

Chapter 14

ANIMALS AND FOWL

§ 14-1. Definitions

§ 14-6. Wild, exotic, animals/pets

§ 14-2. Administration

§ 14-7. Domestic livestock and fowl

§ 14-3. Rabies control

§ 14-8. Impoundment

§ 14-4. Licenses

§ 14-9. Violations and penalties

§ 14-5. Prohibited activities

[HISTORY: Adopted by the board of Trustees of the Village of Jemez Springs 9-26-2001 by Ord. No. 143(Ch. 4 of the 1996 Village Code). Amendments noted where applicable]

GENERAL REFERENCES

Nuisances – See Ch. 64.

Zoning – See CH. 130.

§ 14-1. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

ANIMAL – Any Vertebrate excluding man.

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

EXOTIC ANIMAL – An animal, which is rare or different from the ordinary domesticated animals and is not indigenous to the state.

FOWL – Fowl shall mean turkeys, geese, ducks, guineas, chickens, and all other domesticated fowl, excepts pets confined to the proper residence.

KEEPER – Any person who owns, harbors, keeps or has control or custody of an animal.

KENNEL – Any commercial establishments or premises where dogs or cats are boarded or kept.

LIVESTOCK – Livestock shall mean horses, mules, burros, cows, goats, sheep, swine and all other domesticated animals, with the exception of dogs or cats.¹

MUNICIPALITY – The Village and the area lying within the corporate boundaries.

NUISANCE – An animal that:

- A. Damages, soils, defiles or defecates on private property (other than the owners) or on public walks and recreation areas;
- B. Causes unsanitary, dangerous, or offensive conditions;
- C. Molests, attacks or interferes with persons in the public right-of-way;

- D. Chases vehicles or attacks other domestic animals;
- E. Roams freely onto another person's property without permission;
- F. Disturbs the peace.²

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 or some other equivalent means of direct control.

STRAY or ASTRAY – Any animal having no identifiable keeper.

VACCINATION – The vaccination of an animal with an anti-rabies vaccine approved by the Director of the Department of Health and administered by or under the supervision of a veterinarian.³

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

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

§ 14-2. Administration

- A. Responsibility. The Mayor is responsible for the administration of the chapter. Reasonable rules and regulations shall be prescribed by the Mayor to carry out the intent and purpose of this chapter. The Mayor or a designated agent shall respond to animal-related emergencies and shall have the authority to issue citations for violations of this chapter.

§ 14-3. Rabies control

- A. Vaccination. It is the duty of every person keeping a dog or cat over the age of three months to have such animal vaccinated against rabies. All dogs and cats must be vaccinated annually or as prescribed by New Mexico State law. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animals a numbered vaccination certificate and tag. The certificate shall contain the name and the type of vaccine used, the date of vaccination and the expiration date of the period of immunity.
- B. Display of vaccination certificate. Every person who keeps a dog or cat must exhibit his copy of the certificate of vaccination upon 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 in the section.
- D. Human exposure to rabies. Any person with knowledge that has bitten a human being shall immediately report the incident to the Police Department and/or to the local district health office. Every physician or other health care professional that treats a person for such bite shall report treatment to the local district health office within 12 hours of such treatment. Such report must specify the name and precise location of where the person was bitten.
- E. Enforcement. The municipality shall make provision for the seizure and disposition of dogs and cats for purposes of quarantine, running at large and not kept or claimed by any person on their premises.

§ 14-4. License

- A. Required; fee; issuance of certificate. Every keeper of a dog or cat three months of age or older within the Village, except dogs or cats kept in a recognized breeding kennel, shall procure a permanent license at the time that the animal in three months of age or at the time the animal commences to reside in the Village if older than three months at that time. Dogs or cats kept in a recognized breeding kennel must be licensed at 12 months of age.⁴
- B. License Fees
 - (1) The annual fees for scheduled licenses and tags and services shall be as listed:
 - (a) Dogs (unneutered or unsprayed): \$20 each.
 - (b) Cats (unneutered or unsprayed): \$20 each.
 - (c) Dogs (neutered or spayed): \$5 each.
 - (d) Cats (neutered or spayed): \$5 each.
 - (2) The license fee shall be an annual fee and shall be paid in the office of the Municipal Clerk/Treasurer. Upon collection of the license fee by the Village, a dated and numbered certificate starting the name and address of the owner, rabies tag number and animal description shall be delivered to the owner.
- C. Senior citizens shall be levied an annual license and tag fee of \$2 for each neutered dog or cat. To qualify as a senior citizen, the person must present proof of age to be 55 years of age or older.
- D. No fee shall be charged for the licensure of qualified service animals who are trained to lead partially or totally blind persons, aid hearing-impaired persons or assist mobility-impaired persons.⁵
- E. Display and inspection of tags. The veterinary rabies tags shall be affixed to the licensed dog or cat at all times except when the dog or cat is being kept in an approved kennel, veterinary hospital, training class or on the keeper's premises. The original license and tag and the rabies certificate and tag of all dogs and cats shall be retained by this owner and shall be available for inspection by any person charged with the enforcement of this chapter.

§ 14-5. Prohibited activities

- A. Animals running at large prohibited. It shall be unlawful for any keeper of an animal to permit such animal to run at large. Cats are excluded from this section because of their nature.
- B. Barking, howling, etc., animals. It is unlawful for 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.
- C. Confinement of female dogs during estrus. Any female dog in the state 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 an animal in a boarding kennel or veterinary hospital at the keeper's expense.
- D. Physical abuse. It is unlawful for any person to maliciously kill, maim, torture, neglect, mutilate, burn or cruelly drive or work an animal. Animals under human custody or control shall be housed in healthy environments and shall be provided with proper food, water, shelter, medical care, exercise space and ventilation. Animals shall be given adequate exercise space, either within an enclosure that shall be constructed of material, and in a manner, to minimize the risk of injury to the animal, and

shall encompass sufficient usable space to keep the animal in good condition; or on a tieout, consisting of a chain, leash, wire cable or similar restraint attached to a swivel or pulley. The tieout shall be not less than 10 feet in length, and of sufficient strength to control the actions of the animal, and shall keep the animal confined within the boundaries of the owner's property. Tieouts shall be so located that they cannot become entangled with other objects. Collars used to attach an animal to a tieout shall not be of the choke type.

- E. Abandonment of animals. It is unlawful to willfully abandon any animal within the Village. No animal shall be abandoned, either by moving away and leaving it or by transporting it to a strange neighborhood. Abandoned or stray animals shall be referred to the Animal Arbitration Panel.
- F. Poisoning. It is unlawful to poison any domestic animal or to distribute poison or toxicants in any manner with the intent of so poisoning.
- G. Animal fights. It is unlawful to cause, instigate or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.
- H. Vicious animals. It is unlawful for any person to keep or harbor any vicious animals. If deemed vicious animal found running at large.
- I. Animals riding in vehicles. It is unlawful for any person to keep or transport an animal in any vehicle without being secured in said vehicle in such a manner as to prevent the animal from leaving the confines of said vehicle.
- J. Duty of motorist upon striking an animal. It shall be the responsibility of the operator of any vehicle upon striking and injuring or killing any animal to notify the Police Department of such incident.
- K. Exclusion of guide dogs from places of business, etc. It shall be 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 exclude therefrom any dog which has been trained to assist the blind, deaf, or handicapped, provided that such dog is in the company of the blind, deaf, or handicapped person whom it was trained to assist.
- L. Concealment of animals; interference with enforcement of the chapter. It shall be unlawful for any person to conceal any animal from the officers charged with the discharge of the duties imposed under this chapter.
- M. Illegal trapping. It is unlawful to set within the Village any type of animal trap designed to snare an animal. This includes any spring type, or other trap that is designed to injure or kill an animal. This subsection shall not preclude the use of live traps that cause no injury and harm to the animal as long as all State Game and Fish Department regulations are abided by. This subsection shall not be construed to forbid any State Game and Fish Officer, animal control officer or law enforcement officer from setting traps in the lawful discharge of their duties.

§ 14-6. Wild, exotic animals/pets⁶

No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations, or by NMSA 1978, 17-4-35, as amended.

§ 14-7. Domestic livestock and fowl

- A. Any persons keeping livestock and fowl within the Village limits shall comply with Chapter 130, Zoning, of the Code of the Village of Jemez Springs.
- B. Restrictions

- (1) No person shall keep any unit of livestock over six months of age on any premises, the overall area of which is less than 1/3 of an acre for each unit.
- (2) A "unit" shall mean and is hereby designated as meaning one of the following classes or groups of livestock to each unit, that is: one cow; one horse; two goats; four sheep; two hogs; or any combination thereof.
- (3) All domestic livestock shall be cared for according to accepted livestock and fowl management practice and in such manner as to not create a public nuisance or public health hazard.

§ 14-8 Impoundment

The Village of Jemez Springs will make provisions for the purpose of boarding and caring for animals impounded under the provisions of this chapter. Owners shall pay any cost incurred for animal control services.

§ 14-9. Violations and penalties

Violations of any of the sections in this chapter are to carry the maximum penalty not to exceed a fine of \$300 or 90 days in jail, or both.

¹Editor's Note: The former definition of "Mayor," which immediately follow this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

²Editor's Note: The Former definition of "person." Which immediately follow this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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[HISTORY: Adopted by the Board of Trustees of the Village of Jemez Springs 9-26-2001 by Ord. No. 143 (Ch. 4 of the 1996 Village Code). Amendments noted where applicable.]

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MUNICIPALITY — The Village and the area lying within the corporate boundaries.

NUISANCE — An animal that:

- A. Damages, soils, defiles or defecates on private property (other than the owners) or on public walks and recreation areas;

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- B. Causes unsanitary, dangerous, or offensive conditions;
- C. Molests, attacks or interferes with persons in the public right-of-way;
- D. Chases vehicles or attacks other domestic animals;
- E. Roams freely onto another person's property without permission;
- F. Disturbs the peace.²

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VACCINATION — The vaccination of an animal with an antirabies vaccine approved by the Director of the Department of Health and administered by or under the supervision of a veterinarian.³

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

§ 14-2. Administration.

- A. Responsibility. The Mayor is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the Mayor to carry out the intent and purpose of this chapter. The Mayor or a designated agent shall respond to animal-related emergencies and shall have the authority to issue citations for violations of this chapter.
- ~~B. Arbitration panel. The Mayor shall appoint an Arbitration Panel with the advice and consent of the Board of Trustees. The Arbitration Panel shall consist of three members who are residents of the Village. The purpose of the arbitration Panel shall be to hear nonemergency complaints of alleged violation of this chapter and to render a decision based on the regulations stated herein. The Arbitration Panel shall file a written report on all actions, including evidence presented, findings, and the decision statement. The Arbitration Panel may request the Mayor to issue citations, if necessary, for violations of this chapter. An appeal to any decision of the Arbitration Panel shall be made to the Municipal Court.~~

2. Editor's Note: The former definition of "person," which immediately follow this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

VILLAGE OF JEMEZ SPRINGS
Municipal Office

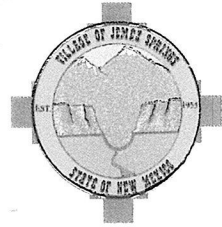
080 Jemez Springs Plaza
PO Box 269, Jemez Springs, NM 87025
Phone (575) 829-3540 • Fax (575) 829-3339

Yvonne Dickey, Clerk/Treasurer
vclerk@jemezsprings-nm.gov
Sylvia Roybal, Deputy Clerk
voffice@jemezsprings-nm.gov
Website: www.jemezsprings-nm.gov



ROBERT M. WILSON
Mayor

PAMELA GRIDER
Mayor Pro-Tem



MANOLITO SANCHEZ
Trustee
DAVID RYAN
Trustee
ROGER SWEET
Trustee

Ordinance No. 200

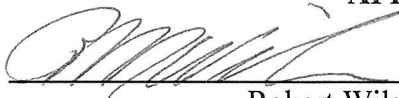
Animals and Fowl: An Ordinance amending Ordinance 143 (Reference also the General Code of the Village of Jemez Springs § 14-2) to remove use of an Arbitration Panel to hear nonemergency complaints of alleged violation of the code, and place that responsibility with the Mayor or a designated agent.

Delete § 14-2 Paragraphs B-E.

Be it ordained by the governing body of the Village of Jemez Springs, State of New Mexico that:

PASSED, ADOPTED AND APPROVED THIS 19 DAY OF
April, 2017

APPROVED:


Robert Wilson, Mayor

(seal)

ATTEST:


Yvonne Dickey, Village Clerk/Treasurer

- C. Investigation of violations. The Mayor, or designated agent, or members of the Arbitration Panel shall have the authority to investigate, upon probable cause, any alleged violation to this chapter or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals. The Mayor or a designated agent and members of the Arbitration Panel are authorized to inspect premises as necessary to perform their duties. If the owner or occupant of the premises objects to inspection, a warrant shall be obtained from the Municipal Court prior to inspection.
- D. Procedure for complaints. A complaint, alleging any violation of this chapter, must be filed at the Village office by a person who has personal knowledge of such violation and can identify the animal involved and its location. The Village Clerk/Treasurer shall require the complainant to provide his or her name and address and a written description of the complaint. The Arbitration Panel will render a decision no later than 30 days following receipt of a written complaint.
- E. Special exceptions. The Arbitration Panel shall have the authority to grant special exceptions upon written request by an animal keeper. A special exception allows for a departure from the literal requirements of this chapter, subject to the following criteria:
- (1) Due to unique circumstances or physical conditions, it is determined that an undue hardship would result from the strict application of a regulation enacted under this chapter.
 - (2) Abutting property owners have been notified of the special exception and are given the opportunity to comment.
 - (3) A special exception meets the general intent of this chapter and will not endanger the public health, safety, or general welfare of the community.

§ 14-3. Rabies control.

- A. Vaccination. It is the duty of every person keeping a dog or cat over the age of three months to have such animal vaccinated against rabies. All dogs and cats must be vaccinated annually or as prescribed by New Mexico State law. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animals a numbered vaccination certificate and tag. The certificate shall contain the name and address of the owner or keeper and 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. Display of vaccination certificate. Every person who keeps a dog or cat must exhibit his copy of the certificate of vaccination upon 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 in the section.
- D. Human exposure to rabies. Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the Police Department and/or to the local district health office. Every physician or other health care professional that treats a

person for such bite shall report such treatment to the local district health office within 12 hours of such treatment. Such report must specify the name and precise location of where the person was bitten.

- E. Enforcement. The municipality shall make provision for the seizure and disposition of dogs and cats for purposes of quarantine, running at large and not kept or claimed by any person on their premises.

§ 14-4. License.

- A. Required; fee; issuance of certificate. Every keeper of a dog or cat three months of age or older within the Village, except dogs or cats kept in a recognized breeding kennel, shall procure a permanent license at the time that the animal is three months of age or at the time the animal commences to reside in the Village if older than three months at that time. Dogs or cats kept in a recognized breeding kennel must be licensed at 12 months of age.⁴
- B. License fees.
- (1) The annual fees for scheduled licenses and tags and services shall be as listed:
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- E. Display and inspection of tags. The veterinary rabies tags shall be affixed to the licensed dog or cat at all times except when the dog or cat is being kept in an approved kennel, veterinary hospital, training class or on the keeper's premises. The original license and tag and the rabies certificate and tag of all dogs and cats shall be retained by this owner

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§ 14-5. Prohibited activities.

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- C. Confinement of female dogs during estrus. Any female dog in the state 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 an animal in a boarding kennel or veterinary hospital at the keeper's expense.
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- M. Illegal trapping. It is unlawful to set within the Village any type of animal trap designed to snare an animal. This includes any spring type, or other trap that is designed to injure or kill an animal. This subsection shall not preclude the use of live traps that cause no injury and harm to the animal as long as all State Game and Fish Department regulations are abided by. This subsection shall not be construed to forbid any State Game and Fish Officer, animal control officer or law enforcement officer from setting traps in the lawful discharge of their duties.

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- A. Any persons keeping livestock and or fowl within the Village limits shall comply with Chapter 130, Zoning, of the Code of the Village of Jemez Springs.
- B. Restrictions.
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