

VILLAGE OF WILLIAMSBURG ANIMAL CONTROL ORDINANCE.

VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65 - 1990 - AMENDMENT NO. I

AN ORDINANCE AMENDING SECTION 6.2 AND SECTION 6.4b OF THE WILLIAMSBURG ANIMAL CONTROL ORDINANCE NO. 651990.

BE IT ORDAINED by the Governing Body of the Village of Williamsburg,

- 1. That 6.2 IMPOUNDING ANIMALS be amended to read: Animals violating this ordinance and stray animals shall be taken into custody by an animal control officer or other designated official and thereupon impounded. A cage may be used to apprehend such animals, if needed. The owner or guardian of the apprehended animal is liable for the cost of the Animal Control service fee charged in the contract between the Village and the City of Truth or Consequences.
2. That 6.4 REDEMPTION OF IMPOUNDED ANIMALS be amended to read: b. The keeper of any animal which has been impounded under provisions of this ordinance shall have the right to redeem the animal upon payment of impounding fees, care and feeding charges, veterinary charges and the Animal Control service fee mentioned in 6.2 above.

PASSED, APPROVED and ADOPTED this 14th day of November 1991, at the Village of Williamsburg, Sierra County, New Mexico.

VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65 - AMENDMENT NO. 2

BE IT ORDAINED BY THE Board of Trustees of the Village of Williamsburg, Sierra County, New Mexico, that Section 5 of the Williamsburg Animal Control Ordinance No. 65 be amended to add the following:

Section 5 - PROHIBITED ACTIVITIES

- 5.14. BEE HIVES: It shall be unlawful for any person to have or maintain bee hives within the corporate boundaries of the Village of Williamsburg.

PASSED, APPROVED AND ADOPTED this 9th day of July, 1992.

VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65-1998 - AMENDMENT NO. 1

AN ORDINANCE AMENDING SECTION 6.2 AND SECTION 6.4B OF THE WILLIAMSBURG ANIMAL CONTROL ORDINANCE NO. 65-1998. BE IT ORDAINED by the Governing Body of the Village of Williamsburg,

- 1. That 6.2 IMPOUNDING ANIMALS be amended to read: Animals violating this ordinance and stray animals shall be taken into custody by an animal control officer or other designated official and thereupon impounded. A cage may be used to apprehend such animals, if needed. The owner or guardian of the apprehended animal is liable for the cost of the Animal Control service fee charged in the contract between the Village and Sierra Animal Shelter.
2. That 6.4 REDEMPTION OF IMPOUNDED ANIMALS be amended to read:
b. The keeper of any animal which has been impounded under provisions of this ordinance shall have the right to redeem the animal upon payment of impounding fees, care and feeding charges, veterinary charges.

VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65 - AMENDMENT NO. 2

BE IT-ORDAINED BY THE Board of Trustees of the Village of Williamsburg, Sierra County, New Mexico, that Section 5 of the Williamsburg Animal Control Ordinance No. 65 be amended to add the following:

Section 5 PROHIBITED ACTIVITIES

- 5.14. BEE HIVES: It shall be unlawful for any person to have or maintain bee hives within the corporate boundaries of the Village of Williamsburg.

PASSED, APPROVED AND ADOPTED this 9th day of July, 1992.

VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65 - AMENDMENT NO. 3

BE IT ORDAINED by the Board of Trustees of the Village of Williamsburg, Sierra County, New Mexico that Section 5 of the Williamsburg's Animal Control Ordinance No. 65 be amended to add the following:

SEC. 514, RESTRAINT OF ANIMALS.

- (a) All animals shall be kept under restraint. While restrained on the premises of its owner or responsible person, no lead less than eight feet in length shall be used. While restrained off the premises under the immediate control of the owner or responsible person, no lead greater than eight feet in length shall be used.
(b) No owner or responsible person shall fail to exercise proper care and control of his animal to prevent it from becoming a public nuisance.
(c) Any animal trespassing upon private or public premises shall be deemed prima facie not to be under the immediate control of its owner or responsible person.

diate control of the owner or a responsible person and the animal control officer may issue a citation to the owner or responsible person or impound the animal, or both.

Sec. 92, The Penalty Assessment shall be the same as for an animal running at large.

1st Offense	\$10.00
2nd Offense	\$25.00
3rd Offense	\$50.00

**VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65-2003 - AMENDMENT 4**

BE IT ORDAINED BY The Board of Trustees of the Village of Williamsburg, Sierra County, New Mexico that:

SECTION 3. RABIES CONTROL, Article 3.1 be amended to the following:

3.1 ANNUAL VACCINATION: It is the duty of all persons owning or keeping a cat or dog or any member of the canine family over the age of (3) three months, to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for 12 months if a 1 year vaccine is administered or 36 months if a 3 year vaccine is administered with a rabies vaccine licensed by the United States Department of Agriculture and administered according to the label recommendations per NMAC 7.4.2.8. The rabies vaccination shall be given by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The Board of Trustees may require other animals to annual rabies vaccinations.

SECTION 4. LICENSE REQUIRED, Article 4.1 and Article 4.5 be amended to the following:

4.1 LICENSE: Every keeper of any dog three (3) months of age or older shall procure a license. License fees shall be paid annually with proof of a one (1) year rabies vaccination, not later than March 1 or each year and the full amount shall be paid for any fraction of the licensing year. A three (3) year tag may be purchased with proof of a three year rabies vaccination. Upon collection of the license fee, the keeper shall be issued a numbered tag and a dated and numbered certificate stating the name and address of the owner, rabies tag number, and the animal's description. If a three (3) year tag is purchased. The Village will ,upon the annual renewal period of license, mail to the keeper of the dog, the new yearly tag for the dog until the 3 year period has expired.

4.5 LICENSE FEE: The annual license fee shall be \$ 3.00 for a neutered and \$6.00 for an unneutered animal. The three (3) year license fee shall be \$9.00 for a neutered animal and \$18.00 for an unneutered animal.

PASSED, APPROVED and ADOPTED this 12th day of June, 2003.

**VILLAGE OF WILLIAMSBURG
ORDINANCE NO. 65 - 1998**

This ordinance is amended to read Ordinance No. 65-1998, Updating Ordinance No. 65-1990, dated August 22, 1990. This Ordinance is for the control and care of Animals in the Village of Williamsburg: Providing for rabies control; Reporting of animal bites; licensing of dogs; protection of residents from annoyance and injury; prohibition or permits for certain species of animals; protection of animals from neglect and abuse; restrictions for domestic livestock; and providing penalties for violation. Be it ordained by the Board of Trustees of the Village of Williamsburg, New Mexico:

SECTION 1. GENERAL

1.1 TITLE:

This ordinance is entitled the Williamsburg Animal Control Ordinance.

1.2 DEFINITIONS:

- a. ANIMAL: Any vertebrate, excluding man.
- b. ANIMAL SHELTER: Any establishment authorized by the Village for the care and custody of impounded animals.
- c. BITE: A puncture or tear of the skin inflicted by the teeth of an animal.
- d. VILLAGE: The Mayor of Williamsburg or his designated representative.
- f. EXOTIC ANIMAL: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.
- g. ENCLOSED LOT: A parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence of sufficient dimensions to keep an animal enclosed has been erected.
- h. KEEPER: Any person who owns, harbors, keeps, or has control or custody of an animal for more than 6 days, provided that this term shall not apply to veterinarians or kennel owners temporarily maintained on their premises animals owned by others.
- i. KENNEL: Any establishment or premises where dogs or cats are boarded or kept for a fee.
- j. OWNER: Means, any person, partnership, or corporation, owning, keeping or harboring one or more animals, but not more than six in any combination of dogs and/or cats.
- k. PREMISES: A parcel of land and/or the structure(s) thereon.
- 1. PUBLIC NUISANCE: Means, but is not limited to defecation, urination, disturbing the peace, emitting noxious odors or otherwise endangering or offending the well-being of the inhabitants of the Village by:
 - 1. Molesting passerby or passing vehicles;
 - 2. Attacking other animals;
 - 3. Trespassing on public or private property;
 - 4. Being found running at large;
 - 5. Damaging private or public property;

- 6. Barking, whining or howling in, an excessive or continuous fashion;
- m. **QUARANTINE:** Means to detain or isolate an animal suspected of contagion.
- n. **RESPONSIBLE PERSON FOR THE ANIMAL:** Means the owner of the animal, or an adult person placed in charge of the animal in the absence of incapacitation of the owner.
- o. **RESTRAINT:** Means any animal secured by a leash or lead no more that eight feet in length, which is under the immediate control of a responsible person. This also applies to any animal within an enclosed area within the real property limits of its owner or responsible person.
- p. **RUNNING AT LARGE:** Or to run means to be free of physical restraint beyond the boundaries of the premises of the owner.
- q. **SHELTER:** Means any establishment owned and operated licensed to do business in the State of New Mexico whose sole function is to bring aid and comfort to animals.
- r. **TORMENTING OF ANIMALS:** Means the act of bothering, annoying, distracting or agitating an animal.
- s. **VACCINATION:** Means the inoculation of an animal with a vaccine administered by a veterinarian for the purpose of immunizing the animal against rabies as required by the State of New Mexico Rabies Control Act of 1959.
- t. **VETERINARIAN:** Means any veterinarian licensed in the State of New Mexico.
- u. **VICIOUS ANIMAL:** Means any animal which commits an unprovoked attack upon a person who is lawfully on private property, or which terrorizes or attacks a person on public property or in a public place.
- v. **WILD OR EXOTIC ANIMALS:** Means any poisonous snake or reptile, any live monkey, (non-human primate), bat, raccoon, skunk, fox or any other warm blooded animal which can normally be found in a wild state, or any animal not commonly domesticated by man.
- w. **CRUELTY - PHYSICAL ABUSE:** It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object, mutilate, bum, or scald any animal; except that reasonable force may be employed to drive off vicious or trespassing animals.
- x. It is unlawful for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude therefrom any dog which has been trained to assist the blind or hearing impaired person whom it was trained to assist in conformity with law. (Code 1962, 6-2-23)

SECTION 2. ADMINISTRATION OF ORDINANCE.

2.1 **RESPONSIBILITY:** The Village Mayor is responsible for the administration of this ordinance. Reasonable rules

and regulations shall be prescribed by the Board of Trustees to carry out the intent and purpose of this ordinance. Such rules and regulations shall be established by Resolution by the Board of Trustees.

2.2 **ENFORCEMENT:** The Village Mayor shall have the authority to issue citations for violation of this ordinance and to perform such other duties as are prescribed herein.

2.3 **ANIMAL CONTROL OFFICERS:** The Village of Williamsburg, under agreement with the City of Truth or Consequences, shall use the City Animal Control Officers under the terms of that agreement.

- a. The Animal Control Officers shall have the authority to issue citations for violations of this Ordinance and to perform such other duties as are prescribed. The Animal Control Officers shall wear a uniform and a badge identifying him/her as an animal control officer. The Animal Control Officer is designated a "Peace Officer" deputized in accordance with State Statutes.

SECTION 3. RABIES CONTROL

3.1 **ANNUAL VACCINATION:** It is the duty of all persons owning or keeping a cat or dog or any member of the of the canine family over the age of three (3) months, to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The Board of Trustees may require other animals to annual rabies vaccinations.

3.2 **VACCINATION CERTIFICATE:** The veterinarian administering anti-rabies vaccine to an animal shall issue to the owner or keeper of the animal shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag containing the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination and the expiration date of the period of immunity. Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon demand of any person charged with enforcement of this ordinance.

3.3 **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.

3.4 **REPORTING RABIES SUSPECTS:** An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner or keeper. A person who knows or who has reason to believe that an animal is infected with rabies or has been exposed to rabies shall immediately notify the Village Municipal Office telephone (894-6385) during regular working hours (8:00a.m. to 4:00p.m., Monday through Friday)

3.5 **HUMAN EXPOSURE TO RABIES.:** Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the Office of the Mayor. Every physician or other health care professional who treats

a person for such bite shall report such treatment to the Sierra Field Health Office within twelve (12) hours of treatment. Such report must specify the name and address of the person bitten.

3.6 QUARANTINE OF RABIES SUSPECTS: Any dog or cat which has bitten a person shall be confined and observed for a period often (10) days from the date of the bite, at an animal shelter, a veterinarian hospital, or an approved kennel, however if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the owner may be permitted unless the premises have been inspected and approved for such a purpose. Any costs for the quarantine period shall be borne by the owner/keeper.

3.7 ENFORCEMENT OF QUARANTINE: It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement.

3.8 WILD ANIMAL BITES: Bites inflicted by animals other than dogs or cats must be reported to and discussed with the Sierra Field Health Office for proper disposition.

SECTION 4. LICENSE REQUIRED.

4.1 LICENSE: Every keeper of any dog three (3) months of age or older shall procure a license. License fees shall be paid annually not later than March 1 of each year and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee, the keeper shall be issued a numbered tag and a dated and numbered certificate stating the name and address of the owner, rabies tag number, and the animal's description.

4.2 PROOF OF RABIES VACCINATION: No dog shall be licensed without proof of rabies vaccination as provided in this ordinance.

4.3 CERTIFICATES AND TAGS: The current Village license tag and rabies tag shall be affixed to the licensed dog at all times except when the dog is being kept in an approved kennel, veterinary hospital, or training class. The Village certificate 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 ordinance.

4.4 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 \$2.00.

4.5 LICENSE FEE: The annual license fee shall be \$3.00 for a neutered animal and \$6.00 for an unneutered animal.

SECTION 5. PROHIBITED ACTIVITIES:

5.1 FALSE OR 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.

5.2 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. Any animal permitted to run at large is declared to be a nuisance, a menace to the public

health and safety, and shall be taken up and impounded.

5.3 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 Village. In addition, it is unlawful for a keeper to permit, either willfully or Through failure to exercise due care or control, any such animal to commit any nuisance upon any property other than that of the owners of the animal.

5.4 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 section may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.

5.5 PHYSICAL ABUSE: It is unlawful for any person to maliciously kill, maim, torture, burn or to cruelly drive or work any animal.

5.6 ABANDONMENT OF ANIMALS: It is unlawful to abandon any animal within the Village.

5.7 POISONING: It is unlawful to poison a domestic animal or to distribute poison or toxicants in any manner with the intent of so poisoning.

5.8 CARE AND MAINTENANCE: It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise with proper food, drink, shade, care or shelter, or to carry any animal, in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.

5.9 UNCARED-FOR ANIMALS: Whenever an animal is found to be without proper care because of injury, illness, incarceration, or absence of the owner, keeper, or other person responsible for the care of such animal, the Animal Control Officer shall take up such animal for protective care; and in the event of serious sickness or injury the Animal Control Officer shall take such action as called for to prevent undue pain and suffering including immediate destruction of the animal.

5.10 ANIMAL FIGHTS: It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

5.11 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 fowl.

5.12 TURTLES: It is unlawful to offer for sale, sell, barter or give away turtles except in conformance with appropriate federal regulations.

5.13 VICIOUS ANIMAL: It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal while on public property may use reasonable

force to repel the attack. After a judicial determination that an animal is vicious the owner or keeper of the animal shall destroy it humanely or turn the animal over to the Animal Control Officer for destruction.

SECTION 6. IMPOUNDMENT.

6.1 ANIMAL SHELTER: Under agreement with Sierra Animal Shelter the Village shall use their facility for the purpose of boarding and caring for animals impounded under the provisions of the ordinance.

6.2 IMPOUNDING ANIMALS: Animals violating their ordinance and stray animals shall be taken into custody by an animal control officer or other designated official and thereupon impounded. A cage may be used to apprehend such animals, if needed.

6.3 REDEMPTION OF IMPOUNDED ANIMALS:

- a. If the keeper of an impounded animal is known, (s)he shall be notified immediately.
- b. The keeper of any animal which has been impounded under provisions of this ordinance shall have the right to redeem the animal upon payment of impounding fees, care and feeding charges, veterinary charges or other costs.
- c. Impounded animals bearing licenses shall be redeemed within 48 hours after impoundment. All unlicensed animals shall be redeemed within 24 hours after impoundment. Any animal not redeemed within the required period may be placed for adoption upon payment of license fee, impoundment fees, care and feeding charges, veterinary or other costs, or the animal may be humanely destroyed.

6.4 DISPOSITION OF IMPOUNDED ANIMALS BEING HELD ON COMPLAINT: If a complaint has been filed in the Village Municipal Court against the keeper of an impounded animal for violation of this ordinance, the animal shall not be released except upon order of the court, which may also direct the owner to pay any penalties for violation of this ordinance in addition to all other charges and costs. If the animal is judged to be vicious the court may order the animal to be humanely destroyed.

SECTION 7 WILD AND EXOTIC ANIMALS

7.1 KEEPING THE FOLLOWING ANIMALS IS PROHIBITED:

- a. Wild animals kept in such number or in such 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.
- b. Exotic or wild animals prohibited or protected by federal or New Mexico laws or regulations.
- c. Bats
- d. Skunks
- e. Poisonous snake or reptile
- f. Live monkey
- g. Raccoon
- h. Fox

i. Any other warm-blooded animal found in the world

7.2 PERMIT REQUIRED: No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the New Mexico Department of Game and Fish, and subsequently from the Village, a permit to do so. The Mayor or his designated representative is permitted to enter the premises of any permittee hereunder at any reasonable time to inspect or reinspect for compliance with the ordinance. The fee for such a permit shall be \$10.00 and shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal.

SECTION 8. DOMESTIC LIVESTOCK

8.1 RESTRICTIONS:

- a. The keeping or confinement of goats or swine within the Village is prohibited.
- b. No livestock shall be stabled or otherwise confined within two hundred (200) feet of any residence or establishment with the Village.
- c. All domestic livestock shall be cared for according to accepted livestock management practices and in such manner as to not create a public nuisance.
- d. 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 affecting public health.
- e. Nothing in this section shall be construed to prohibit the raising of rabbits and fowl by a private individual for his personal use and consumption, provided that the individual shall maintain proper facilities for the care and containment of such animals while in his possession. Such rabbits and fowl shall be kept in such a manner as to control offensive odors, insect breeding, and other conditions affecting public health.

SECTION 9. PENALTY CLAUSE, PENALTY ASSESSMENT, SAVINGS CLAUSE AND EFFECTIVE DATE.

9.1 PENALTY CLAUSE. Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty five dollars (\$25.00) or more than five hundred dollars (\$500.00) or by imprisonment, at the discretion of the court. Each day of violation shall be considered a separate offense.

9.2 PENALTY ASSESSMENT.

- 3.1 Failure to obtain Annual Rabies Vaccination . . .\$25.00
- 4.1 Failure to obtain Village License \$10.00 & buy license
- 5.2 Animal Running at Large
 - 1st offense \$10.00
 - 2nd offense \$25.00
 - 3rd offense \$50.00
- 5.3 Harboring a Nuisance (Noise or noxious conditions)
 - 1st offense \$10.00
 - 2nd offense \$25.00
 - 3rd offense \$50.00
- 5.5 Physical Abuse of Animal \$100.00

5.7 Poisoning of Animal \$200.00

5.12 Harboring a Vicious Animal . . . \$100.00 & Humane
Disposal

9.3 SAVINGS CLAUSE. If any section, subsection, sentence, clause, or phase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

9.4 EFFECTIVE DATE: January 14, 1999