

SECTION 8-1

ANIMAL CONTROL ORDINANCE

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8-1-1 SHORT TITLE AND LEGISLATIVE INTENT.

This Ordinance shall be known and may be cited as the Bosque Farms Animal Control Ordinance.

It is the intent of the Governing Body that the enactment of this Ordinance will establish procedures that will:

1. Assist in providing control of animals;
2. Protect residents from annoyance and injury by animals;
3. Protect animals from neglect and abuse;
4. Establish certain fees related to the ordinance;
5. Prescribe penalties for violation of this Ordinance; and
6. Provide for the safety, preserving the health, promoting order, comfort and convenience of the municipality and its inhabitants.

The Governing Body further finds that it is not in the best interest of the residents of the Village for owners or keepers of dogs to allow dogs to run at large.

It is noted by the Governing Body that the enforcement of this Ordinance may be delegated and/or shared upon the joint cooperation with Valencia County and/or Municipalities within the area defined in the form of a Joint Powers Agreement(s) or other working agreement or upon other sources of funding(s) other than are currently available.

8-1-2 DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and derivations shall have the meaning given herein “shall” is always mandatory and not merely directory, the masculine includes the feminine.

- A. “Abandon” means to withdraw protection, support or help with the intent of never again claiming right or interest in.
- B. “Adoption” means to take by choice and assume responsibility for proper care in accordance with this Ordinance.
- C. “Animal” means any vertebrate member of the animal kingdom excluding the human species and those animals under the jurisdiction of the N.M. Department of Game & Fish.
- D. “Animal Control Center (Shelter)” means any establishment authorized by the County of Valencia for the care and custody of impounded animals.
- E. “Animal Control Officer” means the employee(s) of the Village who has primary responsibility of enforcement of the Animal Control Ordinance.
- F. “Bite” means any puncture, tear, or wound of the skin inflicted by the teeth of an animal.
- G. “Commission” means the Governing Body of the County of Valencia.
- H. “Competent Person” means a person having the capacity to function in appropriate way.
- I. “Confined” means restriction of an animal at all times by an owner or keeper to an escape proof building or other enclosure away from other animals and the public.
- J. “Court” means the Municipal Court of the Village of Bosque Farms, New Mexico.
- K. “Dog” means any various animals of the family *Canis familiaris*.
- L. “Governing Body” means the Mayor and Council of the Village of Bosque Farms, New Mexico.

- M. “Impoundment” means the taking into custody a stray, vicious animal or an animal alleged to be vicious, by an animal control officer or municipal police officer, and the detention of the animal in an animal control center.
- N. “Kennel” means any establishment or premises where dogs or cats are boarded or kept as a business enterprise.
- O. “Livestock” for the purpose of this ordinance is defined as any cow, dog, cat, domestic fowl, bird, sheep, swine, goats, horses and any other domestic animal.
- P. “Nuisance” means, but is not limited to, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offensive to the environment or people of the Village of Bosque Farms.
- Q. “Owner or Keeper” means a person who owns, has, keeps, harbors, or permits an animal to remain in, on or about his premises.
- R. “Peace Officer” means a civil officer, certified as a peace officer by the New Mexico Law Enforcement Academy, whose duty it is to preserve the public peace.
- S. “Premises” means any parcel of land and the structure(s) thereon.
- T. “Quarantine” means the containment of all animals specified by order of the District Health Officer or the Animal Control Officer upon the private premises of the owner, or under restraint by leash, or within a closed cage or paddock and shall include other measures ordered by the District Health Officer or the Animal Control Officer to control the spread of rabies.
- U. “Running at Large” means to be free of physical restraint or control of a competent person beyond the premises of the owner or keeper.
- V. “Stray Animal” means any animal running at large and unattended.
- W. “Vicious Animal” means any animal which shall bite or in any manner attack or attempt to attack any person or livestock on private or public property within the Village, except, that any animal that is provoked to attack any person who is unlawfully upon its owner’s or keeper’s premises, and attacks that person, shall not be deemed a vicious animal.
- X. “Village” means the Village of Bosque Farms, New Mexico.
- Y. “Wild Animal” means any animal of a species that in its natural life is wild by nature and cannot normally be domesticated or controlled.

- Z. “Working Day” means, for the purpose of this Ordinance, Monday through Friday except when these days are observed as holidays.

8-1-3 ANIMAL CONTROL OFFICER.

Subject to the approval of a majority of all members of the Governing Body, the Mayor shall appoint and designate the employee(s) to perform and carry out the duties and responsibilities to the position of Animal Control Officer(s) who shall be concerned primarily with the health and safety of the citizens of the Village as affected by this ordinance. Such person(s) appointed as Animal Control Officers(s) shall normally be the Animal Control Officer(s) of Valencia County, but may also be an employee(s) of the Village of private contractor(s).

8-1-4 ADMINISTRATION OF ORDINANCE.

- (a) The Village Administrator is responsible for the enforcement of this Ordinance. The Animal Control Officers(s) is given primary responsibility for the enforcement of this ordinance. In the event of the Animal Control Officer not being on duty, the regular Police Officer (s) on duty will assume primary enforcement responsibility of this ordinance as defined herein but shall be limited to issuing of warnings and citations and investigation of complaints.
- (b) Reasonable rules and regulations may be prescribed by the Governing Body to carry out the intent and purpose of this Ordinance pursuant to standards created by this Ordinance. There shall be no liability on the part of any Bosque Farms Animal Control Officer(s) or person(s) acting pursuant to this ordinance in the execution of their assigned duties.

8-1-5 ANIMAL CONTROL AUTHORITY.

- (a) Authority of the animal Control Officer and Municipal Police Officer to enter premises.
1. For the purposes of discharging their duties imposed by this chapter, the animal control or municipal police officers are authorized to enter upon any occupied premise if they have reasonable cause to believe a violation of this ordinance has been committed; or if any provisions of this ordinance or any of the law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals are being violated.
 2. If, however, the owner or occupant of any dwelling or premises objects to inspection, as stated in this section, a warrant for the inspection of the

dwelling and premises shall be obtained and presented by the animal control officer or municipal police officer. A search warrant will be obtained from a court of competent jurisdiction prior to inspection, when permission is denied.

- (b) Authority of animal control or municipal police officer to enter private land. For the purpose of discharging their duties imposed by this chapter, the animal control officer, his duly appointed deputies and municipal police officers are authorized and it is declared to be their duty to enter upon private land for the purposes of hot pursuit or for impounding any animal found running at large.
- (c) Any Animal Control Officers(s) shall have the authority to issue a warning citation and/or citations(s) for violation of this ordinance and to perform such other duties as are prescribed herein, for the purpose of discharging his duty imposed by this ordinance.

8-1-6 IMPOUNDING ANIMALS - ANIMAL SHELTER.

- (a) An animal shelter is now provided by Valencia County for the purpose of boarding and caring for animals impounded under the provision of this Ordinance. It shall be the duty of the Animal Control Officer(s) to take up and impound or cause to be impounded any stray animals and/or any animals kept in violation of this Ordinance within the area defined as the Village of Bosque Farms. Any person who retains possession of any animal of which that person is not the owner shall immediately notify the Animal Control Officer of the possession of the animal giving that person's name and address and a true and complete statement of the circumstances under which that person detained the animal along with the precise location where the animal is confined. It is unlawful for any person to confine an animal without notice to the proper authorities and for any person having such animal and refuses to immediately surrender such animal to the Animal Control Officer or proper authority upon demand.
- (b) A stray animal shall be impounded not more than three working days. Following the impoundment period specified in this section, if the stray has not been redeemed by its owner or his agent it shall be destroyed in a humane manner. If notice is given to the owner or his agent, as specified, or if the animal is held for the period specified in this section, then the village or its duly authorized agents shall not be liable to the animal's owner or his agent for the adoption, sale or destruction of the animal impounded.
- (c) Record Keeping. The Animal Control Officer, upon impounding or receiving any animal shall register such animal by entering the species, breed, color, and sex of the animal and the time and place such animal was apprehended,

into the registry kept for this purpose. The Animal Control Officer shall maintain a record of all animals which have been in his control and shall maintain these records for a reasonable period of time, not less than two years. The records shall contain at least the following information.

1. A complete description of the animal, including information of the registry described above.
 2. The manner and date of its acquisition by the Animal Control Officer.
 3. The date and manner of its disposal.
 4. The name, address, and phone number of the person redeeming the animal.
 5. All fees received.
- (d) It shall be the responsibility of an animal owner redeeming an animal legally impounded under the provisions of this Ordinance to pay all Valencia County fees to the Village and redeem said animal within the time limits and as per the procedure set by Valencia County Animal Control Center. The Village is not responsible for any actions and/or any damages of any type or nature, which Valencia County or Valencia County Employees or any representatives/agents may or may not take regarding impounded animals.
- (e) Fees charged by Bosque Farms. The Village of Bosque Farms may set and charge a fee separate from any fees and/or charges allocated by Valencia County as outlined herein. Any fees established by the Village of Bosque Farms will be paid at the Village Office and must be paid before release of said animal by Valencia County animal Control Shelter. Such animal(s) shall not be released by the Valencia County Animal Control Center until a proper release form issued by the Village of Bosque Farms is presented to the Valencia County Animal Control Center.

Fees to be charged by the Village are as follows:

For offenses occurring during Village normal business hours:

1. First offense - Fifteen dollars (\$15.00) impound fee payable to Village of Bosque Farms, plus any Valencia County impound fee. (Rev 8/01)
2. Second Offense - Twenty-five dollars (\$25.00) impound fee payable to Village of Bosque Farms, plus any Valencia County impound fee.

3. Third Offense and subsequent offenses - Thirty five dollars (\$35.00) impound fee payable to Village of Bosque Farms, plus any Valencia County impound fee.

For offenses occurring outside Village normal business hours, including weekends and holidays observed by the Village:

1. First offense - Thirty dollars (\$30.00) impound fee payable to Village of Bosque Farms, plus any Valencia County impound fee.
2. Second Offense – Fifty dollars (\$50.00) impound fee payable to Village of Bosque Farms, plus any Valencia County impound fee.
3. Third Offense and subsequent offenses – Seventy dollars (\$70.00) impound fee payable to Village of Bosque Farms, plus any Valencia County impound fee.

Rev 8/01

8-1-7 SEVERABILITY.

If any section, subsection, paragraph, or phrase, or other portion of this ordinance shall be declared invalid for any reason whatsoever by a Court of competent jurisdiction, then such decision shall not effect the validity or enforceability of the remaining portions of this ordinance.