

VILLAGE OF RUIDOSO

ORDINANCE 2019-12

AN ORDINANCE AMENDING THE VILLAGE OF RUIDOSO MUNICIPAL CODE OF ORDINANCES CHAPTER 14 ANIMALS, SECTION 14-1 DEFINITIONS, AND ADDING SECTION 14-21 FEEDING OF CERTAIN WILDLIFE PROHIBITED.

WHEREAS, the Governing Body of the Village of Ruidoso previously adopted an Ordinance on regulations and procedures governing Animals; and

WHEREAS, Citizens of the Village of Ruidoso value wildlife and want to maintain healthy and wild populations of deer, bear, and other wildlife that are not dependent upon or hazardous to humans; and

WHEREAS, feeding wildlife results in artificially high concentrations of animals, increases human-wildlife conflicts, and compromises the health and safety of humans and wildlife.

NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF RUIDOSO that Chapter 14 Animals, Sections 14-1 and 14-21 are hereby amended and added by the addition of new text and modification or deletion of existing text as follows:

<p><u>Single underline and in bold</u> is text that is proposed for adoption. Strike-out and in bold is language deleted.</p>
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Sec. 14-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means any vertebrate member of the animal kingdom, excluding man, which has been tamed, conditioned or maintained as a pet or chattel to man. The terms "dog" and "cat" are defined as either sex of the canine or feline species, respectively.

Animal control officer means a designated commissioned employee or a commissioned contract employee of the village with the authority to issue citations or otherwise enforce the provisions of this chapter.

Animal control shelter means any pound, lot, premises or building maintained by the village or its contractors for the care, custody and disposal of animals.

Attractant(s) means any substance, including, but not limited to, food, garbage, or salt lick, which draws wildlife to a particular location.

Bite and *bitten* mean an actual puncture or tear of the skin inflicted by the teeth of an animal.

Establishment means a place of business, together with its grounds and equipment.

Estray and *running at large* mean any animal at large beyond the boundaries of the premises of the animal's owner or keeper unless the animal is under the physical restraint and immediate control of the animal's owner or keeper and is on a secure leash no more than six feet in length.

Licensed veterinarian means a person with a Doctor of Veterinary Medicine degree licensed to practice in the state.

Neutered refers to any animal which has been spayed, castrated or otherwise surgically altered so that it is incapable of reproduction.

Nuisance means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the village.

Nuisance animal means an animal that has been picked up, cited for related violations by the animal control officer or turned in to the animal control shelter three or more times in a three-year period.

Owner or responsible person includes any person who owns an animal or who harbors, keeps or provides care and sustenance of an animal for a period of 30 days or more or an adult person placed in charge of the animal in the absence or incapacitation of the owner.

Patrol dog means a trained, attended (accompanied by a human handler) dog with certified canine skills, including but not limited to tracking, crowd control, scent detection of narcotics or explosives and building searches. Patrol dogs also include such dogs which are certified and trained to aggressively attack upon a handler's command or when the handler is in jeopardy, and then only to thwart the threatened behavior. A patrol dog may be authorized as a site guard dog if certified and trained in those functions.

Premises means a parcel of land and the structures thereon.

Quarantine means to detain or isolate an animal suspected of contagion.

Restrained area means an area on the property of the owner of an animal by which the animal cannot reasonably leave that specific space.

Restraint means any animal secured by a leash or lead which is under the immediate control of the owner or a responsible person, or by a tether of a length sufficient to confine the animal within the boundaries of a vehicle or the real property limits of the owner or responsible person.

Secure enclosure means an enclosure from which an animal cannot escape and which other animals cannot enter. It must be covered by material sufficiently strong to

prevent entry or exit by animals, and must have a concrete or other equally strong footing to prevent an animal from digging its way in or out.

Site guard dog means an unattended dog trained to guard premises and/or a vehicle against trespass by unauthorized persons, and which, based upon its training, is unwilling to leave the protected premises or vehicle without the presence of its handler or owner.

Vaccination means the protection against rabies by inoculation with antirabies vaccine, recognized and approved by the U.S. Department of Agriculture, given in an amount sufficient to provide immunity from rabies for a minimum of one year.

Vicious animal means any animal which on one or more prior occasions has bitten or in any other manner has attacked or attempted to attack any person or animal; except that a bite, attack or attempted attack in the following circumstances shall not render an animal vicious:

- (1) When the person or animal attacked is unlawfully upon the premises of the animal's owner or keeper;
- (2) When the person or animal attacked provokes the attack; or
- (3) When the attack is in defense of a person.

Village of Ruidoso and *village* mean that land area within the legal boundaries of the Village of Ruidoso, Lincoln County, New Mexico.

Sec. 14-21. – Feeding of Certain Wildlife Prohibited.

“Feeding of Certain Wildlife Prohibited” makes it unlawful to feed, provide feed or other attractants, excluding ornamental plants, vegetable gardens and properly hung feeders, to wildlife within the Village limits and authorizes the Village of Ruidoso to enforce this Section.

Conduct declared unlawful.

A. It is unlawful to feed, provide feed or other attractants, excluding ornamental plants, vegetable gardens and properly hung feeders, to wildlife within the Village limits.

Exceptions.

A. It is legal to feed birds, other than waterfowl, utilizing a bird feeder that can be accessed only by birds. Birdfeeders that are accessed by other animals other than birds or squirrels are in violation.

B. It is legal to feed livestock.

Investigations and Complaints.

A. Upon receipt of a complaint alleging the illegal feeding of wildlife, the Village may investigate the complaint to determine if there has been a violation of this ordinance.

Citations.

A. The Village shall order the responsible party providing feed or attractants to wildlife to stop the procedure immediately. A Written Warning will be issued for a first offense.

B. A repeat offense will result in a citation being issued.

Penalty-Fines.

A. Each day an offense exists shall constitute a separate offense pursuant to this chapter. The Village of Ruidoso Municipal Court judge shall assess animal violation fines as set forth in this section.

B. Any person who violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 90 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Village of Ruidoso from taking such other lawful action as is necessary to prevent or remedy any violation.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

PASSED, APPROVED AND ADOPTED this 8th day of October, 2019.

Lynn D. Crawford, Mayor

(SEAL)

ATTEST:

Irma Devine, Village Clerk