

SECTION 8-2

ANIMAL CONTROL ORDINANCE

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8-2-1 **VACCINATION OF DOGS AND CATS REQUIRED - CERTIFICATES AND TAGS.**

Any person who owns or keeps a dog or cat over the age of three (3) months in the Village, as prescribed by state law shall have the dog or cat vaccinated for rabies as prescribed by regulation of the health and environment department. All antirabies vaccine shall be administered by or under the supervision of a licensed veterinarian who shall issue a serially numbered certificate and tag for each such administration.

8-2-2 **VACCINATION OF DOGS AND CATS BROUGHT INTO STATE.**

Any dog or cat brought into the state shall be securely confined by the owner or keeper until vaccinated against rabies, which vaccination shall be administered within one (1) week after entry into the Village, as prescribed by state law unless the owner or keeper has a certificate of vaccination issued by a veterinarian in another state or foreign country and such vaccination conforms to the requirements of this state.

8-2-3 NOTICE TO HEALTH OFFICER OF ANIMAL BITE; CONFINEMENT; ANIMAL CONTACT WITH RABID ANIMALS; ANIMAL RABIES QUARANTINE; PROCEDURE FOLLOWING DEATH FROM RABIES.

The Health and Environment Department of the State prescribes regulations for the reporting of animal bites, confinement and disposition of rabies-suspect animals, rabies quarantine and the disposition of dogs and cats exposed to rabies, in the interest of public health and safety.

8-2-4 VICIOUS ANIMALS; RABID OR UNVACCINATED DOGS AND CATS; FAILURE TO DESTROY.

- A) It is unlawful and contrary to this ordinance for any person to keep any animal known to be vicious and liable to attack or injure human beings unless such animal is securely kept to prevent injury to any person.
- B) It is unlawful and contrary to this ordinance to keep any unvaccinated dog or cat or any animal with any symptom of rabies.
- C) It is unlawful and contrary to this ordinance to fail or to refuse to destroy vicious animals or unvaccinated dogs or cats with symptoms of rabies as prescribed by regulation of the health and environment department for the protection of public health and safety.

8-2-5 FAILURE TO KILL PENALTY.

It is the duty of any person who is the owner or keeper of any animal(s) which has been deemed to have acted contrary to this ordinance, has failed and/or refused to destroy such animal(s) as provided by this ordinance shall subject such owner or keeper to a fine of ten dollars (\$10.00) and costs, and each day's failure to comply is a separate offense.

8-2-6 GUIDE DOGS LEADING BLIND-PENALTY FOR REFUSING ADMITTANCE IN PUBLIC PLACES OR FOR CHARGING AN EXTRA ADMISSION.

No person shall debar a guide dog that is trained by a recognized guide dog school to lead a blind person in any place of public accommodation such as a restaurant, hotel, hospital, store, common carrier or any place of public entertainment, such as a theater, swimming pool or any place of public amusement, provided such dog is under the control of a blind person. Blind persons shall not be required to pay any additional charges for their guide dogs, but shall be liable for any damage done to any property by their dogs. Any person violating this section shall be guilty of a misdemeanor and subject to a fine of not more than twenty-five dollars (\$25.00).

8-2-7 VICIOUS ANIMAL - DESTRUCTION PERMITTED.

- A) Any peace officer may destroy a vicious animal if it is in the act of pursuing or wounding any livestock or wounding or killing poultry or attacking humans which will include pursuing, stalking or attempting to attack a human.
- B) Any peace officer may destroy any vicious animal if it is in the act of pursuing or wounding any livestock or wounding or killing poultry or attacking humans which will include pursuing, stalking, or attempting to attack a human, whether or not the vicious animal wears a rabies tag required by Section NMSA Section 77-1-9 and Section 77-1-10 (1978 Comp.). There shall be no liability of the peace officer or person(s) acting pursuant to this ordinance in damages or otherwise for such killing.
- C) Dogs killing or injuring humans, livestock or other dogs which do not occur in the presence of the animal control officer or a municipal police officer then the following provisions apply:
 - 1. The owner or keeper of any dog which kills or injures any human, livestock, or other animals shall be liable for all damages that his dog has caused to the owner of the livestock, or animal which was killed or injured.
 - 2. Any person having knowledge that a dog has killed or injured humans, livestock, or any other animal, shall report this to the animal control officer or municipal police officer. Upon receiving such a complaint, the animal control officer or the municipal police officer having reason to believe that the dog did injure or kill livestock, or other animals, the dog shall be impounded. A complaint shall be filed and hearing shall then be had within a reasonable time to determine whether the dog did in fact kill or injure livestock, or another animal.
 - 3. Should the court determine that the dog in question did in fact kill or injure any human, livestock, or another animal, it shall order the animal control officer to have the dog killed in a humane manner.
- D) Killing of Dogs Running in Packs. The animal control officer or municipal police officer are authorized to destroy in a humane manner any stray dogs within the Village, which are running in packs who are potentially dangerous to humans, other animals or livestock.

8-2-8 UNLAWFULLY PERMITTING LIVESTOCK UPON PUBLIC HIGHWAY

It is unlawful for any owner or keeper of livestock negligently to permit his livestock to run at large upon any part of a public highway which is fenced on both sides thereof.

A motorist using unfenced roads or highways which have livestock warning signs shall use due care to avoid collisions with livestock.

8-2-9 ABANDONMENT OF ANIMALS.

It is unlawful for any person to willfully abandon any animal(s) within the Village limits.

8-2-10 CARE AND MAINTENANCE.

It is unlawful for any owner or keeper to fail to provide animal(s) with proper food, drink, shelter, or otherwise treat the animal in a cruel or inhumane manner.

Any dog(s) outside the premises of its owner or keepers property boundaries is required to be under the control and care of the owner or keeper at all times.

8-2-11 ANIMAL FIGHTS.

It is unlawful for any person to promote, stage, hold, conduct, carry on or attend any game, exhibition, or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animals or to train and/or promote any of the activities in this section.

8-2-12 CRUELTY OR PHYSICAL ABUSE OF ANIMALS.

It is unlawful for any person to act cruelly toward an animal. Cruelty to animals may be defined as but not limited to:

- A) Torturing, tormenting, depriving of necessary substance, cruelly beating, mutilating, cruelly killing or over-driving any animal or to keep any animal under unsanitary or unhealthy conditions.
- B) Cruelly driving or working any animal when such animal is unfit for labor.

Reasonable force employed to drive off trespassing animals shall not be considered as cruelty to animals.

8-2-13 WILD ANIMALS PROHIBITED.

No person shall keep any animal which is defined as wild, except those animals kept in zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, education facility, scientific facility, commercial fur-bearing animal enterprise or in the control of humane society.

8-2-14 POISONING ANIMALS.

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

8-2-15 NUISANCE.

It is unlawful for an owner or keeper to allow any animal(s) to persistently bark, howl or make noise or to be kept or maintained in such numbers as to disturb by noxious or offensive odors or be kept in runs or kennels which are not maintained as to disturb by noxious or offensive odors, to otherwise endanger the health and welfare of the inhabitants of the Village of Bosque Farms.

All complaints filed pursuant to this Section shall be filed in writing with the Animal Control Officer or Bosque Farms Village Office and shall include the name and address of the complainant and name and address of person(s) permitting the nuisance to occur and to continue.

8-2-16 PENALTY.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in a sum not to exceed \$500.00 or imprisonment not to exceed ninety days. In addition to such penalties, the Village Attorney shall have the authority to apply to the District Court for the purpose of obtaining an order restraining any person from violating any of the provisions of this Ordinance, or to obtain the necessary relief as may be appropriate.

8-2-17 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 or competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.