

# VILLAGE OF TAOS SKI VALLEY

## ORDINANCE NO. 97-26

### ANIMAL CONTROL

AN ORDINANCE MANDATING ANIMAL CONTROL FOR PUBLIC SAFETY AND HEALTH, MAKING COMMISSION OF CERTAIN OFFENSES UNLAWFUL; AND PROVIDING PENALTIES THEREFORE.

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BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF TAOS SKI VALLEY, NEW MEXICO:

#### SECTION I. GENERAL.

##### A. Definitions.

As used in this chapter, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein:

1. Abandon: To desert, deliberately and/or to relinquish the supervision or care of an animal.
2. Animal: All vertebrates, excluding man
3. Animal Control Officer: The Animal Control Officer or Law Enforcement Officer of the Village of Taos Ski Valley.
4. Animal Shelter: Any establishment authorized by the Village of Taos Ski Valley for the care and custody of impounded animals.
5. Bite: A puncture or tear of the skin inflicted by the teeth of an animal.
6. Exotic Animals: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the state.
7. Keeper: Any person who owns, harbors, keeps or has control or custody of an animal; provided, that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.
8. Kennel: An establishment for the breeding and boarding of dogs and cats.
9. Animal Control Zone: That area within the incorporated Village limits.

10. Nuisance: Means, but is not limited to activities disturbing the peace, loud noises, emitting noxious or offensive odors, or otherwise endangering or offending the environment of the Village of Taos Ski Valley.
11. Quarantine: To detain or isolate an animal suspected of being infected with rabies.
12. Running at large: An animal off the premises of the keeper and not under control of a competent person. Direct control means connected by a secure leash not over ten (10) feet in length or some other equivalent means of direct control.
13. Stray or estray: Any animal that has no identifiable keeper.
14. Vaccination: The vaccination of an animal with an anti-rabies vaccine approved by the secretary of the Health Department of the State of New Mexico and administered under the supervision of a veterinarian.
15. Veterinarian: Any veterinarian licensed in the State of New Mexico.
16. Vicious animal: Any animal which commits an unprovoked attack upon a person or other animal on private property, or which terrorized or attacks a person on public property or in a public place.
17. Village: The Village of Taos Ski Valley, New Mexico.
18. Wild animal: Any animal which is wild by nature and is not domesticated or controlled.

**B. Animal Control Officer - Appointment.**

The Village may appoint by contract, or hire under the direction of the Chief of Police, an Animal Control or Law Enforcement Officer whose duties shall be as prescribed in this chapter. The appointed Animal Control Officer or all Law Enforcement Officers of the Village shall have the authority to issue a citation for violation of this ordinance and to perform such duties as are prescribed herein.

**C. License Requirements.**

1. License Required: Any person keeping, harboring or maintaining any dog or cat over three (3) months of age, within the Village shall obtain a license from the Animal Control Division for each such dog or cat. The Animal Control Officer or the Village Clerk shall keep a record of all licenses issued and shall issue a tag for each license granted. A current rabies vaccination certificate shall be presented at the time of the application for the license as a

prerequisite to licensure. Licenses shall be issued annually, and shall be renewable during the anniversary month of the originally issued license, and shall expire on the last day of the anniversary month.

2. Alteration of Animals: To encourage the alteration of dogs and cats, the licensing fee for unaltered animals shall be higher than for altered animals.
3. Affixing License Tag: A current license tag or number shall be affixed to the licensed dog or cat at all times and in a reasonable manner.
4. License Fee Schedule: See Section IV.
5. Duplicate (Replacement) Tag Fee: See Section IV.
6. Exemptions:
  - a. Dogs or cats belonging to non-residents who keep dogs or cats within the confines of the boundaries of the Village for less than thirty (30) consecutive days shall be exempt from this Section, provided however, that all other provisions of this Ordinance are complied with.
  - b. Guide dogs will be licensed by the Village at no charge to the legally blind and/or deaf, or to a handicapped or disabled person who has a current prescription from a licensed physician prescribing such animal use.
7. Penalty: Any person violating any of the provisions of this article and upon conviction, shall be punished as set forth in Section IV.

**D. Licenses to Be Worn Only by the Licensed Animal.**

No person shall affix to the collar or harness of any dog or cat, or permit to remain so affixed a License issued by the Village except the dog or cat tag issued to that dog or cat at the time of the issuance of its tag.

**E. Persistent Barking, Howling, or Noisy Animals.**

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 neighborhood.

**F. Cruelty to Animals.**

1. Physical abuse: It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or to cruelly drive or work any animal.

2. Poisoning: It is unlawful to poison domestic animals or to distribute poison or intoxicants in any manner with the intent of so poisoning.
3. Care and maintenance: It is unlawful for any keeper to fail to provide an animal with proper food, drink, and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.

**G. Causing Animals to Fight.**

It is unlawful to cause, instigate, or promote any fight in which two (2) or more animals are engaged for the purpose of injuring, maiming or destroying themselves or other animals.

**H. Abandonment.**

It is unlawful to abandon any animal within the Village limits.

**I. Use as Premium or 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 chicken, duckling or fowl.

**J. Wild and Exotic Animals.**

1. Keeping the following animals is prohibited:
  - a. Wild animals kept so as to constitute a likelihood of harm to the animals themselves or to other animals, or to human beings, or which constitute a public or private nuisance.
  - b. Exotic or wild animals prohibited by federal or state law or regulation.
2. Permit required: No person shall receive, purchase, own or keep wild or exotic animals without first receiving from the state department of game and fish a permit to do so. Upon receiving the state permit, the applicant shall abide by all state rules and regulations.

**K. Farm Animals Prohibited in Commercial or Residential Zones.**

It is unlawful for any person to keep or harbor any horses, cows, hogs, sheep, goats or other farm animals with exception of horses for hire as a business under business licensing in a commercial or residential zone within the Village limits.

**L. Enforcement.**

It shall be the duty of the appointed Animal Control Officer or Law Enforcement Officers of the Village to enforce this ordinance as provided herein.

**M. Interferences with the Animal Control Officer Performing His/her Duties.**

It is unlawful for any person to interfere with, molest, hinder or obstruct the Village Animal Control Officer or Law Enforcement Officers in the discharges of their official duties.

**N. Private Complaint or Citation to Appear.**

A Private Complaint or citation shall notify violators to appear before the Municipal Judge and answer charges of violations of any provisions of this ordinance.

**O. Failure to Appear to Answer Complaint or Citation.**

Any person who fails to appear before the Municipal Judge to answer a complaint or citation for any violation of this Ordinance within the time set forth in the complaint or citation is guilty of a petty misdemeanor regardless of the disposition of the original charge for which the person was cited.

**SECTION II. DOGS AND CATS.**

**A. General.**

1. Running at Large Generally: It shall be unlawful for any keeper of a dog or cat to permit such animal to run at large in any part of the Village limits except on his own premises or unless such dog or cat is in the direct control of such keeper. The keeper of any dog or cat which runs at large shall be liable for any and all damage which it may cause to the person or property of another.
2. Certain Dogs or Cats Running at Large Declared Public Nuisance: Every fierce, dangerous or vicious dog or cat, or bitch in estrus (heat), when running at large, is hereby declared to be a public nuisance. The Animal Control Officer may confine any such dog or cat or if necessary, destroy such dog or cat at once.
3. Confinement During Estrus: Any female dog or cat 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 section

may be required to place such animal in a boarding kennel or veterinary hospital at the keepers expense.

4. Vicious Animal: It is unlawful for any person to keep or harbor any animal known to be vicious and liable to attack and injure human beings unless such animal is securely kept so as to prevent injury to any person. It is unlawful to keep any un-vaccinated animal or any animal which has shown any symptoms of rabies. .

**B. Vaccination, Certificates & Licenses.**

The rabies tag and Village license shall be affixed to a dog or cat at all times except when the dog is being kept in an approved kennel, veterinary hospital or training class. The rabies certification of all dogs or cats shall be retained by the owner and shall be available for inspection by any person charged with enforcement of this chapter.

**C. Limit on Number of Animals.**

1. No person, group of persons, or business entity in a commercial or residential zone may own, keep or harbor more than three (3) dogs or cats, or any combination thereof, which are three months of age or older, without obtaining a variance from the requirements of this Ordinance from the Village, paying the administrative fee.
2. Persons may apply for a variance by filing an application with the Village and posting a notice of such application, which notice shall be posted in a conspicuous place on the applicant's property. For approval, the Village Clerk shall put the application for variance on the next regular monthly meeting of the Village Council.

**SECTION III. IMPOUNDMENT.**

**A. Establishing an Animal Pound.**

The Village Council may establish an animal pound for the Village to be operated by Village personnel or it may contract with a public or private person or organization for the operation of a dog or cat pound for and on behalf of the Village.

**B. Right-of-entry.**

The Animal Control Officer in performance of his duties may enter upon any unfenced lot, tract or parcel of land for the purpose of apprehending animals running at large and stray animals.

**C. Impoundment.**

It is lawful for the Village Animal Control Officer to impound any animal for which there exists probable cause to believe that said animal's keeper is in violation of any of the provisions of this ordinance. It is lawful for the Village Animal Control Officer to go upon private property for the purpose of catching any animal to be impounded.

**D. Register.**

The Animal Control Officer, upon the impounding or receiving any animal, shall register such animal by entering the breed, color, and sex of the animal and the time and place such animal was apprehended into a registry kept for this purpose.

**E. Notice of Impoundment.**

If the keeper of the impounded animal is known, said person shall be notified by telephone or by regular mail of the impoundment of the animal. The notice shall describe the animal and set forth the date of impoundment and place where impounded. If the keeper of the animal is not known, notice of the impoundment shall be posted at the Village Offices for a period of seven (7) days.

**F. Filing of Complaint in Municipal Court.**

If an animal is impounded, the Village Animal Control Officer may institute proceeding in the Municipal Court on behalf of the Village against the keeper of such animal if known, charging the keeper with a violation of the appropriate section. Nothing herein contained shall be construed as preventing the Village Animal Control Officer or any citizen from instituting a proceeding in the Municipal Court in the Village for violation of this Ordinance when there is no impoundment.

**G. Redemption-Right Generally.**

The keeper of any animal which has been impounded under the provision of this chapter shall have the right to redeem the animal upon payment of the impounding fee, care and feeding charges, veterinary charges, and such other costs attributable to such impoundment.

**H. Redemption-Fees.**

1. Impoundment: See Section IV.
2. Boarding and Veterinarian Fees: Whenever any animal is impounded, an additional fee of five dollars (\$5.00) and the cost for boarding shall be charged for each day, or fraction thereof, for feeding and caring for such animal. In addition, if, in the opinion of the Animal Control Officer, the

services of a veterinarian are required, any fees of said veterinarian shall be added.

**I. Redemption Time.**

All impounded animals shall be redeemed within ten (10) days after impoundment. Any animal not redeemed within the required period shall become the property of the Village and may be placed for adoption upon the payment of the fee, care and feeding charges, veterinary charges, and such other costs as set by the Animal Control Officer, or the animal may be humanely destroyed, by the Village Animal Control Officer or person authorized to do so by the Village.

**J. Disposition of an Animal Being Held on a Complaint.**

If a complaint has been filed in the Municipal Court against the keeper of any impounded animal for a violation of this chapter, the animal shall not be released except upon order of the Court, which may also direct the keeper to pay any penalties for violation of this chapter in addition to all impounding fees, care and feeding charges and veterinary fees.

**K. Animals Running at Large Unlawful.**

1. It is unlawful for any domestic livestock, including, but not limited to neat cattle, horses, mules, donkeys, burros, swine, goats, sheep, fowl, or other animals, to be turned loose, abandoned or allowed to run at large within the Village limit, except on fenced agriculturally zoned land; or for any such animal to be tethered that it may roam across or into any street or public place in the Village limits; and it is unlawful for any person to herd or detain such animals in any street, avenue, alley or other public place in the Village limits, without first obtaining a permit therefore.
2. Any animal found running at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and if observed by the Village Animal Control Officer may be impounded.

**L. Running at Large Unlawful - Impounded.**

1. The Animal Control Officer may impound every animal found running at large in violation of this ordinance and shall provided proper care and sustenance for such animal impounded at the expense of the keeper, if known.
2. Any person who shall break or in any manner, directly or indirectly, aid in breaking into the enclosure in which any animal is impounded or who shall wilfully or intentionally hinder or obstruct the Animal Control Officer in the discharges of his official duty under the provision of this ordinance, shall be, upon conviction punished as provided by the law.



**M. Exhibition of Vaccination Certification upon Demand.**

Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon demand of the Animal Control Officer.

**N. Harboring Un-vaccinated Animals.**

It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein. The penalty for violation of this section shall be a fine of fifty dollars (\$50.00).

**O. Report of Human Exposure to Rabies.**

Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the Animal Control Officer and to the local district health office. Every physician or other health care professional who treats a person for such a bite shall report treatment to the local district health office within twelve (12) hours of such treatment. Such treatment must specify the name and address of the person bitten.

**P. Quarantine - Rabies Suspected.**

Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital, or an approved kennel; provided, however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the Animal Control Officer may permit quarantine of such animal at the keeper's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the Animal Control Officer.

**Q. Quarantine - Unlawful Removal.**

It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible Animal Control Officer.

**R. Procedure as to Dog or Cats Bitten by Rabid Animals.**

Any dog or cat bitten by an animal known or proved to rabid shall be destroyed immediately by its keeper or by an Animal Control Officer; provided that any animal which has been vaccinated at least three (3) weeks before being bitten shall be confined for ninety (90) days. At the end of the confinement period the animal shall be released if declared free of rabies by a veterinarian. If, as determined by the veterinarian, the animal develops rabies during the period of confinement, the keeper shall have it destroyed and disposed of properly. The keeper of the bitten

dog or cat shall be responsible for all expenses incurred for confinement, destruction, and disposing of the animal.

**S. Actual Notice or Knowledge of Violation Not Required.**

For the purpose of prosecution for violation of this ordinance, it shall not be necessary to prove notice or knowledge on part of the owner, possessor, or keeper of the animal in question that such animal was in violation of the provisions of this ordinance at the time and place charged. It is the purpose and intent of this ordinance to impose strict liability upon the owner, possessor, or keeper of any animal for the actions, conduct and condition of such animal.

**SECTION IV. PENALTIES, SEVERABILITY, EFFECTIVE DATE.**

**A. Penalties.**

1. Any person who violates any of the provisions of this ordinance is guilty of a petty misdemeanor and shall, upon conviction, be sentenced to a fine of not more than five hundred dollars (\$500.00), or imprisonment of not more than ninety (90) days, or both, for each violation.

2. A minimum fine shall be imposed for the first time offense of:

OFFENSE	MINIMUM FINE	SECOND OFFENSE	THIRD OFFENSE
Abandonment:	\$25.00		
Dog or Cat at Large:	\$15.00	\$35.00	\$75.00
Barking or Howling Dog:	\$15.00		
Cruelty to Animals:	\$100.00		
Harboring a Vicious Animal:	\$25.00		
Interference with an Animal Control Officer in Performance of Duties:	\$50.00		
Keeping Exotic or Wild Animals	\$25.00		

3. In addition to any fines established for each penalty pursuant to this ordinance, there shall be assessed all applicable costs.

4. Licensing Fees:

Unaltered Male	\$15.00
Unaltered Female	\$15.00

Altered Male	\$7.50
Altered Female	\$7.50
Duplicate Tag	\$5.00

5. **IMPOUNDMENT FEES.**

For the first time that an animal is impounded, the keeper, in order to redeem the animal shall pay an administrative fee to the Village of \$25. For a second or subsequent impoundment, the fee shall be \$50. Said fees shall be in addition to any other charges, fees or fines imposed herein.

6. Permits to herd or detain animals on any street, avenue, alley or other public place may be obtained from the Village clerk upon the showing that provisions have been made to clean up after the animal(s) and that any temporary detention spot will be clean and not create a nuisance.

**B. Severability.**

It is the intention of the Village of Taos Ski Valley that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Village of Taos Ski Valley that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

**C. Effective Date.**

This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law.

**PASSED, APPROVED AND ADOPTED** by the Village of Taos Ski Valley, New Mexico, this 4th day of February, 1997.

  
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J. CHRISTOPHER STAGG, MAYOR

ATTEST:

  
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VANESSA N. CHISHOLM  
VILLAGE CLERK

