

TULAROSA

CHAPTER 95: ANIMALS

General Provisions

- 95.01 Definitions
- 95.02 Licensing dogs; tags and collars
- 95.03 Guide dogs
- 95.04 Restraint
- 95.05 Disposition of dead animals

Prohibited Activity

- 95.15 Animals at large
- 95.16 Cruelty; poisoning
- 95.17 Public nuisances
- 95.18 Riding or driving animals on sidewalks

Administration and Enforcement

- 95.30 Enforcement
- 95.31 Impoundment
- 95.32 Rabies; procedure
- 95.33 Investigation
- 95.34 Interference with police officer
- 95.35 Records
- 95.36 Animal shelter

Tularosa - General Regulations

GENERAL PROVISIONS - §95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EXPOSED TO RABIES. An animal has been exposed to rabies within the meaning of this chapter if it has been bitten by any other animal or if it has been in contact with any animal known or reasonably suspected to be infected with rabies.

LIVESTOCK. Any horse, donkey, cow, sheep, goat, pig, except for Vietnamese miniature potbelly pigs and pygmy goats weighing 50 pounds or less or any similar animal.

OWNER. Any person, owning, keeping or harboring an animal.

POULTRY. Any chicken, duck, goose, turkey or similar bird.

SPAYED FEMALE DOGS. A female dog certified by a licensed veterinarian to have been spayed.

VACCINATION. An injection of vaccine approved by the State Veterinarian and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies. ('75 Code, § 4-1-1) (Am. Ord. 191, passed 8-17-1999)

§ 95.02 LICENSING DOGS; TAGS AND COLLARS.

(A)

- (1) No person shall own, keep or harbor any dog within the village unless the dog is licensed, as herein provided. Written application for the license shall be made to the Village Clerk-Treasurer and shall state the name and address of the owner and the name, breed, color and sex of the dog. The license

fee shall be paid to the Village Clerk-Treasurer at the time of making the application. The license shall be issued by the Village Clerk-Treasurer upon the owners furnishing a current certificate evidencing the vaccination of the dog and shall state the owner's name and address and the amount paid and shall describe the dog.

- (2) The yearly license fee shall be \$10 for each dog, male or female.

(B)

- (1) With the license, there shall be delivered to the owner a metallic tag stamped with the number of the license and the year for which issued. The shape of the tags shall be changed each year.
- (2) The owner shall see that the dog wears, at all times, a collar or harness to which the tag shall be attached.
- (3) If the tag is lost or destroyed, the owner may obtain a duplicate upon the presentation of the license and payment of a fee of \$2 for the duplicate tag. ('75 Code, § 4-1-4) (Am. Ord. 137, passed 1-3-1991; Am. Ord. 204, passed 5-20-2003) Penalty, see § 10.99

§ 95.03 GUIDE DOGS.

The provisions of § 95.02 shall not apply with respect to guide dogs trained to lead a blind person. ('75 Code, §4-1-5)

§95.04 RESTRAINT.

(A)

- (1) The owner shall keep his or her dog under restraint at all times and shall not permit the dog to run at large off the premises or property of the owner.
- (2) Failure to keep a dog under restraint, as defined above, is hereby declared to be a violation of this chapter.

- (B) It shall be unlawful for any owner of a dog to allow his or her dog to bark excessively during the night hours between 10:00 p.m. and 6:00 a.m. and thereby disturb the peace of others. Any person whose rest and peace has been disturbed by the uninhibited barking of any dog shall have the right to file a complaint against the owner of the dog. ('75 Code, § 4-1-6) Penalty, see § 10.99

§ 95.05 DISPOSITION OF DEAD ANIMALS.

- (A) The carcass of any animal that shall die within the village shall, within 24 hours, be removed at least two miles beyond the village limits by the owner of the animal and the owner shall bury the animal in some place outside of the limits of the village at a depth of not less than six feet.
- (B) In no case shall any carcass be buried within the village limits, nor shall the owner permit the carcass to remain

in the open air in the village until it becomes offensive in smell. ('75 Code, § 4-1-24) Penalty, see § 10.99

PROHIBITED ACTIVITY

§ 95.15 ANIMALS AT LARGE.

It shall be unlawful for any livestock, poultry, cattle, horses, mules, burros, goats, sheep, swine or any other animal to run at large within village limits, except under the terms and conditions set forth herein. ('75 Code, § 4-1-7) (Am. Ord. 191, passed 8-17-1999) Penalty, see § 10.99

§ 95.16 CRUELTY; POISONING.

No person shall torture, cruelly beat, mutilate, cruelly kill, poison, override or overdrive any animal, or unnecessarily fail to provide the same with proper food or drink or cruelly drive or work the same when unfit for labor. ('75 Code, § 4-1-7) Penalty, see § 10.99

§ 95.17 PUBLIC NUISANCES.

(A)

- (1) It shall be unlawful for any person to maintain or keep upon his or her premises any livestock, poultry, horse, cow, burro or other animal which shall disturb the peace and quiet of any person or neighborhood. Any person having knowledge of any nuisance, as set forth above, may file a complaint in the Municipal Court against the person maintaining the nuisance, provided that neither a warrant of arrest shall issue nor the person be arrested unless the person shall fail to cause the nuisance to cease within 24 hours after filing of the complaint and notice thereof.
- (2) No owner or person having control of any animal shall allow that animal to defecate upon public property or upon any private property other than the property of the owner of the animal without thoroughly and immediately removing and disposing of the feces. ('75 Code, § 4-1-9) (Am. Ord. 191, passed 8-17-1999)

(B)

- (1) The Police Department and the custodian of the animal shelter, upon complaint made or on view shall investigate any alleged or suspected violation of this chapter, and, if in the opinion of the investigating officer, the violation or nuisance exists, it shall be the duty of any officer to take up and deliver to the shelter any animal found in violation. If the violation constitutes a nuisance, the officer shall if the owner or keeper refuses to abate the nuisance, take the offending animals to the animal shelter provided, however, that if the nuisance shall consist of dangerous, fierce or vicious dogs or animals which it shall be impossible to take into custody without serious danger of personal injury, then and, in that event, the animal may immediately be killed.
- (2) All animals taken into custody under the provisions of this section shall be held in the animal shelter

under the terms of this chapter; provided, however, that nothing herein shall prevent or impair the right of the owner of the animal to a hearing in any proper court by any proper means upon the question whether in fact the nuisance exists or not; provided further, that nothing herein contained shall prevent or impair the right of any person aggrieved by the nuisance to any other remedy, in court or otherwise, allowed him or her by law.

- (3) In the event that, in any proceeding referred to in this section, it shall be held by any proper court that the nuisance complained of does not in fact exist, then and in that event the animals shall be released and the owner thereof shall not be required to pay any of the charges referred to in this chapter. ('75 Code, § 4-1-11) Penalty, see § 10.99

§ 95.18 RIDING OR DRIVING ANIMALS ON SIDEWALKS.

It shall be unlawful for any person to ride or drive any team, horse or other animal upon or along any of the sidewalks of the village. ('75 Code, § 4-1-11) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§95.30 ENFORCEMENT.

The provisions of this chapter shall be enforced by the Chief of Police. ('75 Code, §4-1-2)

§95.31 IMPOUNDMENT.

- (A) Animals not licensed or vaccinated pursuant to the provisions of this chapter shall be seized and impounded. Any person who may find any animals running at large within the village contrary to the provisions of this chapter may take the animal to the animal shelter. All animals shall be received and held at the shelter, as herein provided. Within 48 hours after any animal shall be received at the animal shelter, its owner or keeper, if the person can be identified by tags or other identifications on the animal, shall be notified. If the owner or keeper cannot be found or the animal not claimed within 72 hours from the time the animal was received at the animal shelter, the custodian of the animal shelter shall kill the animal in a humane manner. A notice describing the animal, stating the time and place when and where it will be killed and informing the owner that he or she may reclaim possession of the animal before the time fixed by paying to the custodian of the animal shelter all costs and fees in connection with the impounding of the animal shall be posted at the Village Police Station at least 24 hours prior to the custodian of the animal shelter killing the animal. ('75 Code, §4-1-12)
- (B) If the owner or keeper of any animal detained at the animal shelter wishes to redeem the animal prior to the sale or disposal thereof, as provided herein, the owner or keeper shall be entitled to redeem the animal by securing rabies shots and license tags and paying to the

custodian of the animal shelter the sum of \$15, plus \$2 per day for each day, or fraction thereof, that the animal has been so confined to the animal shelter. All redemption fees so collected by the custodian of the animal shelter shall be immediately reported and paid over to the Village Clerk-Treasurer. Any person who shall turnover an animal to the custodian of the animal shelter and request that the animal be destroyed shall pay a fee of \$10 for the first animal and \$1 for each additional animal which is turned over at the same time as the first. ('75 Code, §4-1-13)

- (C) In the event that an animal shall be neither reclaimed by its owner in accordance with provisions in this chapter or reclaimed by some other person by payment of the redemption fees, then 72 hours from the time the animal was received by the animal shelter, the custodian of the animal shelter shall kill and dispose of the animal in a humane manner. ('75 Code, §4-1-14) (Am. Ord. 129, passed 8-15-1998)

§ 95.32 RABIES; PROCEDURE.

- (A) Any person who owns or keeps, within the village, any dog or cat over the age of three months shall have the animal vaccinated against rabies with a vaccine approved by the Director of the Health and Social Services Department. All anti-rabies vaccine shall be administered by or under the supervision of a licensed veterinarian. ('75 Code, §4-1-15)
- (B) The owner shall confine, within a building or enclosure, every fierce, dangerous or vicious dog and every female dog in heat. The confinement shall be in such manner that the dog cannot come in contact with any person or animal, except for breeding purposes. ('75 Code, §4-1-16)
- (C)
- (1) Every dog, cat or other animal exposed to rabies shall be immediately confined by the owner, who shall then promptly notify the Police Department. The Police Department shall immediately notify the County Health Officer of the place of confinement and the reason therefore. The owner shall not permit the dog or animal to come into contact with any person or animal and shall surrender possession of the dog or animal to the Police Department, upon demand, for the purpose of supervision and quarantine. The owner shall pay any cost of the quarantine or the owner may, at his or her option and expense, have the animal quarantined at the hospital of a licensed veterinarian. The dog or animal shall not be released from quarantine without written authorization of the Police Department, nor until it has been certified by a licensed veterinarian to be free of rabies.
 - (2) No person shall kill a rabid dog or other animal or dog or other animal exposed to rabies, nor remove same from the village without permission of the Police Department, except when it is necessary to

kill the dog or animal to prevent it from escaping or biting any person or animal.

- (3) The Police shall oversee the disposition of any dog or animal found to be afflicted with rabies.
 - (4) The carcass of any dead dog or animal exposed to rabies shall be surrendered to the Police Department upon demand.
 - (5) No person shall fail or refuse to surrender a dog or animal for quarantine or destruction, as required herein, when demand therefor is made by the Police Department.
 - (6) This section shall be administered pursuant to any applicable laws of the state. ('75 Code, §4-1-17)
- (D) When any person is bitten by any animal, it should be the duty of the person or his or her parent or guardian and the owner or keeper of the animal to immediately notify the Police Department thereof. Immediately, the owner or keeper of the animal shall confine it securely for ten days at a place designated by the Chief of Police, the confinement to be at the expense of the owner or keeper of the animal. Every physician shall, within 24 hours after his or her first professional attendance upon a person bitten by any animal having or suspected of having rabies, report to the Police Department the name, age, sex and address of the person bitten as well as the name and address of the owner or keeper of the animal if known to the physician. ('75 Code, §4-1-18)
- (E)
- (1) 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.
 - (2) The licensing and vaccination requirements of this chapter shall not apply to any animal belonging to a non-resident of the village and kept within the village for not longer than 30 days, provided all animals shall, at all times while in the village, be confined within a building, enclosure or vehicle or be under restraint by the owner. ('75 Code, §4-1-19)

§ 95.33 INVESTIGATION.

For the purpose of discharging the duties imposed by this chapter and to enforce its provision, any police officer 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 the animal, of the license or vaccination certificate for the 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 other animal has been exposed to rabies, or when any person has been bitten by any dog, cat or other animal, any police officer is hereby authorized to enter upon any premises upon

which the 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. ('75 Code, §4-1-20)

§ 95.34 INTERFERENCE WITH POLICE OFFICER.

No person shall interfere with, hinder or molest any police officer in the performance of any duty required by this chapter. ('75 Code, § 4-1-21) Penalty, see § 10.99

§95.35 RECORDS.

- (A) It shall be the duty of the Chief of Police to keep or cause to be kept accurate and detailed records of the vaccination, licensing and impoundment of dogs.
- (B) 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 or her and of his or her investigation of the same. Should the report of a bite involve a rabid dog or animal it shall be immediately transmitted to the county health officers.
- (C) 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.('75 Code, §4-1-22)

§ 95.36 ANIMAL SHELTER.

The village shall establish and maintain an adequate animal shelter which shall be under the control and management of the Chief of Police or his or her duly authorized agent or custodian. The agent or custodian so designated by the Chief of Police shall have full charge of the management and conduct of the shelter and shall be charged with the enforcement of the provisions of this chapter relative to animals at large and the impounding of animals. He or she shall pick up and impound all stray animals running at large in the village contrary to the provisions of this chapter and, upon complaint made, shall investigate any nuisance, as hereinbefore defined, and shall also investigate all violations of this chapter. He or she shall have the duty to take charge of all animals involved in the violation of this chapter or who shall constitute a nuisance, as heretofore defined, and shall confine the animals violating this chapter to the animal shelter for disposition in accordance with the provisions hereof. ('75 Code, §4-1-23)

