

**VILLAGE OF JEMEZ SPRINGS**

**ORDINANCE NO. 144  
AMENDMENT TO**

**Ordinance No. 43 Section 18-1-6 General Provisions,  
G. Livestock and Domestic Animals**

The following contains an amendment to Ordinance No. 43 Section 18-1-6, General Provisions, G. Livestock and Domestic Animals

BE IT ORDAINED BY THE BOARD OF TRUSTEES of the Village of Jemez Springs:

**18-1-6 GENERAL PROVISIONS**

**G. Livestock and Domestic Animals**

1. On lots of less than three acres, there shall be at least 10,000 feet of open space for each unit of livestock such as one (1) cow or one (1) horse, and at least 4,000 square feet of open space of each unit of livestock such as two (2) goats; four (4) sheep; two (2) hogs, or any combination thereof.
2. All domestic livestock and fowl shall be cared for according to accepted livestock and fowl management practices and in such manner as to not create a public nuisance or public health hazard to include:
  - a) Discourage concentration and breeding of insects and rodents that are detrimental to human habitation.
  - b) Livestock or fowl excrement shall be properly disposed of and shall not be allowed to accumulate in amounts that cause unreasonable noxious odors.
  - c) Drainage of livestock waste shall be contained on site and controlled to avoid pollution of irrigation ditches and drains and surrounding property.
  - d) All domestic livestock and fowl shall be kept in a secure pen or enclosure. Any shelter for domestic animals or fowl shall be at least fifty feet from any existing dwelling unit.

This ordinance shall be effective upon the adoption and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 10th day of October 2001.

**ORDINANCE NO. 143**

**ADOPTION OF CHAPTER 4 OF THE VILLAGE CODE RELATING TO ANIMAL AND FOWL**

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF JEMEZ SPRINGS:

Section 1. This ordinance may be cited as the Village of Jemez Springs Animal.

**CHAPTER 4 - ANIMALS AND FOWL**

**4-1-1. Definitions.**

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

Animal means any vertebrate excluding man.

Bite means a puncture or tear of the skin inflicted by the teeth of an animal.

Exotic animal means an animal, which is rare or different from ordinary domesticated animals and is not indigenous to the state.

Keeper means any person who owns, harbors, keeps or has control or custody of an animal.

Kennel means any commercial establishment 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.

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

Mayor means the mayor or his designated representative.

Municipality means the village and the area lying within the corporate boundaries.

Nuisance. "Nuisance" means an animal that:

1. Damages, soils, defiles or defecates on private property (other than the owners) or on public walks and recreation areas;
2. Causes unsanitary, dangerous, or offensive conditions;
3. Molests, attacks or interferes with persons in the public right-of-way;
4. Chases vehicles or attacks other domestic animals;
5. Roams freely onto another person's property without permission;
6. Disturbs the peace.

Person means any individual, household, firm, partnership, corporation, society or association and every agent and employee thereof.

Quarantine means to detain or isolate an animal suspected of being infected with rabies.

Running at large means 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 means any animal having no identifiable keeper.

Vaccination means the vaccination of an animal with an antirabies vaccine approved by the director of the state health and environment department and administered by or under the supervision of a veterinarian.

Vicious animal means 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 means any animal which is wild by nature and cannot normally be domesticated or controlled.

**4-1-2. ADMINISTRATION OF CHAPTER.**

- 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 non-emergency 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.
- 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 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.

**4-1-3. 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 twelve (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.

**4-1-4. LICENSE.**

- A. Required; fee; issuance of certificate. Every keeper of a dog or cat six (6) 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 six (6) months of age or at the time the animal commences to reside in the Village if older than six (6) at that time. Dogs or cats kept in a recognized breeding kennel must be licensed at twelve (12) months of age.
- B. The Annual Fees for scheduled licenses and tags and services shall be as listed:
 

Dogs (unneutered or unspayed) . . . . .	.20.00 each
Cats (unneutered or unspayed) . . . . .	.20.00 each
Dogs (neutered or spayed) . . . . .	.5.00 each
Cats (neutered or spayed) . . . . .	.5.00 each

 The license fee shall be an annual fee and shall be paid

in the office of the municipal clerk. Upon collection of the license fee by the village, a dated and numbered certificate stating 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 \$2.00 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. 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 keepers 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.

**4-1-5. 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 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.
- 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 ten (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 necessary to protect public safety, persons designated by the mayor may destroy a 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 animal; 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.

**4-1-6. WILD, EXOTIC ANIMALS/PETS.**

No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations or by the State of New Mexico Regulations 17-3-22, NMSA, 1978 Comp. as amended.

**4-1-7. DOMESTIC LIVESTOCK AND FOWL.**

Any persons keeping of livestock and or fowl within the Village limits shall comply with the Village Comprehensive Zoning Ordinance.

A. Restrictions.

1. No person shall keep any unit of livestock over six months of age on any premise, the overall area of which is less than one-third 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 (1) cow; one (1) horse; two (2) goats; four (4) sheep; two (2) 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.

**4-1-8. 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 costs incurred for animal control services.

**4-1-9. PENALTY PROVISIONS:**

Violations of any of the sections in this Ordinance are to carry the maximum penalty not to exceed \$300.00 fine or ninety (90) days in jail or both.

**4-1-10. REPEAL.**

Chapter 4 of the Village Code relating to Animals and Fowl is hereby repealed and replaced by this Ordinance. However, such repeal shall not affect and claims and rights arising under the prior Chapter 4, and all claims and rights of the Village arising under such prior Chapter 4 shall remain in full force and effect.

**4-1-11. EFFECTIVE DATE.**

PASSED, APPROVED and ADOPTED this 10th day of October, 2001. This Ordinance shall become effective on the 15th day of October, 2001.