

Workshop - July 10, 2007

The Board of Trustees of the Village of Tularosa met in a Workshop setting on Tuesday, July 10, 2007 at 6:00 P. M. in the Court/Conference Room of the Public Safety Facility located at 609 St. Francis Drive, Tularosa, New Mexico.

Present: Mayor Ray S. Cordova, Trustee Patrick Garcia, Trustee Margaret Trujillo, Trustee Thomas McKean, Trustee Gloria Sainz as well as Village Clerk Dianna Brusuelas.

At approximately 6:30 P. M. Mayor Ray S. Cordova called the meeting to order dispensing with the Pledge of Allegiance and announced that the purpose of the workshop was to discuss the Dangerous Dog Act.

Trustee Patrick Garcia began by stressing on enforcement and making the owners more responsible for their pets.

Trustee Margaret Trujillo felt that the village already has an ordinance in place but has rarely seen anyone taken to court but felt that the village also has to have the resources and the public has to do their part in calling the police department or the Animal Control.

Village Clerk Dianna Brusuelas stated that a lot of times the public does call in and are told that the Animal Control Officer is off; but the village ordinance reads 'the police department and the custodian of the animal shelter upon complaint'...

Mayor Cordova assured the Board that he would speak to the Chief of Police on the issue and felt that the ordinance should have a provision for a microchip.

Trustee Margaret Trujillo agreed because once the ACO has the dog in custody no one claims it and felt that the dogs that are picked up and have no microchip they should be destroyed.

Mayor Cordova also felt that each dog owner should have some kind of liability insurance.

Trustee Margaret Trujillo agreed to the need of a Dangerous Dog Act but felt that the village should not designate certain breeds of dogs feeling that any dog that bites should be considered a vicious dog.

Trustee Thomas McKean did not agree stating that the vicious dogs already have a reputation and are raised for one reason and they need to be listed.

Mayor Ray Cordova also felt that abandoning the breeding and the sale of the animals was necessary, unless they are in the kennel business.

Trustee Margaret Trujillo like the definition from the NM Municipal League of a "dangerous dog" and "potentially dangerous dog".

The Board then followed the Dangerous Dog Act submitted by Trustee Thomas McKean. All the Board Members agreed that 95.40 Definitions were OK. 95.41 was also agreed upon but to include "D" under 95.41 stating "all of the above must conform to Subsection E in 95.40" or "95.41 is accepted provided that it conforms to Subsection E of 95.40".

On page 2 , 95.42 A, B, and C are OK ; on D (1) after the word registration insert 'from the court'.

On page 3, 95.43 A, (1) (2) (3) (4) are OK. Change 95.43 (5), after the word fee insert "of \$25.00" delete the words "established by the animal control authority" 95.43 (6) and (7) are OK, delete 95.43 (8) in it's entirety. Discussion ensued about the Animal Control Officer carrying a weapon and being certified.

On 95.43 B (1) after the word fee, insert the words "of \$25.00" On 95.44 A (1-7)

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were OK. 95-44 B was decided to follow the NM Municipal Leagues version with some changes it should read as follows:

Whoever violates a provision of Subsection 95.44 of this section shall be charged in the Municipal Court in the county in which where the animal is located with a violation of the Dangerous Dog Ordinance and upon conviction shall be sentenced in accordance with the provisions of 10.99 General Penalty of the Village of Tularosa Code of Ordinances

Upon a 3rd violation by the same owner, the matter shall be referred to the Magistrate Court **OR**

Upon a 3rd or subsequent offense, the matter shall be filed in Magistrate Court and upon conviction shall be punishable or sentenced in accordance with the provisions of Section 31*19-1 NMSA 1978, and the Dangerous Dog Act.

95.44 C and E were OK and delete F

One page 5 - Delete 95.50

95.60 DANGEROUS DOG ADDITIONAL ENFORCEMENT

A. Should read "No person shall harbor or keeps more than 3 dogs at the same residence".

On page 5 95.60A (1) Delete; make 95.60A (2) 95.60A(1) ; Delete 95.60A (3) (4) (5) and (6)

On 95.04 (B) of the current Code of Ordinances change it to read as follows:

(B) BARKING DOGS - It is unlawful for any owner or keeper of a dog to allow his dog to bark excessively and thereby disturb the peace of others. Any person whose rest and peace has been disturbed by the uninhibited barking of any dog shall have the right to file a complaint against the owner of the dog.

95.17 PUBLIC NUISANCES On the village ordinance amend it to add: Unless it creates a public nuisance and is punishable in accordance with the provisions of 10.99 General Penalty of the Village of Tularosa Code of Ordinances.

95.15 ANIMALS AT LARGE On the village ordinance amend it to include:

A. put a period after the words village limits and delete the words "except under the terms and conditions set forth herein." and add:

B. Any animal outside the fenced yard of the owner or keeper must be under control of a leash or other device by which it may be led except during the time the animal is confined with a park specifically designated for the animal's species.

C. No owner or keeper of any animal shall permit it to be chained, staked, grazed or herded on any unenclosed premises so that any part of the animal extends onto or over a sidewalk, street, alley, or other public property or beyond the owner or keeper's property or in a common area accessible to the public. Any chained animal must have a chain of at least sufficient length to allow the animal access to food, water, shelter and shade, but not so long as to enable the animal to harm itself.

95.01 DEFINITIONS added: on page 6 delete all including 1, 2, 3, 4, Household, Hobby Breeder.

The definition "Keeper" will go under 95.40 of the Dangerous Dog Act Ordinance
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under C make a C (1) and insert KEEPER. A person in charge or control of an animal, regardless of ownership.

KENNEL, COMMERCIAL should go under 95.01 above the word LIVESTOCK and READ: KENNEL COMMERCIAL. Any commercial establishment or commercial premises where more than 3 animals, over four (4) months of age are boarded, kept or maintained for any purpose whatsoever, with the exception of state inspected veterinary hospitals, seeing eye dog sites, pet shops, grooming parlors, or the city animal control shelter.

It was agreed to change the definition of Owner in 95.01 of the Village of Tularosa Code of Ordinance to read as follows: OWNER. Any person who acknowledges ownership of an animal or who harbors or keeps, or knowingly causes or knowingly permits any animal to be harbored or kept, or has care of an animal or who permits an animal to remain on or about that person's premises for five (5) or more consecutive days.

Under 95.01 Definition, delete 'Pet Shop'. Add: SERVICE ANIMAL. An animal trained to lead partially blind, blind, hearing impaired or mobility impaired persons.

Under 95.40 Definition, add G. VICIOUS ANIMAL. Any animal that attacks, bites or physically injures human beings or domestic animals without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings or domestic animals. Any animal that without provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious.

Under 95.40 Delete Exposed to rabies, Spayed Female Dogs, Vaccination

Trustee Margaret Trujillo then moved to adjourn and Trustee Patrick Garcia seconded the motion. Motion carried.

The meeting adjourned at 8:30 P. M.

The written minutes are the official minutes of the meeting. The recorded tapes are part of the minutes only for interpreting any ambiguity in the written minutes. When the minutes are approved and signed the written minutes are the official minutes of the meeting.

Ray S. Cordova, Mayor

ATTEST:

Dianna R. Brusuelas, Village Clerk

Minutes approved by the Board of Trustees at the Regular Meeting of August 21, 2007.