic livestock shall require a separate permit.

(Ord. 247, 6-9-1992)

5-1 -7: RABIES CONTROL:

A. Annual Vaccination: It is the duty of every person keeping a dog or cat over the age of three (3) months to have such animal vaccinated against rabies. All dogs and cats must be revaccinated annually. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. The certificate shall contain the name and

address of the owner or keeper of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination and the expiration date of the period of immunity.

- B. Certificate Of Vaccination: Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this Chapter.
- C. Harboring Unvaccinated Animals: It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.
- D. Reporting Rabies Suspects: Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report same to the local District Health Office of the Health Services Division of the Health and Environmental Department stating precisely when and where such animal was seen and if possible where it may be found.
- E. Human Exposure To Rabies: Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and to the local District Health Office. Every physician or other health care professional who treats a person for such bite shall report such treatment to the local District Health Office within twelve (12) hours of such treatment. Such treatment must specify the name and precise location of the person bitten.
- F. Quarantine Of Rabies Suspects: Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital or an approved kennel; provided however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the animal control office may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the law enforcement officer.
- G. Enforcement Of Quarantine: It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible law enforcement officer.
- H. Wild Animal Bites: Bites inflicted by animals other than dogs and cats must be reported to and discussed with the local District Health Office for proper disposition.

(Ord. 85, 5-9-1978)

5-1-8: DISPOSITION OF DEAD ANIMALS:

The carcass of any animal that shall die within the Village shall, within twenty four (24) hours, be removed at least two (2) miles beyond the Village limits by the owner of the animal, unless such owner shall bury the animal in some place outside the limits of the Village at a depth of not less than six feet (6'). In no case shall any carcass be buried within the Village limits nor shall such owner permit such carcass to remain in the open air in the Village until it becomes offen-

sive in smell. (Ord. 85, 5-9-1978)

5-1-9: PROHIBITED ACTIVITIES:

- A. False And Stolen Documents: It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit or forged license, certificate or tag.
- B. Animals Running At Large: It shall be unlawful for any keeper of a dog or cat or other pet animal to permit such animal to run at large.
- C. Nuisance: It is unlawful for a keeper to allow any animal to persistently bark, howl or make noise or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.
- D. Confinement During Estrus: Any female dog or cat in the stage of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented, except for intentional breeding purposes. Keepers who do not comply with this subsection may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.
- E. Physical Abuse: It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or to cruelly drive or work any animal.
- F. Abandonment Of Animals: It is unlawful to abandon any animal within the Village.
- G. Poisoning: It is unlawful to poison a domestic animal or to distribute poison or toxicants in any manner with the intent of so poisoning.
- H. Care And Maintenance: It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.
- I. Animal Fights: It is unlawful to cause, instigate or promote any fight in which two (2) or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.
- J. Premiums And Novelties: It is unlawful to sell, offer for sale, barter or give away any live animal as a premium, prize, award, novelty or incentive to purchase merchandise; it is unlawful to color, stain or dye any chicken, duckling or fowl.
- K. Turtles: It is unlawful to offer for sale, sell, barter or give away turtles, except in conformance with appropriate Federal regulations.
- L. Vicious Animals: It is unlawful for any person to keep or harbor any vicious animal. (Ord. 85, 5-9-1978)
- M. Interference With Officer: No person shall interfere with, hinder or molest the Chief of Police or any designated representative in the performance of any duty required by this Chapter.

(Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-10: IMPOUNDMENT:

- A. Animal Shelter: A suitable animal shelter shall be pro-

vided for the purpose of boarding and caring for animals impounded under the provision of this Chapter.

- B. Impounding Animals: Animals kept in violation of this Chapter and stray animals shall be taken into custody by a law enforcement officer or other designated official and hereupon impounded.
- C. Right Of Entry: Law enforcement officers, in performance of their duties, may enter upon unenclosed portions of private property, for the purpose of apprehending animals running at large and stray animals.
- D. Register: The law enforcement officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.
- E. Notice To Owner: If the keeper of an impounded animal is known, he or she must immediately be notified. If the keeper of the animal is not known, notice of the impoundment shall be posted in a conspicuous place in the Village offices for a period of one day.
- F. Right To Redeem: The keeper of any animal which has been impounded under the provisions of this Chapter shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges and such other costs as set by the Board of Trustees.
- G. Time For Redemption: All impounded animals shall be redeemed within three (3) days after impoundment. Any animal not redeemed within the required period shall become the property of the animal shelter and may be placed for adoption upon payment of the license fee, impoundment fees, care and feeding charges, veterinary charges and such other costs as set by the Board of Trustees, or the animal may be humanely destroyed.
- H. Disposition Of Impounded Animals Held On Complaint: If a complaint has been filed in the Municipal Court of the Village against the keeper of an impounded animal for a violation of this Chapter, the animal shall not be released except upon order of the court which also may direct the owner to pay any penalties for violation of this Chapter in addition to all impounding fees, care and feeding charges and veterinary fees. (Ord. 85, 5-9-1978)
- I. Fees And Charges: The impoundment fees, care and feeding charges, and veterinary charges referred to herein shall be fifty dollars (\$50.00) for the first redemption of an animal, one hundred dollars (\$100.00) for the second redemption of the same animal and two hundred fifty dollars (\$250.00) for each succeeding redemption of the same animal, which shall be paid to the Village or the Village designee, in which case, fees shall be determined by the designee. (Ord. 95, 7-8-1980; amd. 2000 Code)

5-1 -11: RECORDS MAINTENANCE:

- A. Vaccination, Licensing And Impoundment: It shall be the duty of the Village Clerk to keep or cause to be kept accurate and detailed records of the vaccination, licens-

ing and impoundment of animals. The Chief of Police shall give impoundment records to the Village Clerk.

- B. Bite Cases: It shall be the duty of the Chief of Police to keep or cause to be kept accurate and detailed records of all bite cases reported to him, and of his investigation of the same. Should the report of a bite involve a rabid dog or animal it shall be immediately transmitted to the District Health Office. (Ord. 85, 5-9-1978; amd. 2000 Code)
- C. Audit: The aforesaid records shall be audited annually in the same manner as other Village records are audited and shall be open to inspection as public records at all reasonable times.
(Ord. 85, 5-9-1978)

5-1 -12: EXEMPTIONS TO REGULATIONS:

- A. Hospitals And Clinics: Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Chapter, except the duty to report rabies cases and to comply with the provisions specifically naming duties and responsibilities of licensed veterinarians in relations to animal regulation and rabies control. (Ord. 85, 5-9-1978)
- B. Nonresidents: The licensing and vaccination requirements of this Chapter shall not apply to any animal belonging to a nonresident of the Village and kept within the Village for not longer than thirty (30) days, provided all such animals shall at all times while in the Village be confined within a building, enclosure or vehicle, or be under restraint by the owner. However, animals belonging to nonresidents must display a current license and rabies tag or their equivalent from the nonresident's place of residence. (Ord. 85, 5-9-1978; amd. 2000 Code)