

VILLAGE OF COLUMBUS

VILLAGE OF COLUMBUS ORDINANCE NO. 238 AN ORDINANCE PROVIDING FOR ANIMAL CONTROL WITHIN THE VILLAGE OF COLUMBUS; PROVIDING FOR THE ENFORCEMENT THEREOF; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF COLUMBUS, NEW MEXICO:

SECTION:

1. DEFINITIONS
2. ANIMAL CONTROL OFFICER AND DUTIES
3. LICENSING
4. RABIES AND INOCULATIONS
5. ANIMAL CARE AND PROTECTION
6. IMPOUNDMENT
7. NUISANCE ANIMALS
8. ANIMAL BITES
9. PENALTY PROVISIONS
10. FEES AND EFFECTIVE DATE
11. HARBORING UNVACCINATED ANIMALS

1. DEFINITIONS: The following words, terms, phrases and titles as contained in this document shall be defined as follows:

- (A) "Village" shall mean the governing body or the Corporate limits of the Village of Columbus.
- (B) "Humane Society" shall mean the Deming-Luna County Humane Society, an organization incorporated in the State of New Mexico.
- (C) "Shelter" shall mean the Deming-Luna County Animal Shelter, operated by the Humane Society under contracts with the City of Deming, Village of Columbus, and the County of Luna, New Mexico.
- (D) "Animal" shall mean any domesticated animal kept under the care and supervision of any resident of the Village of Columbus.
- (E) "Animal Warden" shall mean a duly qualified and authorized officer, deputized by the Village and supervised by the Humane Society, who shall be charged with enforcement of the Columbus Animal Control Ordinance.
- (F) "Owner" shall mean the actual owner of an animal or a temporary custodian or keeper authorized by the owner of said animal.
- (G) "Kennel, Private Residential" Any premises on which are kept any total combination of between three (3) and seven (7) dogs and/or cats, which are four (4) months of age or older. This permit does not allow the holder to buy, sell or board dogs or cats, except that the holder is allowed to sell up to two (2) litters per year. Residences

on which are kept a greater number of dogs and/or cats on the date of this Amendment Approval, shall be exempt from these restrictions provided, however, that no such residence shall be allowed a greater number of dogs and/or cats than are kept on the effective date and provided that as the number of such animals is later decreased the exemption is likewise decreased.

- (H) "Public Nuisance" Any animal which is considered a Nuisance Section 7 on Village Ordinance, the hours of enforcement shall be between 10:00pm and 7:00am.
- (I) "Vicious Animal" An animal that, unprovoked, bites or attacks a person or another animal or approaches a person in a vicious or terrorizing manner; or a dog that is harbored or trained for dog fighting. An animal determined to be vicious shall be humanely destroyed.

2. ANIMAL CONTROL OFFICER AND DUTIES:

- (A) The Humane Society shall appoint competent, reliable persons to enforce the provisions of this Ordinance.
- (B) Such persons shall be trained and supervised in such methods and in the use of such equipment as shall be deemed necessary to carry out their duties. At all times, concern for and attention to the well-being and health of both animals and citizens shall be of paramount importance.
- (C) Animal Control Officers, and all other Law Enforcement Officers operating within the Village, shall be deputized by the Village to issue citations to citizens in violation of any provision of this Ordinance.

3. LICENSING:

- (A) All dogs over three (3) months of age must be licensed annually by the Village. The annual license fee shall be \$3.00 for males and spayed females, and \$5.00 for unspayed females; guide dogs free. Tags are valid until the end of the current calendar year, must be securely fastened to the collar of the animal for which the license was issued, and the collar must be worn at all times when the animal is off the premises of the owner.
- (B) No tags will be issued unless the owner shall also show a current valid receipt from a licensed veterinarian showing that the animal has been inoculated against rabies within the past twelve (12) months.
- (C) Failure to License. Should an owner fail to license his dog at the time of vaccination, the animal control officer shall mail to him upon receipt of the rabies certificate from the Veterinarians Office a written notice giving the owner ten (10) days from the date of the notice to register the animal with the Village Authority. If after ten (10) days, an owner fails to license his dog or cat, a citation will be issued.
- (D) A late fee of ten dollars (\$10.00), in addition to any other fee shall be assessed against owners who have failed to vaccinate and register their animal or have



failed to renew its license.

- (E) Senior citizens shall be discounted \$1.00 per animal on registration fees. To qualify as a senior citizen, the person must present proof of age to be 62 years of age or older.

4. RABIES AND INOCULATIONS:

- (A) All dogs and cats over three (3) months of age are required by State, County, and Village law to be inoculated annually against rabies.
- (B) Tags are to be affixed to collars and worn as provided in Section 3.

5. ANIMAL CARE AND PROTECTION:

- (A) No owner shall fail to provide his animals with sufficient food, water, shelter from the weather, and proper veterinary care when needed, or owner may be issued a citation.
- (B) No animal shall be willfully, maliciously or cruelly beaten, except that such force as may be needed can be used to drive off vicious or trespassing animals, as offender liable to appear in court.
- (C) No person shall set out poison where it is liable to be eaten by any dog or cat, except that rat or mouse poison, labeled harmless to pets, may be used, as offender liable to appear in Court.
- (D) No animal shall be abandoned, either by moving away and leaving it or by transporting it to a strange neighborhood. Unwanted animals shall be delivered to the Shelter and released into the custody of the Manager.
- (E) Any driver of a motor vehicle who strikes and injures or kills any domestic animal shall stop at once and render such aid as may be possible. He shall report such injury or deaths to the Animal Shelter Manager immediately.
- (F) Leash law. Dogs shall not be allowed to be beyond the boundaries of the premises of the animal's owner or keeper unless the animal is under the physical and immediate control of the animal's owner or keeper and is on a secure leash, chain, rope or a retractable leash.

6. IMPOUNDMENT:

- (A) Dogs roaming at large and not wearing license and rabies tags will be taken by the Animal Control Officer to the Shelter and there confined.
- (B) Owners of impounded dogs will be assessed a pick up fee of \$25.00, plus \$3.50 per day board. If the animal has not been inoculated against rabies within the past twelve (12) months, or inoculation cannot be proved, cost of such inoculation must be deposited with the Shelter Manager before the animal is released. If the animal has no current license tag, one must be purchased from the Village before animal is released.
- (C) Cats creating a nuisance on the property of others shall be captured by live-trapping and impounded at the Shelter. Penalties, board bills and inoculation fees will be assessed against the owner before releasing.

7. NUISANCE ANIMALS:

- (A) Any animal which infringes upon the rights or property of any person, by howling, barking, digging, defecating, urinating or damaging the property of others, chasing cars, or menacing passersby is considered a nuisance and his owner liable to appear in Court, and subject to the penalty provisions of the Ordinance, and the nuisance animal will be taken by the Animal Control Officer to the shelter and there confined.
- (B) Providing only that the person whose rights are being violated must present the complaint in writing, signed with his name and address, and specify by name, the owner of the offending animal, if known.
- (C) Owners of females in season must keep the animals confined within a building or enclosure in such a way as to prevent attack by males and so as not to constitute a nuisance in the neighborhood by attracting packs of dogs, or his owner liable to appear in Court.
- (D) It shall be unlawful to keep a vicious dog on any premises within the Village limits, and his owner liable to appear in Court, except that a dog trained to guard his master's property shall not be considered vicious if he attacks an intruder. Owners of such guard dogs shall post a "Beware of Dog" sign at the front gate.

8. ANIMAL BITES:

- (A) Any animal bite that breaks the skin must be reported within twenty four (24) hours to the Luna County Health Department or to the Animal Warden, whether inflicted by the Owner's own animal, animal belonging to another known owner, or a stray.
- (B) It shall be the responsibility of the victim to confine the animal if his, to notify the owner if known, or to provide the Animal Warden with a complete description if a stray.
- (C) Owners of animals known or suspected to having bitten a person or other animal may, if the animal has been inoculated against rabies within the past twelve (12) months, be permitted to confine the animal to his own premises. In such cases, the Animal Warden or his designee will make a daily inspection for ten (10) consecutive days, to determine if the animal is confined and remains in good health.
- (D) If the animal has not been inoculated against rabies as required by law, then it will be confined in an isolation unit at the Shelter and the owner charged for board.
- (E) Animals quarantined at the Shelter must be removed within forty eight (48) hours after the expiration of the observation period.
- (F) If the animal is a stray with owner unknown, it will be confined to the Shelter for the specified time, at Humane Society expense.
- (G) Should any animal under quarantine die before the confinement period ends, laboratory examination to determine the cause will be performed and the owner, if known, will be assessed the laboratory charges.



9. PENALTY PROVISIONS:

- (A) Violations of any of the sections in this Ordinance are to carry the maximum penalty not to exceed \$100 fine, or 30 days in jail, or both.

10. FEES AND EFFECTIVE DATE:

- (A) Upon passage of this Ordinance, first years license fees will be one half price.
- (B) Prior Ordinances in conflict with this Ordinance are hereby repealed.
- (C) This Ordinance shall be in force and effect after its passage, approval and publication as provided by law.

11. HARBORING UNVACCINATED ANIMALS:

- (A) It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.

The Governing Body of the Village of Columbus did consider final action on these amendments at its regular Council Meeting on June 12th, Nineteen Hundred Ninety Six.

ORDINANCE AMENDMENTS: 238.1**SECTION 1. DEFINITIONS:**

- (E) "Animal Warden" shall mean a duly qualified and authorized officer, deputized by the Village and supervised by the Humane Society, who shall be charged with enforcement of the Columbus Animal Control Ordinance.

SECTION 3. LICENSING

- (A) All dogs over three (3) months of age must be licensed annually by the Village. The annual license fee shall be \$3.00 for males and spayed females, and \$5.00 for unspayed females; guide dogs free. Tags are valid until the end of the current calendar year, must be securely fastened to the collar of the animal for which the license was issued and the collar must be worn at all times when the animal is off the premises of the owner.

SECTION 6. IMPOUNDMENT

- (B) Owners of impounded dogs will be assessed a pick up fee of \$25.00, plus \$3.50 per day board. If the animal has not been inoculated against rabies within the past twelve (12) months, or inoculation cannot be proved, cost of such inoculation must be deposited with the Shelter Manager before the animal is released. If the animal has no current license tag, one must be purchased from the Village before animal is released.

PASSED AND APPROVED this 13th day of May, 1998.

