



THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A **WORK SESSION** ON **MONDAY, NOVEMBER 26, 2018** AT 5:30 P.M. IN THE BOARD ROOM OF THE MESILLA TOWNHALL, 2231 AVENIDA DE MESILLA.

1. Review of draft Ordinance 2018-03 Chapter 6.05 - Animal Control Ordinance. – Marshal K.C. Alberg.

THE BOARD OF TRUSTEES OF THE TOWN OF MESILLA WILL HOLD A **REGULAR MEETING** ON **MONDAY, NOVEMBER 26, 2018** AT 6:00 P.M. IN THE BOARD ROOM OF THE MESILLA TOWNHALL, 2231 AVENIDA DE MESILLA.

1. PLEDGE OF ALLEGIANCE
2. ROLL CALL & DETERMINATION OF A QUORUM
3. CHANGES TO THE AGENDA & APPROVAL
4. PROCLAMATION – a Proclamation declaring November 2018 to be American Diabetes Month in the Town of Mesilla. – **Nora L. Barraza, Mayor.**
5. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.
6. CLOSED SESSION – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Public Works Department. – **Nora L. Barraza, Mayor.**
7. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one motion the following items of recurring or routine business. The Consent Agenda is marked with an asterisk *:
 - A. *BOT Minutes – Minutes of a Work Session and a Regular meeting of November 13, 2018.
 - B. *PZHAC Case 060515 – 2160 Calle del Norte, submitted by Gary Bell and Saharu Oda; a request for a building permit to construct a dwelling with guest quarters on a vacant property at this address. Historical Residential (HR).
8. NEW BUSINESS:
 - A. For Approval: the hiring of a Grounds/Maintenance Worker in the Public Works Department. – **Nora L. Barraza, Mayor.**
9. BOARD OF TRUSTEE COMMITTEE REPORTS
10. BOARD OF TRUSTEE/STAFF COMMENTS
11. ADJOURNMENT

NOTICE: If you need an accommodation for a disability to enable you to fully participate in the hearing or meeting, please contact us at 524-3262 at least 48 hours prior to the meeting. The Mayor and Trustees request that all cell phones be turned off or set to vibrate. Members of the audience are requested to step outside the Board Room to respond to or to conduct a phone conversation. A copy of the agenda packet can be found online at www.mesillanm.gov.

Posted 11/21/18 at the following locations:
Town Clerk's Office 2231 Avenida de Mesilla,
Public Safety Building 2670 Calle de Parian,
Mesilla Community Center 2251 Calle de Santiago,
Shorty's Food Mart 2290 Avenida de Mesilla,
Ristramn Chile Co., 2531 Avenida de Mesilla and the U.S. Post Office 2253 Calle de Parian.

Chapter 6.05 ANIMAL CONTROL*

Sections:

- 6.05.010 Short title.
- 6.05.020 Authority, purpose and goals.
- 6.05.030 Definitions.
- 6.05.040 Joint agreement with Animal Humane Society [+Services Center of the Mesilla Valley.+]
- 6.05.050 Animal control officer.
- 6.05.060 Animal control authority.
- 6.05.070 Animals to be personal property.
- 6.05.080 Animals running at large.
- 6.05.090 Animal fighting prohibited.
- 6.05.100 Disturbing peace – Prohibited – Nuisance.
- 6.05.110 Impounding strays – Procedure.
- 6.05.120 Livestock, other animals.
- 6.05.130 Licensing and vaccinations [+identification microchip required+].
- 6.05.140 Rabid animals [+Rabies vaccination and exposure requirements+].
- 6.05.150 Vicious [+Dangerous+] or [+potentially+] dangerous animals [+dogs+].
- 6.05.160 Destruction of animals.
- 6.05.170 Housing of animals.
- 6.05.180 Wild animals.
- 6.05.190 Service animals allowed in public places.
- 6.05.200 Restraint of animals.
- 6.05.210 Penning female animals [+Nuisance prohibitions+].
- 6.05.220 Prohibited acts and conditions.
- 6.05.230 Cruelty to animals prohibited.
- 6.05.240 Permitted premises.
- 6.05.250 Violation – Penalty.

* Code reviser's note: This chapter, per MTC 9.05.010, is part of the "offense ordinance" of the town. See Chapter 9.05 MTC, Offenses, for definitions and rules of construction for offenses.

6.05.010 Short title. 

This chapter may be cited as the animal control ordinance of the town of Mesilla. [Ord. 2007-10 § 1]

6.05.020 Authority, purpose and goals. 

A. Authority. This chapter is adopted pursuant to the enabling provisions of Sections 3-13-3 and 3-17-1 NMSA 1978, as amended.

B. Purpose. The purpose of this chapter is to establish regulations and general guidelines for the ownership, control, registration, licensing, housing, vaccination, health, safety and care of animals, the impounding and disposition of animals running at large, and the prevention of cruelty to animals.

C. Goals. The goals of this chapter are to:

1. Protect the citizens of the town and their property;
2. Regulate, restrain and prohibit the running at large of any animal within the boundary of the town of Mesilla;
3. Regulate the ownership, control, registration, and licensing of animals; and encourage the vaccination of all animals;
4. Protect the health and safety of animals; reduce animal nuisances; and provide for the control of dangerous or vicious animals; and
5. Prohibit cruelty to animals. [Ord. 2007-10 § 2]

6.05.030 Definitions. 

The following words, terms, phrases, and their derivations shall have the following meanings:

A. ~~“Abandoned” means where an owner has relinquished all right, title, claim and possession of an animal with the intent of not reclaiming it or resuming its ownership, possession or enjoyment.~~ [“Abandonment (or to abandon)” means to leave an animal for more than 24 hours without providing effective provisions for its proper feeding and care. The term "abandonment" (or "to abandon") does not apply to a person or organization operating a permitted feral cat colony returning cats as part of a Trap-Neuter-Return Program. +]

B. “Adoption” means to take possession by choice and assume responsibility for proper care and keeping of an animal in accordance with this chapter.

C. "Amphibian" means any organism belonging to the vertebrate class Amphibia (including, but not limited to frogs, toads, salamanders, and caecilians).

D. "Animal" means ~~a dog, cat, poultry, bird, reptile, insect, arachnid, fish or any other vertebrate, excluding the human species and those animals under the jurisdiction of the New Mexico Department of Game and Fish.~~ Any vertebrate member of the animal kingdom, excluding humans.+]]

E. "Animal control center" or "animal control shelter" means any establishment or facility authorized by the town of Mesilla, New Mexico, ~~for the care and custody of impounded animals.~~ [+that provides a temporary home for a stray or surrendered pet animals until the animal is reclaimed by the owner, adopted to a new owner, placed with another organization, euthanized or otherwise disposed of at the discretion of the marshal; and, shall include any impoundment facility, kennel, shelter, veterinary shelter, lot, premise or building maintained, contracted, or utilized by the Town for the care and custody of impounded animals. Facilities operated by private organizations for these purposes may be referred to as an "animal shelter". +]

F. "Animal control officer" means the person(s) appointed by the marshal pursuant to MTC 6.05.060 to assume and carry out the powers, authority, duties and responsibilities delegated to him or her by the governing body of the town of Mesilla, New Mexico, in MTC 6.05.060.

G. "Apiary" means a location where one or more colonies or nuclei of bees are managed by a beekeeper. [*Lettering adjusted hence*]

H. "Apiary operation" means the conduction of any activity where bees are raised or kept for their honey or pollination.

I. "Arachnid" means any of the various eight-legged arthropods, such as, but not limited to, spiders, scorpions, mites and ticks.

J. "Arachnid operation" means the conduction of any activity where arachnids are raised or kept.

K. "Astray" means any animal which shall be off and away from its home, unattended or running at large within the town of Mesilla.

[+L. "Bee" means all races of the honeybee, *Apis mellifera* L., and other species of the genus *Apis*, that are capable of being managed for the production of honey, wax or pollen, or that are capable of being managed to pollinate plants.

- M. "Beekeeper" means a person who owns, leases or manages bees.+]
- N. "Bite" means any puncture or tear of the skin inflicted by the teeth of an animal.
- O. ~~"Town" means the land area within the boundaries of the town of Mesilla, New Mexico, as may be extended by future annexations from time to time, including privately owned land and city, state and federal owned land.~~ [+ "Breeding" means allowing, either intentionally or unintentionally, a dog, cat, or other domestic animal to produce offspring.
- P. "Canine hybrid" means any offspring resulting from the breeding of a domestic species or breed of canine with that of a wild species or breed of canine, such as a wolf or coyote. Any animal which at any time has been or is advertised, or otherwise described or represented as a canine hybrid, wolf-dog, or wolf hybrid by its owner to an animal control officer, veterinarian, police officer, or official of the department of health shall be considered a canine hybrid for the purposes of this chapter. An animal shall not be judged to be a canine hybrid based strictly on its appearance.
- Q. "Cat colony" means a group of feral cats that congregates, more or less, together as a unit; and any cat that congregates with the group shall be deemed to be part of it.
- R. ~~"Cat colony caretaker" means an organization or person or persons responsible for the operation of a permitted feral cat colony.~~ "Cattery" means a separate enclosure used to house multiple feral cats.
- S. "Circus" means a commercial variety show featuring animal acts for public entertainment.
- T. "Collar" means a band, chain, harness or other suitable device worn around the neck or torso of an animal to which current rabies vaccination and licensure tags can be affixed.
- U. "Commercial apiary" means a location where a beekeeper is required to maintain the minimum number of colonies designated by the Board of Regents of New Mexico State University.
- V. "Community cat" means any unowned, free-roaming cat that may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may be or may not be feral.
- W. "Community cat caregiver" means a non-profit organization or person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter and medical care to a community cat. However, community cat caregivers are not the owner, harbinger, controller, or keeper of a community cat and do not have custody over a community cat. +]

X. "Confinement" means the restriction of movement of an animal to the premises of its owner, or to the premises of one charged with the care and control of the animal, an animal at all times by an owner or keeper to an escape proof building or other enclosure away from the public.

Y. "Contagious disease" means any disease, parasite or anything adversely affecting adult bees or their brood that may be spread from one bee to another bee or from one colony to another colony;

Z. "Council" means the governing body of the town of Mesilla, New Mexico.

AA. "County" means the county of Dona Ana, New Mexico.

BB. ["Dangerous dog" means a dog as defined under the Dangerous Dog Act, NMSA 1978, Sec. 77-1A-2, *et seq.*, as amended.

CC. "Eartipping" means the removal of the distal one-quarter of a community cat's left ear, which is approximately 3/8-inch, or 1 cm, in an adult and proportionally smaller in a kitten. This procedure is performed while the cat is under anesthesia, in compliance with any applicable federal or state law, and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized, microchipped and lawfully vaccinated for rabies, at the time of eartipping.

DD. "Emergency measures" means any action taken by the animal control officer, municipal police, or duly authorized designee in order to preserve the health and/or life of an animal or human being, including but not limited to entering vehicles or premises, given probable cause, and detaining the animal to prevent present or imminent suffering to the animal, a human, or another animal.

EE. "Estrus" means the period of fertility as it relates to a female animal.

FF. "Feline hybrid" means any offspring resulting from the breeding of a domestic species or breed of feline with that of a wild species or breed of feline, such as an African Serval cat. Any animal which at any time has been or is advertised or otherwise described or represented as a feline hybrid by its owner to an animal control officer, veterinarian, police officer, or official of the department of health shall be considered a feline hybrid for the purposes of this article chapter. An animal shall not be judged to be a feline hybrid based strictly on its appearance.

GG. "Feral animal" means an individual animal of a domesticated species that is not behaviorally compatible with humans, and is therefore not suitable to serve as a pet, companion animal, or work animal.

Feral cats include all cats that by physical aspect and behavior are deemed to be un-owned, ~~and have been trapped for purposes of improving public health and limiting reproduction.~~

HH. "Fertile" means capable of producing offspring.

II. "Field health office" means the Public Health Office(s) located in each county and administered by the Public Health Division of the New Mexico Department of Health.

JJ. "Foster care site, residential" means any premises on which more than three dogs, three cats, or any combination thereof in excess of three receive temporary care. These animals have been rescued and are in need of permanent homes. These sites have been approved for foster care by the marshal, an animal control shelter, or by non-profit animal adoption agencies in the community, and may be exempted from multi-site residential requirements by the marshal.

KK. "Found animal report" means a written notice submitted to the marshal by the finder of an unclaimed or stray animal, accurately describing the animal and the conditions under which the animal was found, including the location, date, and time. Such a report shall also include the name and accurate contact information for the person submitting said report.

LL. "Guard dog" means a dog that is used to defend, patrol, secure, or protect [+commercial+] property ~~or persons.~~, but excludes a dog used exclusively to guard livestock.

MM. "Harbor" means to allow, either intentionally or unintentionally, any stray animal to linger on one's premises by feeding such animal without making all effective provisions for such animal as required by this chapter. Persons harboring an animal shall be subject to the provisions of this chapter applicable to a person owning or having custody, the care, or control of an animal. The term "harbor" does not apply to ~~a person or organization operating a permitted feral cat colony~~ [+community cat caregivers.+]

NN. "Hive" means a container made or prepared that is used as a home by a colony of bees

OO. "~~Hobby breeder" means a small scale dog or cat breeder who owns no more than three breeding female dogs or cats (older than six months) that are registered with a recognized registry organization or association.~~

[+ "Humane" means to have compassion, benevolence, and sympathy for people and animals, especially for those suffering or in distress."

PP. "Identification microchip" means a small integrated circuit made of inert, biocompatible material that will not disintegrate or rust, implanted via injection beneath the skin of an animal typically in the area between

the animal's shoulder blades, and stores a unique, unalterable, alphanumeric code which can be registered to correspond with contact information for the owner of the animal.+]]

QQ. "Immediate control" means direct physical control over an animal by a capable and competent person by use of:

1. A secure collar or harness and leash for a dog; or
2. A secure leash in conjunction with a properly fitting harness for a cat or a ferret; or
3. A secure and appropriate portable animal crate or cage for any animal.

RR. "Impoundment" means the taking custody of a stray, vicious animal or an animal alleged to be vicious, by an animal control officer, municipal police officer, or duly authorized designee, and the detention of the animal in the animal control center.

SS. ~~"In season" or "in heat" means a period of time during which a female animal is capable of being impregnated or conceiving.~~ "Insect" means any of a class of usually winged invertebrate animals, such as, but not limited to, flies, beetles, moths, bees, wasps, butterflies, grasshoppers, lice, and fleas, having three pairs of legs and a three-segmented body.

TT. "Insect operation" means the conduction of any activity where insects are raised or kept.

UU. ~~"Kennel" means any person, joint venture, partnership, limited liability company, corporation or other business entity that is engaged in the maintenance and shelter of animals not their own for profit, or that is engaged in the breeding and sale of animals for profit.~~ [+ "Inspection" means a visual check by the animal control officer of any premises to ensure that no violations of this chapter are present.

VV. ~~"Leash" means a chain, strap or cord of sufficient substance to hold under control the animal attached thereto and shall be no longer than eight feet.~~ "Intact" means fertile, as defined in this chapter.

WW. ~~"Livestock" means horses, cattle, pigs, sheep, goats, rabbits and/or poultry.~~ "Isolation" means the confinement of an animal in an escape proof run or cage so that there is no possibility of direct contact with other animals or humans, except for the minimum contact by humans that may be required to maintain the wellbeing of the animal.

XX. "Litter" means a group of one (1) or more young animals born at the same time from the same mother.

YY. "Livestock" means all animals that have been domesticated for cultivation and/or domesticated animals that are used for human consumption and includes horses, asses, mules, cattle, bison, buffalo, beefalo, camelids, ostriches, emus, rheas, sheep, rabbits, goats, swine, peafowl, poultry, and farmed cervidae, but excludes canine or feline animals.

ZZ. "Microchip" means identification microchip, as defined in this chapter.

AAA. "Microchipped" means to have had a working registered identification microchip implanted.

BBB. "Missing animal report" means a written notice submitted to the marshal by the owner of a missing animal, accurately describing the animal and the conditions under which the animal was last seen, including the location, date and time. Such a report shall also include the name and accurate contact information for the person responsible for submitting said report.

CCC. "Multi-animal site, commercial" means any premises on which a combination of eight or more dogs or cats four months of age or older, are kept; or where the business of buying, selling, breeding, training or boarding of such animals is conducted, but does not include veterinary hospitals or facilities operated by the town marshal. Such premises were formerly defined as a kennel.

DDD. "Multi-animal site, residential" means any premises on which more than three dogs, three cats, or any combination thereof in excess of three, but not more than seven in number, four months of age or older, are kept and on which premises the business of buying, selling, breeding, training, or boarding for compensation is not carried on, with the exception that the sale of not more than two litters per year for each site shall be permitted. Buying, selling, breeding, training, or boarding of such animals for compensation shall be deemed to be a commercial activity not allowed in a residential area unless otherwise permitted by applicable zoning regulations. Such premises were formerly defined as a kennel.+]

EEE. "Municipal police" means the marshal's department of the town of Mesilla, New Mexico.

FFF. "Neutered" means sterilized, as defined in this chapter.

GGG. "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 town of Mesilla, New Mexico.

HHH. "Owner" means a person ~~who owns, possesses, harbors, keeps, or has custody or control, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care, or who~~

~~permits an animal to remain on or about his premises.~~ [+eighteen (18) years of age or older or the parent or guardian of a person under eighteen (18) years of age who owns, harbors, or keeps an animal or permits an animal to remain on or about the premises owned or controlled by him/her. The term “owner” does not apply to a community cat caregiver.

III. “Performing animal exhibition” means any spectacle, display, act, or event, other than a circus, in which performing animals are used and to which the general public is invited.

JJJ. “Permit” means an official document or certificate issued by the marshal, or his/her designee, authorizing the keeping of specific animals on specific premises.

KKK. “Pet” means any domesticated animal kept as a companion animal, and not intended to be used for farming or human consumption. Livestock shall not be considered a pet even if kept as a companion animal and not used for farming or human consumption.

LLL. “Pet identification” means a rabies tag, pet license tag, microchip tag, pet identification tag, identification microchip, or any other potential source of owner contact information associated with an impounded animal that may be obtained by the animal control officer. For the purposes of reclamation under this chapter, an animal shall not be considered to be in possession of pet identification if such tags or owner contact information proves to be invalid.

~~MMM. “Pet shop” means any person, joint venture, partnership, limited liability company, corporation or other business entity that is engaged in the buying and selling or grooming of animals for profit. “Pet mill”~~ means a commercial pet breeding facility operated with an emphasis upon profits above animal welfare and often in substandard conditions regarding the well-being of the animals at the facility, which substandard conditions include, but are not necessarily limited to overbreeding, inbreeding, minimal veterinary care, poor quality of food and shelter, lack of human socialization, overcrowded cages, and the killing of unwanted animals.

NNN. “Poisonous substance” means any substance, when introduced to the body of a person or animal, causes injury, illness, or death.+]

OOO. “Premises” means a parcel of land and the structures thereon.

PPP. [+“Potentially dangerous dog” means a dog as defined under the Dangerous Dog Act, NMSA 1978, Sec. 77-1A-2, *et seq.*, as amended.

QQQ. "Potential rabies suspect animal" means any animal that has bitten a person causing a puncture or tear of the skin, potentially exposing the person to rabies.+]

RRR. "Premises" means a parcel of land and the structures thereon.

SSS. [+ "Qualified adopter" means a person who is 18 years of age or older, who has never been convicted of any form of cruelty under any law and in addition has not been convicted two or more times for any violation of this article or its predecessor ordinances, has never had any animal-related permit revoked or suspended, has never failed to reclaim an animal from the town or its designee, has not surrendered an animal within one year of the time of adoption and has never been convicted of child or domestic abuse.

TTT. "Qualified service animal" means ~~an animal which has been trained by a recognized service animal trainer to assist a blind person, a hearing impaired person, or a mobility impaired person~~ an animal recognized as a service animal under either federal regulations implementing the Americans with Disabilities Act, or NMSA 1978, Chapter 28-11-2, as amended. ~~The term shall also include an animal that is deemed necessary by a physician licensed to practice medicine in the state of New Mexico.~~ As defined in NMSA 1978, Chapter 28-11-2(B)(2013), a qualified service animal does not include a pet, an emotional support animal, a comfort animal, or a therapy animal. The term shall also include an animal which has been trained and used by law enforcement for legitimate law enforcement purposes.

UUU. "Quarantine" means the segregation of an animal for any time as required under state law or this article in order to control the spread of rabies or contagious illness; and, specifically included the strict isolation of a potential rabies suspect animal for a ten (10) day observation period at a place and in a manner designated by the animal control officer and approved by a Field Health Office.

VVV. "Rabies vaccination" means ~~inoculation with an anti-rabies vaccine recognized and approved by the State of New Mexico and given in an amount sufficient to provide immunity from rabies for a minimum of one year~~ means the injection of an approved rabies vaccine by or under the supervision of a licensed veterinarian.

WWW. "Reclaim" means an owner's recovery of an animal that has been impounded at the marshal's department.

XXX. "Reclamation period" means the length of time made available to an animal's owner, during which he or she may reclaim such animal from the marshal's department or another designated animal shelter as his or her personal property. The reclamation period shall be measured in working days, which shall include

any day in which the marshal's department or a designated shelter's reclamation department/office is open to the public for a minimum of three continuous hours.

YYY. "Release of ownership (or owner relinquish)" means a document to be signed by the owner of an animal in which he or she relinquishes all right and title of the animal to the marshal's department.+]]

ZZZ. "Reptile" means any of various cold-blooded, egg-laying vertebrates [+of the class Reptilia (including, ~~such as,~~ but not limited to,+] snakes, crocodiles, lizards, ~~frogs,~~ turtles, iguanas, ~~salamanders, newts, and toads~~ geckos).

AAAA. [+ "Residence" means a building used by a person as a place of general abode, or as a principal or actual dwelling place in fact, without regard to intent."

BBBB. "Restraint" means any of the following:

1. To be under the immediate control of a capable and competent person; or
2. To be secured by a tether confining the animal within the owner's premises; or
3. To be secured within an escape-proof enclosure within the owner's premises.

CCCC. "Run or running at large" means to be free of physical restraints and go beyond the boundaries of the premises of the owner.

DDDD. ~~"Service animal" means an animal which has been trained by a recognized service animal trainer to assist a blind person, a hearing impaired person, or a mobility impaired person.~~ [+ "Sexual abuse of animals" means intentionally engaging in sexual intercourse, cunnilingus, fellatio, or anal intercourse with an animal or the causing of penetration, to any extent and with any object, of the genital or anal openings of an animal, whether or not there is any emission.

EEEE. "Sterilization" means rendering an animal permanently incapable of producing offspring, either by the spaying of a female animal or by the neutering of a male animal. Such an animal is deemed to be sterilized. An unsterilized animal is also known as being intact.

FFFF. "Surrender" means the relinquishment of ownership of an animal to the animal control authority by the owner of the animal.

GGGG. "Tether" means to restrain an animal by means of a chain, lead, runner, cable, rope, or similar device attached to either a stationary object or to a running line, pulley, or trolley system.

HHHH. "Therapy animal" means a therapy animal, as defined in NMSA 1978, Section 28-11-2(A) (2013), also known as an emotional support animal or comfort animal; and, is an animal selected to accompany an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability. Also an animal used as a therapeutic tool to improve social, emotional or cognitive function, improve communication, reduce stress and violence and to provide health-promoting, preventive and rehabilitative measures.+]]

IIII. "Town" means the land area within the boundaries of the town of Mesilla, New Mexico, as may be extended by future annexations from time to time, including privately owned land and city-, state- and federal-owned land.

JJJJ. "Trap" means a mechanical humane device for catching and holding animals.

KKKK. [+ "Trap-Neuter-Return" means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, microchipping, ear tipping, and returning community cats to their original location or the immediate vicinity.

LLLL. "Unrestrained" means to be free from physical restraint."+]]

MMMM. "Vicious or dangerous animal" means any of the following:

1. Any animal which kills or severely injures (so as to result in muscle tears, or disfiguring laceration, or require multiple sutures, corrective or cosmetic surgery) a person or domesticated animal within the town. It does not include an animal which bites, injures, attacks or attempts to attack any person or animal which is unlawfully or without permission upon its owner's or keeper's premises or which is provoked to attack or attempt to attack;
2. Any animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or domesticated animal within the town when the person and the domesticated animal are off the owner's or keeper's property; or
3. Any animal which, because of its poisonous bite or sting, would constitute a significant hazard to persons or domesticated animals within the town.

—No animal which bites, injures, attacks, or attempts to attack any person or animal which is unlawfully or without permission upon its owner's or keeper's premises, or which is provoked to attack or attempt to attack, or which is responding to pain or injury, protecting itself or its offspring, or protecting or defending a human

~~being, shall be deemed a vicious animal.~~ “Venomous animal” means any animal with the capability of causing harm by the introduction of a toxic or poisonous substance into the body of another animal or human being.

NNNN. “Veterinarian” means a person with a doctor of veterinary medicine degree licensed to practice [+veterinary medicine+] in the state of New Mexico.

O000. [+“Veterinary hospital or clinic” means any establishment maintained or operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals

PPPP. ~~“Wild animal” means any of the various warm or cold blooded vertebrates, insects, or arachnids living in a natural state, not domesticated, bred or raised, including exotic species.~~ “Wild animal” means any vertebrate animal(s) under the jurisdiction of the New Mexico Department of Game and Fish.

QQQQ. “Wildlife” means any wild, exotic, or nondomestic mammal, bird, reptile, amphibian, fish, mollusk, or crustacean.+] [Ord. 2007-10 § 3]

6.05.040 Joint agreement with ~~Animal Humane Society~~ Services Center of Mesilla Valley.

 SHARE

The mayor is authorized, with the consent of the governing body, to execute on behalf of the town a joint powers agreement for animal control services with the ~~Animal Humane Society~~ Services Center of Mesilla Valley or an equivalent organization so as to accomplish the purposes of this chapter. [Ord. 2007-10 § 4]

6.05.050 Animal control officer.

The governing body of the town shall delegate the powers, authority, duties and responsibilities set out in this title to the animal control officer, municipal police, or any duly authorized designee appointed by the mayor, with the consent of the governing body, to protect the citizens of the town and their property. [Ord. 2007-10 § 5]

6.05.060 Animal control authority.

A. Authority Granted to the Animal Control Officer, Municipal Police, or Duly Authorized Designee.

1. Duty to Protect the Health and Safety of the Public. The animal control officer, municipal police, or duly authorized designee shall be concerned with the health and safety of the citizens of the town as affected by animals and to protect the citizens of the town and their property.
2. Methods Authorized. The animal control officer, municipal police, or duly authorized designee shall be authorized to use such methods, means and equipment as are reasonably necessary to

bring strays and other animals under control and to enforce the provisions of this chapter. [+This includes the authority to destroy an animal which reasonably appears to pose an immediate and serious threat to human life, if the officer is unable to capture said animal without any substantial danger to himself/herself or others.+]

3. Entry on Premises [+or Vehicle+] Authorized. For the purposes of discharging his or her duties imposed by this chapter, the animal control officer, municipal police, or duly authorized designee shall be authorized to enter upon any ~~manned~~ [+private+] premises [+or to enter a vehicle+] if he or she has reasonable cause to believe a violation of this chapter has been committed; or if any provisions of this chapter or any of the laws of the state of New Mexico relating to the care, treatment, control and prevention of cruelty to animals have been or are being violated.

4. Entry on Private Land [or a Vehicle+] with a Search Warrant. If, however, the owner or occupant of any dwelling or premises objects to inspection, as stated in this section, a search warrant for the inspection of the dwelling and premises[+, or vehicle+] shall be obtained and presented by the animal control officer, municipal police, or duly authorized designee. A search warrant will be obtained from the municipal court prior to inspection, when permission is denied [+ , however, a warrant shall not be required if an emergency exists and emergency measures are taken, as defined in MTC 6.05.030+].

[+5. Rendering Medical Aid to Animals. The animal control officer, municipal police, or duly authorized designee shall be authorized to render life-saving medical intervention, consistent with the scope of training received and as may be allowed by law, when acting under the direction of a licensed veterinarian. When taking such emergency measures as specified in this section, then the town or its duly authorized agents and representatives shall not be held liable to the owner of the animal.+]

B. Authority of the Animal Control Officer, Municipal Police, or Duly Authorized Designee to Enter Private Land without a Search Warrant.

1. Entry on Private Land without a Search Warrant. For the purpose of discharging his or her duties imposed by this chapter, the animal control officer, municipal police, or duly authorized designee shall be authorized and it is declared to be their duty to enter upon private land without

a search warrant for the purpose of fresh pursuit or for impounding of any animal found running at large.

[+C. Interference Prohibited.

1. A person shall not threaten or interfere with the marshal, municipal police or animal control officer in the performance of the duties authorized by this chapter.
2. False Report. A person shall not make a false report to the marshal, municipal police or animal control officer regarding any animal in danger or regarding any alleged violation of this chapter
3. Animal trap. A person shall not move, open, close, or in any way alter an animal trap belonging to the town or being used by the animal control officer without authorization from the marshal. Removal or release of any animal from such a trap is prohibited.

D. Citations; criminal complaints. Whenever the marshal, municipal police, or animal control officer has probable cause to believe that a person has violated this chapter or any other applicable animal control law or regulation, the marshal, municipal police, animal control officer may prepare a criminal complaint to be filed with a court of competent jurisdiction or may prepare a citation for the alleged violator to appear in court.+] [Ord. 2007-10 § 6]

6.05.070 Animals to be personal property.

[+A. Animals are Personal Property.+] Dogs, cats and other animals shall be declared, deemed and considered personal property of the owner thereof, and all remedies given for the recovery of personal property and of damages for injuries thereto shall be extended to the owners thereof.

[+B. Sale of Unweaned Animals. A person shall not sell, offer for sale, barter, transfer, or adopt a domesticated animal under eight (8) weeks of age, or a guinea pig, hamster, or rabbit under four (4) weeks of age. All animals shall be fully weaned and capable of eating on their own to sufficiently maintain proper body condition prior to being offered for sale, transfer or adoption. Nothing herein shall prohibit the transfer of animals between animal shelters and animal rescue organizations. Nothing herein shall prohibit the sale, transfer, or adoption of an unweaned animal if accompanied by a nursing female.

C. Sale in Public. A person shall not sell, offer for sale, barter, give away, transfer or adopt any animal upon a street, sidewalk, public park, or any area open to the public, unless such person is acting on behalf of the Animal Service Center of the Mesilla Valley or an animal shelter.

D. Prize. A person shall not offer an animal as a prize, giveaway, premium, novelty, or award for a contest, game, or sport or as an incentive to purchase merchandise unless part of an FFA or 4-H sanctioned event.

E. Venomous Animal. A professional establishment shall not offer for sale any venomous animals, other than tropical fish contained in accurately labeled aquaria.

G. Animal Exhibit Safety. A person shall not operate, conduct, or maintain any animal exhibit under conditions that pose a danger to the public or the animals.

H. Deceased Animal Disposal Requirements.

1. Owner Responsibility. A person owning or having care, custody or control of an animal carcass shall be responsible for its removal within twenty-four (24) hours of death, if the animal is not to be used for human consumption.

a. An animal carcass may be disposed of at the South Central Solid Waste Authority as authorized.

2. Removal. The animal control officer may remove any animal carcass from on or along any traveled portion of any highway or public way normally used by motor vehicles or from any public property. The animal control officer shall make reasonable efforts to notify the animal's owner or community cat caregiver—if known—in the event of the animal's death.

a. The animal control officer may dispose of the animal carcass at the South Central Solid Waste Authority as authorized after microchip scanning and making reasonable efforts to notify the owner or community cat caregiver of the animal.

b. The animal control officer shall retain any tags or other identification found on an animal carcass.

c. The animal control officer may, but is not obligated to, provide for the removal of an animal carcass from private property at the request of the animal owner or property owner for a set fee, as established by the council by resolution.

I. Abandonment prohibited. A person shall not abandon an animal or cause such abandonment.

1. Abandonment of an animal does not relieve the owner of the responsibilities associated with ownership, and he may still be regarded as the owner for the purposes of this chapter.

2. A person owning or having care, custody or control over an animal shall not leave the animal at the animal control shelter, or private animal shelter, without providing either notification of intent to reclaim the animal or a release of ownership of the animal in writing. Such actions shall be considered abandonment for the purposes of this chapter.

3. Abandonment does not apply to the Trap, Neuter and Return (TNR) of community cats.+] [Ord. 2007-10 § 7]

6.05.080 Animals running at large.

A. Duty to Keep Animal on Owner's Premises or Leashed. Any person owning or having charge or control of any animal shall keep such animal on his or her premises. No animal shall be running at large or unleashed on any street, alley, sidewalk, vacant lot, public property (including public parks), or ~~nonenclosed~~ [+unenclosed+] space on private property not that of the owner of the animal.

B. Animals Running at Large Declared Nuisance and Menace to Public Health and Safety. 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 animal control officer, municipal police, or duly authorized designee, shall be taken up and impounded. Cats are not required to be leashed but shall be required to remain confined within the owner's premises.

C. Unlawful to Chain or Stake an Animal on Unenclosed Premises. It is unlawful for any person to chain or stake any animal on any unenclosed premises in such a manner that such animal may go beyond the property line.

[+D. Community Cat Management Initiatives: The town of Mesilla recognizes the need for innovation in addressing the issues presented by community cats. The council finds that a Trap, Neuter and Return program is valuable in this regard. To that end it recognizes that there are community cat caregivers and acknowledges that properly managed community cats may be part of the solution to the continuing euthanasia of cats; and, establishes the following requirements.

1. All community cat caregiving must be maintained on private property of the community cat caregiver, or with permission of the private property or other landowner (including city/town, state, and federal public property).
2. A free community cat certification program may be developed to educate people about community cats, the importance of a veterinary provider relationship to best address community cat needs, common diseases and proper care, good management practices, and maintenance of community cats. The educational program shall be developed by community veterinarians, community cat caregivers, the marshal's department and citizens through an *ad hoc* advisory committee that will be disbanded upon recommendation to the marshal.

3. All community cats must be sterilized, microchipped, vaccinated against the threat of rabies, and eartipped for easy identification; if these requirements are met the community cat is exempted from licensing, stray, at-large and possibly other provisions of this ordinance that apply to owned animals.
4. Community cat caregivers are required to provide certain necessities on a regular/ongoing basis, including, but not limited to, proper nutrition and medical care as needed. If medical care is unavailable or too expensive, the community cat caregiver must not allow the cat to suffer. Food must be provided in the proper quantity for the number of cats being managed and is to be supplied no less than once per day. Food must be maintained in proper feeding containers. Water, if supplied, must be clean, potable and free from debris and algae. If shelter is provided, it shall be unobtrusive, safe, and of the proper size for the cat(s).
5. Community cats that are discovered to be trapped on the private property of another three (3) times within a 12-month period by the animal control officer, municipal police, or duly authorized designee shall be deemed a nuisance and are subject to proper disposition as the marshal may direct.

The marshal's department is expressly authorized to cooperate with non-profit organizations that provide efforts to assist in the proper care and management of community cats. Such organizations and members thereof may likewise assist the marshal's department in the proper care and management of community cats.+] [Ord. 2007-10 § 8]

6.05.090 Animal fighting prohibited.

It is unlawful for any person to promote, stage, hold, conduct, carry on, or attend any game, exhibition, or fight in which one or more animals is engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal, or to train or breed any animals for such purpose, and/or to promote any of the activities in this section. [Ord. 2007-10 § 9]

6.05.100 Disturbing peace – Prohibited – Nuisance.

A. Animal Nuisance Prohibited. Any animal that habitually or continuously barks, howls or otherwise disturbs the peace of the inhabitants of the town, or is kept or maintained in such a manner or in such numbers as to disturb by noxious or offensive odors or otherwise endanger the health and welfare of the inhabitants of the town is declared to be an animal nuisance and shall be prohibited. Complaints filed pursuant to this section may be filed in writing with the animal control officer, municipal police, or duly authorized designee and shall include the name of the complainant and the name and address of the person(s) permitting the nuisance to occur and to continue.

[1. It shall be a violation of this section if barking, howling or other noise that disturbs the peace is frequent or long-continued; is audible beyond the property line of the premises on which the animal is located for more than 10 minutes; and is attested to by:

- a. Complaints from two or more separate properties;

- b. A complaint from a separate property and verified by an audio recording which records the howling, barking or noise for more than 10 minutes; or,
- c. The marshal, municipal police or animal control officer.

The words "frequent or long-continued" as used in this section shall not mean continuous or uninterrupted in time or without cessation.

B. Noise Abatement. In order to abate the nuisance created by the animal howling, barking, or making noise in violation of this section, an animal control officer may enter the premises on which the animal is located and may impound the animal if the animal control officer is unable to contact the person owning or having care, custody, and control of the animal or if such person is unable or unwilling to stop the howling, barking or noise. An animal impounded pursuant to this section shall be considered to be a care and maintenance impoundment for purposes of reclamation.+]]

~~B. C. Total Number of Dogs and Cats Permitted. A person or household shall own, harbor, or keep no more than the total number of dogs and cats over the age of six months permitted in the following schedule based on total acreage owned:~~

Total Number of Dogs and Cats (Or Any Combination) According to Acreage

Three dogs or three cats	One-half acre or less
Four dogs or four cats	More than one-half acre, up to one acre
Five dogs or five cats	More than one acre, up to two acres
Six dogs or six cats	More than two acres

~~If a person or household desires to own more than the total number of dogs and cats permitted immediately above, such person or household must first qualify as a kennel, guard dog operation, or hobby breeder operation as defined in this chapter and obtain from the town a permit in accordance with MTC [6.05.240](#) to operate a kennel, guard dog operation or hobby breeder operation and be subject to the regulations thereof and the regulations set out in MTC Title [5](#), Business Taxes, Licenses and Regulations, and MTC Title [18](#), Zoning. Private Criminal Complaints. Private criminal complaints may be filed in municipal court by citizens affected by any animal that may be determined a nuisance under subsection (A) of this section. Complaints~~

filed pursuant to this section shall be in writing, stating the name and address of the complainant and the person(s) permitting the nuisance to occur and to continue. [Ord. 2007-10 § 10]

6.05.110 Impounding strays – Procedure. 

A. ~~Impounding Strays~~ [+Impoundment and Detention+].

1. Duty to Impound. It is declared to be the duty of the animal control officer, municipal police or duly authorized designee to take up and impound or cause to be impounded any astray animals found in the town [+ , excepting community cats+].

2. Astray Animals Displaying License or Other Identification. If the astray animal is wearing a license or bears other visual identification [+ , or has a working identification microchip+], the animal control officer, municipal police or duly authorized designee will attempt to notify the owner or his or her agent or representative of the animal's impoundment. If after three business days the owner or his or her agent or representative has not claimed the animal, the animal may be adopted, sold or euthanized in a humane manner in that order of priority while in the physical possession of the animal control officer, municipal police or duly authorized designee.

3. Astray Animals Not Displaying License or Other Identification. If the astray animal is not wearing a license or other visual identification [+ , or lacks a working identification microchip with the current and correct information available+], and after three business days no one has appeared to claim the animal, the animal may be adopted, sold or euthanized in a humane manner in that order of priority while in the physical possession of the animal control officer, municipal police, or duly authorized designee.

4. The Town Is Not Liable for Disposition of Unclaimed Animal after Notification. If the animal control officer, municipal police, or duly authorized designee notified the owner or his or her agent or representative of the impoundment of the owner's animal and if the owner or his or her agent or representative has not appeared to claim the animal after three business days, as specified in this section, then the town or its duly authorized agents and representatives shall not be held liable to the owner of the animal for the adoption, sale or euthanization of the impounded animal.

5. Town Not Liable for Disposition of Unclaimed Animal Where Notification Not Possible. If the animal control officer, municipal police, or duly authorized designee is unable to notify the owner because the animal does not have a license or other visual identification and the animal is not claimed within three

business days, then the town or its duly authorized agents and representatives shall not be held liable to the owner of the animal for the adoption, sale or euthanization of the impounded animal.

6. Claiming of Astray Animal. The astray animal may be claimed from the pound by its owner or his or her agent or representative by payment to the town for the impounding fee, transportation fee, quarantine fee, microchip fee, and payment of the license fee for the current year (if the animal was unlicensed and a license is required), payment of vaccination charges (if necessary), and any medical expenses incurred by the impounding authority. The aforementioned fees shall be those established by town resolution, as may be amended from time to time. Any astray animal which is not claimed by its owner or his or her agent or representative within three business days, as specified in this section, may be adopted by another person through the ~~Animal Humane Society~~ [+marshal's department or an animal control shelter designated by the marshal+] by payment to the town of the license fee for the current year (if the animal was unlicensed and a license is required), payment of vaccination charges (if necessary), and any medical expenses incurred by the impounding authority.

7. Records Maintained. The town shall maintain a record of all animals impounded for a reasonable period of time. The record shall contain at least the following information:

- a. Description of the animal;
- b. Manner, place and date of its acquisition;
- c. Date and manner of its disposal;
- d. Name, address, and phone number of person claiming the animal;
- e. Copy of proof of identification of person claiming the animal (such as, but not limited to, copy of a valid driver's license, Social Security card, passport, or utility bill);
- f. All fees received; and
- g. Medical expenses for the animal.

8. Public's Duty to Report Astray Animals. Any person finding any astray animal shall notify the animal control officer, municipal police, or duly authorized designee as soon as possible, and shall surrender the astray animal to the animal control officer, municipal police, or duly authorized designee upon demand.

[+9. Health or Safety Risk. The animal control officer may take emergency measures in order to seize and detain any animal that poses a present or imminent health or safety risk to the public.

a. If the animal is not to be held pending court proceedings, such impoundment shall be considered a care and maintenance impoundment for purposes of reclamation.

10. Critically Ill or Injured. The animal control officer may take emergency measures in order to seize and detain any animal that is deemed by the animal control officer to be critically ill or injured or in real and immediate jeopardy of becoming critically injured.

11. Running at Large. The animal control officer may detain any animal found running at large, except as provided in this chapter.

a. If the animal control officer is unable to safely return said animal to the appropriate owner or community cat caregiver within a reasonable amount of time, the officer may deliver the animal to the animal control shelter.

i. If the animal is not to be held pending court proceedings, such an impoundment shall be considered a running at large impoundment for the purposes of reclamation.

12. Owner Relinquish. The animal control officer may detain and deliver to the animal control shelter any animal relinquished by its owner.

13. Cruelty; Extreme Cruelty. The marshal, municipal police or animal control officer who reasonably believes that the life or health of an animal is endangered due to cruelty or extreme cruelty shall follow the seizure, notice, disposition and cost procedures contained in NMSA 1978, Sections 30-18-1.1, 1.2, and 1.3, as amended.

14. Rabies Exposure; Animal Surrender.

a. A person owning or having care, custody, or control over an animal that bites a person shall surrender custody of said animal to the animal control officer if the animal control officer deems it necessary to impound said animal for a quarantine isolation and observation period.

b. A person owning or having care, custody, or control over an animal refuses to surrender custody of said animal, the animal control officer may seek a warrant for the seizure of the animal.

B. Reclamation; Right to reclaim. The owner of any animal that is impounded pursuant to this chapter shall have the right to reclaim the animal from the animal control shelter during the allotted reclamation period upon payment of all fees that may be owed for the impoundment of such animal.

1. Any animal not reclaimed within the reclamation period shall thereafter be considered the property of the town.
2. The reclamation period may be interrupted if it is determined by the animal control officer that euthanization of the animal is necessary due to the animal being in severe, acute distress or if the animal is irremediably suffering.
3. The animal control officer shall hold any animal impounded for running at large without pet identification for a minimum reclamation period of three (3) working days following impoundment.
4. The animal control officer shall hold any animal impounded for running at large with pet identification for a minimum reclamation period of five (5) working days following impoundment.
5. The animal control officer shall not be required to hold for any minimum reclamation period any animal that has been relinquished to the town by its owner.
6. The animal control officer shall hold any deceased animal delivered to the animal control shelter for a minimum reclamation period of one (1) working day.
7. The animal control officer shall not be required to hold for any minimum reclamation period any deceased animal delivered to the animal control shelter without pet identification.
8. The animal control officer shall hold any animal impounded as a care and maintenance impoundment for a minimum reclamation period of five (5) working days following impoundment.
9. The owner may not reclaim any animal that has been placed under a court-ordered detainment.
10. Any animal that is placed under quarantine shall be held for the full quarantine isolation and observation period before said animal may be reclaimed by the owner, unless a home quarantine is authorized by the animal control officer.

C. Impoundment Fees. Fees for the impoundment and boarding of each animal shall be established by the council by resolution; but, shall not be less than those fees charged by the Animal Services Center of the Mesilla Valley or Dona Ana County.

1. Payment of such impoundment fees shall not bar the imposition of any fine that may be imposed by a court of competent jurisdiction for the violation of this chapter or state law.
2. Boarding fees may be included for each day or fraction thereof of impoundment for feeding and care of such animal.
3. The owner of any animal impounded shall be responsible for all fees associated with such impoundment and boarding whether or not the animal is reclaimed.
4. All fees associated with such impound shall be paid to the town, sequestered and utilized exclusively for animal control purposes.

D. Proof of Vaccination. A person reclaiming a domesticated animal judged to be three (3) months of age or older by the animal control officer and that was seized or apprehended from an address or location within the town shall provide a current rabies vaccination certificate for said animal before the animal may be reclaimed from the animal control shelter.

1. If a current rabies vaccination certificated is not provided, the owner or community cat caregiver shall purchase either a new vaccination or a vaccination voucher for the animal from a veterinarian before said animal may be reclaimed.
 - a. If the owner or community cat caregiver chooses to purchase a vaccination voucher, the owner or community cat caregiver shall sign an agreement stating he or she will have the animal vaccinated against rabies within thirty (30) days of reclamation.
 - b. The owner or community cat caregiver shall subsequently provide current rabies vaccination for said animal to the animal control officer within thirty-five (35) days of reclamation.

E. Proof of microchip. Proof of a working implanted microchip in a domesticated animal seized or apprehended from an address or location within the town and judged to be three (3) months of age or older by the animal control officer shall be obtained by the animal control officer before such animal may be reclaimed.

1. Proof of the microchip implantation shall be a scan of the animal by the animal control officer confirming the presence of a working identification microchip.

2. If proof of a working microchip implantation is not obtained, the owner or community cat caregiver shall be charged for microchip implantation by the animal control officer before the animal can be reclaimed.

a. If the owner or community cat caregiver chooses to purchase a microchip voucher, the owner or community cat caregiver shall sign an agreement stating he or she will have said animal microchipped within thirty (30) days of reclamation.

b. The owner or community cat caregiver shall then subsequently provide proof to the animal control officer within thirty-five (35) days of reclamation that said animal has been microchipped.

3. The microchip and corresponding owner or community cat caregiver contact information shall be registered with the animal control officer.

4. The microchip fee shall be set by the council by resolution and payable to the town of Mesilla, with all fees sequestered and utilized for exclusively for animal control purposes.

F. Proof of Sterilization. A person reclaiming a dog or cat judged to be six (6) months of age or older by the animal control officer and that was seized or apprehended from an address or location within the town shall provide proof that said animal has been sterilized before the animal may be reclaimed if such condition is not readily obvious to the animal control officer.

1. Proof of sterilization shall consist of a written certificate by a veterinarian stating that the animal has been sterilized, or that sterilization would be an unnecessary surgical risk for the animal due to animal due to its age or physical condition.

2. If proof of sterilization cannot be provided or such condition is not readily obvious to the animal control officer, the owner or community cat caregiver shall provide a sterilization deposit to the animal control officer.

3. The owner or community cat caregiver shall sign an agreement stating that he or she will have the animal sterilized within thirty (30) days of reclamation or will obtain an intact animal permit from the animal control officer within such time.

4. The sterilization deposit shall be reimbursed to the owner or community cat caregiver upon presentation of proof of sterilization to the animal control officer by the owner or community cat caregiver within thirty-five days of reclamation.

5. The sterilization deposit shall not be reimbursed for obtaining an intact animal permit.

G. Release of Community Cats. Prior to release of any community cat, a licensed veterinarian must establish that the cat has been sterilized, and is microchipped, vaccinated for rabies, and ear-tipped.+[Ord. 2007-10 § 11]

6.05.120 Livestock, other animals.



A. Prohibition. It is unlawful for any person to permit livestock or other animals to stray, wander or graze upon or along any traveled portion of any highway or public way normally used by motor vehicles.

B. Owners or Custodians Responsible. Owners or custodians of livestock or other animals shall be guilty of a misdemeanor, punishable by a penalty as provided in MTC [6.05.250](#), upon conviction for violation of this section.

C. Keeping of Livestock and Other Farm Animals. The owning, possessing, keeping or harboring of livestock and other farm animals shall also be regulated by MTC Title [18](#), Zoning.

[+1. Large Livestock Animals. The following requirements are established for the keeping of large livestock animals such as, but not limited to, llamas, horses, mules, donkeys, swine, bovines, buffalo and beefalo:

a. The density per acre limitation for large livestock animals, not applicable to young livestock animals below weaning age or six (6) months of age, shall be one-half acre or more. The minimum square footage of the open lot area, not including the dwelling shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal, provided the total number of such animals shall not exceed 4 animals per acre.

2. Small Livestock Animals. The following requirements are established for the keeping of small livestock animals such as, but not limited to, ducks, poultry, goats, sheep, and miniature horses/donkeys:

a. The density per acre limitation for small livestock animals shall be as follows:

- i. For lots less than ½ acre, a total combined maximum of 6 such animals, and
- ii. For lots greater than ½ acre, the minimum square footage of the open lot area, not including the dwelling unit, shall be 2,000 square feet for each small livestock animal, provided the total number of such animals shall not exceed 100 regardless of lot size.+]]

Nothing in this section shall be construed to prohibit the owning, possessing, keeping or harboring of livestock and other farm animals as prescribed or allowed in MTC Title 18, Zoning, unless the livestock or other farm animals are declared or determined to be a nuisance or vicious or dangerous under the provisions of this chapter. [Ord. 2007-10 § 12]

6.05.130 Licensing and vaccinations [+identification microchip+] required. 

~~A. Vaccinations. All dogs and cats shall be vaccinated as required by state law. It shall be the responsibility of the owner to comply with the regulations prescribed by the New Mexico Department of Health. Dogs and cats over the age of four months must be vaccinated against rabies and so tagged by a licensed veterinarian. Upon demand by the animal control officer, municipal police, or duly authorized designee, the owner or his or her agent or representative must present evidence or certificate of vaccination for dogs and cats owned by him or her.~~

~~B. Licensing. Any person [+A person owning or having care, custody or control over any dog or cat judged to be+] harboring or maintaining any dog or cat over the age of six [(6)] months [+of age or older+] shall obtain a license for each such dog or cat. Persons who are visiting or temporarily remaining within the town for less than 30 consecutive days shall be exempt from this licensing requirement. Licenses may be issued only by the animal control office, municipal police, or duly authorized designee. Licenses shall expire one year after the date of issuance of the license. The animal control officer, municipal police, or duly authorized designee shall keep a record of all licenses issued. A current rabies vaccination certificate shall be presented at the time of application for the license.~~

1. Affixing Tags. A current license tag number shall be affixed to the licensed dog or cat at all times in a reasonable manner. [+The licensing tag may be removed while the animal is undergoing treatment by a veterinarian or being groomed. Community cats are not required to wear a license tag.+]]

2. Fees. The annual license fee shall be ~~\$3.00~~ [+imposed+] for each ~~neutered or spayed~~ [+sterilized+] dog or cat and ~~\$10.00~~ for each ~~unspayed or unneutered~~ [+intact+] dog or cat

[+and shall be charged based on a schedule adopted by the council by resolution.+] Any person seeking to obtain a license for a ~~neutered or spayed~~ [+sterilized+] dog or cat shall furnish written proof from a licensed veterinarian that such dog or cat has been ~~neutered or spayed~~ [+sterilized+]. In the event a tag is lost, a replacement tag shall be obtained for a charge of ~~\$1.00~~. Each kennel or pet shop with 10 dogs or more in possession shall pay an annual fee of ~~\$50.00~~ in lieu of licensing individual dogs and such fee will cover all dogs kept by such business during the year.

[+a. A person over the age of 65, or veteran of the New Mexico or federal military forces, owning a sterilized dog or cat shall obtain a pet license as a discounted rate. All fees are based on a schedule adopted by the council by resolution. A sterilization agreement and sterilization deposit may be required upon release from the marshal's department or designated animal shelter in accordance with NMSA 77-1-20 [NM Stat § 77-1-20 \(2017\)](#). All fees collected shall be paid to the town, sequestered and utilized exclusively for animal control purposes+].

3. Breeder Fees. The owner who intentionally or unintentionally breeds dogs or cats must have a current ~~hobby breeder's license~~ [+multi-animal residential site permit+] or shall pay a litter fee of ~~\$25.00~~ for each litter. The ~~\$25.00~~ fee may be refunded at the time proof of sterilization of the female dog or cat is submitted and verified by the animal control officer, municipal police, or duly authorized designee but no later than two months from the time the female dog or cat delivers a litter. Each hobby breeder shall pay an annual fee of ~~\$50.00~~ in lieu of fees for individual litters, and such fee will cover all litters during the calendar year.

[+a. All such fees are based on a schedule adopted by the council by resolution+]. An owner shall not advertise, sell, barter, exchange, or give away any dogs or cats within the town of Mesilla boundaries unless the litter fee is displayed legibly. An owner shall furnish the litter fee or ~~hobby breeder~~ [+multi-animal residential site+] permit number to any prospective recipient requesting the number. Each ~~hobby breeder~~ [+multi-animal residential site permittee+] shall be subject to the regulations of this chapter and the regulations set out in MTC Title [5](#), Business Taxes, Licenses and Regulations, and MTC Title [18](#), Zoning.

[+ B. Microchip Requirement. A person owning or having care, custody or control over any dog or cat judged to be six (6) months of age or older shall have the animal implanted with an identification microchip and shall maintain current registration with a microchip registration company.

1. If there is a change in contact information of an owner of a registered microchipped dog or cat, such owner shall update contact information, including any new address and telephone number, with the microchip registration company within thirty (30) days of the date of change in contact information.
2. If there is a change in ownership of a registered dog or cat, the previous owner shall be responsible for ensuring that the microchip is no longer registered in the previous owner's name within thirty (30) days of the change in ownership. The new owner shall be responsible for registering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's name within thirty (30) days of the change of ownership.
3. Any veterinarian or other person who implants an identification microchip in a dog or cat within town limits should provide proof of the microchip implant to the marshal or his or her designee.+]]

[Ord. 2007-10 § 13]

6.05.140 Rabid animals Rabies vaccination and exposure requirements.



~~A. Reporting Animals Showing Symptoms of Rabies. It is unlawful to keep any unvaccinated dog, cat, ferret or any animal which has shown any symptom of rabies. Animals showing symptoms of rabies shall be reported to the animal control officer, municipal police, or duly authorized designee who shall then impound and confine the animal and send a sample for testing to determine whether the animal is infected with rabies. If the test results show that the animal is infected with rabies, the animal shall be destroyed. [+Vaccination. A person owning or having control of a domesticated animal judged to be three (3) months of age or older shall have the animal vaccinated against rabies.~~

1. The vaccine shall be administered by or under the supervision of a veterinarian.
2. The veterinarian shall issue for each administration a serially numbered certificate and metal tag bearing the certificate number.
3. The certificate shall contain the name and address of the owner or community cat caregiver of the animal, a description of the vaccinated animal, the date of the vaccination, and the expiration date of the vaccination.

B. Rabies Tag. A person owing or having control of a dog, cat or ferret judged to be three (3) months of age or older shall maintain a current rabies vaccination tag affixed to a collar or harness worn by the animal whenever the animal is away from the owner's property. Community cats are not required to wear a vaccination tag.

1. The rabies tag may be removed while the animal is undergoing treatment by a veterinarian or being groomed.

2. A person shall not remove or transfer any legitimate rabies tag from one animal to another.

C. Rabies Certificate. A person owing or having control of a dog, cat or domestic ferret judged to be three (3) months of age or older shall exhibit the vaccination certificate upon the request of the marshal, animal control officer or municipal police.

D. Exposure; owner or community cat caregiver/patient responsibility. When any person is bitten by an animal, it is the duty of such person or his parent or guardian, or any person having knowledge of the whereabouts of the animal, to immediately contact the marshal, animal control officer or municipal police or the Field Health Office.

E. Exposure; physician responsibility. A physician who renders professional treatment to a person bitten by an animal shall report to the marshal, animal control officer or municipal police, such treatment immediately after the initial treatment.

1. The physician shall report the name, address and phone number (if known) of the person bitten as well as the type and location of the bite.

2. The physician shall report the name and address of the owner or community cat caregiver of the animal that inflicted the bite (if known), and any other facts or details that may assist the marshal, animal control officer or municipal police in ascertaining the immunization status of the animal.

F. Exposure; domesticated animal. Any domesticated animal that bites or potentially exposes a person to rabies shall be either destroyed and the head sent to the laboratory for rabies testing, or placed in isolation immediately at the owner's expense for a ten (10) day observation period at a place in a manner designated by the animal control officer and approved by the Field Health Office. The lack of proof of current rabies vaccination shall be *prima facie* evidence of a potential exposure to rabies, as described in this section.

1. The isolation and observation period shall end ten (10) days following the date and time of the potential rabies exposure.

2. If the domesticated animal shows signs or symptoms of rabies during the ten (10) day isolation and observation period, it shall be destroyed and the head sent to the laboratory for rabies testing.

G. Exposure, wild animal. Any skunk, bat, raccoon, coyote, bobcat, or other wild animal not born or reared in captivity (with the exception of rodents or rabbits) that bites or otherwise exposes a person to rabies, shall be destroyed immediately and the head sent to the laboratory for testing.

1. Rabbits and rodents do not normally carry rabies, but may be submitted for testing with the consent of the Infectious Disease Epidemiology Bureau (IDEB), part of the Epidemiology and Response Division of the New Mexico Department of Health.

H. Home Quarantine. The animal control officer may consent to confinement and isolation on the owner's premises of a domesticated animal that bites a person on the owner's premises.

1. The premises where the home isolation is to occur shall be inspected and approved for such purpose by the animal control officer.

2. The owner or community cat caregiver of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the marshal for such home confinement.

3. The owner or community cat caregiver shall immediately notify the animal control officer if the animal shows signs of sickness or abnormal behavior, if the animal escapes confinement, or if the animal dies within the quarantine period.

I. Isolation Period – Extension. The ten (10) day isolation and observation period may be extended at the request or direction of the Field Health Office.

J. Disposition of Quarantine Status. ~~If the animal has been determined not to be infected with rabies,~~ [+If at the end of the ten (10) day isolation and observation period an animal is released from quarantine status, the animal shall be returned to its owner or his or her agent or representative. However, if the animal has ~~been determined not to be infected with rabies but~~ has bitten a human being, a determination of whether the animal is vicious shall be conducted in accordance with MTC [6.05.150](#); if the animal is determined not to be vicious, the animal shall be returned to its owner or his or her agent or representative. If the animal dies during the confinement period, all necessary laboratory inspections will be conducted by the ~~district health officer~~ [+Field Health Office.

K. If any of the provisions of this section are in conflict with, or materially inconsistent with, regulations for the reporting of animal bites, confinement and disposition of rabies-suspect animals, rabies quarantine, and the disposition of dogs and cats exposed to rabies in the interest of public health and safety as prescribed by the New Mexico Department of Health, pursuant to NMSA Section 77-1-6, and as amended, the state regulations shall control.+]]

~~B~~ L. Interference with Officers. It shall be unlawful for any person to interfere with the animal control officer, municipal police, or duly authorized designee in the execution of the provisions of this section. [Ord. 2007-10 § 14]

6.05.150 ~~Vicious~~ [+Dangerous+] or [+potentially+] dangerous animals [+dogs+].



A. ~~Definition.~~ A vicious or dangerous animal is one as defined in MTC ~~6.05.030.~~ [+Dangerous or Potentially Dangerous Dogs, Generally. A person having care, custody, or control over a dangerous or potentially dangerous dog shall comply with the provisions of the Dangerous Dog Act, NMSA 1978, Section 77-1A-2, *et seq.*, as amended.+]]

B. ~~Determination of Viciousness.~~ The municipal court shall conduct a hearing to determine if the animal is vicious or dangerous as defined in MTC ~~6.05.030.~~ If the court determines, by clear and convincing evidence, that the animal is vicious or dangerous, the court may impose a fine or imprisonment or both on the owner of the animal and shall order the animal destroyed in accordance with MTC ~~6.05.160.~~ Search and seizure; petition. The marshal, animal control officer or municipal police may apply to the municipal or magistrate court for a warrant to seize a dog believed to be a dangerous dog or a potentially dangerous dog, and may file a petition in municipal court seeking a determination of whether or the dog is dangerous or potentially dangerous, all in compliance with the Dangerous Dog Act.

C. ~~Owning or Keeping Vicious Animals Prohibited.~~ It shall be unlawful for any person to own, keep or harbor a vicious, dangerous, or ferocious animal in the town. [+Municipal Court; Hearing. The municipal court shall be deemed a court of competent jurisdiction to issue a warrant to seize a dangerous or potentially dangerous dog; to hear a petition seeking a determination of whether a seized dog is dangerous or potentially dangerous; and to otherwise enforce the Dangerous Dog Act for dogs located within the town limits.

~~1. Keeping of Animals or Trained Animals Liable to Attack and Injure Human Beings or Other Animals Prohibited Unless Securely Kept.~~ It shall be unlawful for any person to keep any animal or any trained animal liable to attack and injure human beings or other animals, unless such

~~animals are securely kept so as to prevent injury to any persons or other animals. This section shall not apply to animals that are used by law enforcement for legitimate law enforcement purposes.~~

~~D. Repelling Attack by Animal. Any attack by any animal may be repelled by the use of reasonable force. [Ord. 2007-10 § 15]~~

6.05.160 Destruction of animals.

A. Request to Destroy or Turn Over ~~Vicious~~ [+Dangerous+] or [+Potentially+] Dangerous Animals. The animal control officer, municipal police, or duly authorized designee may request the owner or keeper of a ~~vicious~~ [+dangerous+] or [+potentially+] dangerous animal [+dog or potentially dangerous or ferocious wild animal+] to destroy it humanely or turn such animal over to the animal control officer, municipal police, or duly authorized designee for humane destruction [+ , or other disposition as a court of competent jurisdiction might direct+].

B. Failure or Refusal to Destroy or Turn Over ~~Vicious~~ [+Dangerous+] or [+Potentially+] Dangerous Animal. Should the owner or keeper of the ~~vicious~~ [+dangerous+] or [+potentially+] dangerous animal [+dog+] [+or potentially dangerous or ferocious wild animal+] fail or refuse to humanely destroy or turn the animal over to the animal control officer, municipal police, or duly authorized designee, the animal control officer, municipal police, or duly authorized designee shall cause a complaint to be brought in municipal court against such owner or keeper for failure or refusal to humanely destroy or turn the ~~vicious~~ [+dangerous+] or [+potentially+] dangerous animal [+dog+] [+or potentially dangerous or ferocious wild animal+] over.

C. Animals Wounding, Injuring, or Killing Livestock or Other Animals in the Presence of the Animal Control Officer, Municipal Police, or Duly Authorized Designee. The animal control officer, municipal police, or duly authorized designee shall have the authority to destroy an animal if it is in the act of wounding, injuring, or killing livestock or other animals or in the act of attacking a human being. There shall be no liability on the animal control officer, municipal police, or duly authorized designee in damages or otherwise for such destruction.

D. Animals Wounding, Injuring, or Killing Livestock or Other Animals Not in the Presence of the Animal Control Officer, Municipal Police, or Duly Authorized Designee.

1. Any person having knowledge that an animal has wounded, injured, or killed livestock or other animals shall report this to the animal control officer, municipal police, or duly authorized designee. Upon receiving such report or notice, the animal control officer, municipal police, or

duly authorized designee having reason to believe that the animal did wound, injure, or kill livestock or other animals shall impound such animal. A complaint shall then be filed with the municipal court and a hearing shall then be had within a reasonable period of time to determine whether the animal did wound, injure, or kill livestock or other animals.

2. Should the municipal court find that the animal in question did wound, injure, or kill livestock or other animals, it shall order the animal control officer, municipal police, or duly authorized designee to have the animal destroyed in a humane manner.

E. Destruction of Dogs or Cats Running in Packs. The animal control officer, municipal police, or duly authorized designee shall be authorized to destroy in a humane manner any astray dogs or cats within the town which are running in packs and who are potentially dangerous to humans, livestock, or other animals, as reasonably determined by the animal control officer, municipal police, or duly authorized designee. [Ord. 2007-10 § 16]

6.05.170 Housing of animals.

~~Housing facilities for animals shall be structurally sound and constructed of nontoxic materials. Interior floors shall be smooth and easily cleanable and impervious to water. The premises shall be kept clean, sanitary and in good repair in a manner which will protect the animals from overcrowding, disease, and injury. Animals shall be provided the adequate space to allow each animal to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner. Outside housing shall protect the animal from weather conditions (such as sunlight, rain, snow or cold or hot weather) that may be detrimental to the health of the animal. Animals maintained in pens, cages, or runs for periods exceeding 24 hours must be provided with adequate space for exercise for the comfort and health of the animal. Sufficient lighting shall be provided by either natural or artificial means. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors, and disease hazards. Animals shall be provided with sufficient fresh, clean and wholesome food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be observed daily, and diseased or injured animals shall be provided with care from a licensed veterinarian.~~

[+A. Animal Well-being. A person owning or having care, custody, or control over an animal shall provide such care and husbandry as to maintain the good health and well-being of the animal and shall:

1. Provide the animal with adequate amounts, and with adequate frequency, of fresh potable water and wholesome food sufficient and appropriate for the species, life stage, and medical condition of the animal.
2. Provide the animal with adequate shelter consisting of a structurally sound, species appropriate, weatherproof housing or enclosure with elevated flooring and proper ventilation, large enough to

accommodate the animal comfortably. In winter months, clean species appropriate bedding shall be provided on the floor of the housing or enclosure for warmth.

3. Provide the animal with adequate shade from direct sunlight in addition to the shelter referenced above.
4. Keep enclosures where the animal is maintained free of garbage, feces, and other debris that might endanger the animal's health or safety. The owner or person having care, custody, or control over animal, shall protect the animal from water and cleaning agents during the cleaning of the animal's living area.
5. Keep enclosures where the animal is maintained free of insect infestation, including but not limited to ant-hills, wasp nests, and flea, tick and maggot infestations.
6. Keep enclosures where the animal is maintained for periods exceeding twenty-four (24) hours with adequate space to prevent overcrowding and to allow the animal to maintain normal exercise according to the species. Such enclosures used to house or confine cats shall contain a regularly cleaned and maintained litter box.
7. Provide the animal with professional veterinary care and necessary grooming so as to maintain the animal's good health and protection from extreme weather elements and parasites.
8. Keep an animal dwelling unit no closer than one hundred (100) feet to any private water well or no closer than two hundred (200) feet to any public water well.

B. Livestock Well-being. In addition to the requirements stated above under Section A, a person owing or having care, custody, or control over a livestock animal shall also provide the following:

1. Running water facilities shall be provided within fifty (50) feet of each box stall and corral, and each animal shall have access to fresh water in a clean container.
2. Clean feeding facilities or boxes shall be provided in each corral or box stall, and such facilities shall be maintained accessible thereto by animals to be served thereby.
3. All areas adjacent to any pen, coop, stable, bar, corral; grazing, workout, or training areas; or other building structures and areas where animals are kept and maintained, shall be graded to drain water away from such facilities so as to prevent ponding and reduce insect harborage.
4. Such care and husbandry shall also include, but not be limited to, necessary hoof and teeth care.+]

This section shall apply to all owners or keepers of animals in the town, including the general public, kennels, guard dog operations, and hobby breeder operations.

[Ord. 2007-10 § 17]

6.05.180 Wild animals.



~~No person shall keep, harbor or maintain any poisonous reptiles, dangerous carnivorous wild animals, or dangerous or poisonous insects or arachnids, whether they are trained or not, without having first registered~~

~~such reptiles, insects, arachnids, or other animals with the animal control officer, municipal police and duly authorized designee.~~ [+A. Wildlife, Wild and Exotic Animals. A person shall not possess, harbor, or keep any wildlife, wild, or exotic animal of a species that in its natural life is potentially dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others and include:

1. Wolves, coyotes, foxes, dingoes, and other members of the non-domestic canine families including, canine hybrids;
2. Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families, including feline hybrids;
3. All bears (Ursidae), including grizzly bears, black bears, brown bears, etc.
4. Raccoons (Procyonidae), including eastern raccoon, desert raccoons, ring tailed cat, coatimundi, etc.;
5. Mustelids, other than the domestic ferret (*Mustela putorius furo*);
6. Primates (Hominidae), including all non-human great apes other than qualified service animals;
7. Skunks;
8. Bats;
9. Snakes, belonging to the families Elapidae, Viperidae, and Colubridae (twig snake, *Thelotornis kirtlandii*; boomslang, *Dispholidus typus*; and keelbacks, *Rhabdophis*);
10. Lizards belonging to the family Helodermatidae (gila monsters, *Heloderma suspectum*, and beaded lizards, *Heloderma horridum*);
11. Alligators, crocodiles, or caimans;
12. Venomous fish and piranha; and,
13. Any species of amphibian, snake, or reptile that is listed as threatened or endangered by the federal or state government.

B. Exceptions. This section shall not apply to veterinary facilities, or individuals holding a state of New Mexico Wildlife Rehabilitation or Educational Use Permit. [Ord. 2007-10 § 18]

6.05.190 Service animals allowed in public places.

It shall be unlawful for any person owning or maintaining any place or public accommodation, public entertainment or amusement, restaurant, hotel, hospital, swimming pool, store, or theater, or who operates any public transportation facility to exclude therefrom any [+qualified+] service animal as defined in MTC [6.05.030](#); provided, that such [+qualified+] service animal be in the company of the person for whom it was trained to assist. [Ord. 2007-10 § 19]

6.05.200 Restraint of animals.

~~A. Penning on Premises. All persons owning or having charge, custody, care or control of any animal shall keep such animal properly and securely penned on his or her own premises.~~ [+Physical restraint. A person owning or having charge, custody, or care over an animal shall keep the animal under humane physical restraint at all times, excluding community cats.+] The determination of whether the dog is under the immediate physical control of a person having custody thereof shall be determined by the animal control officer, municipal police, or duly authorized designee, as to what he believes to be reasonable under the circumstances. Any animal trespassing upon private or public premises shall be deemed *prima facie* not to be under the immediate control of a competent person and shall be reported for impounding to the animal control officer, municipal police, or duly authorized designee.

~~B. Leashed Dogs. Dogs shall be permitted on the streets or public places of the town only if they are secured on a leash not over eight feet in length, under the immediate physical control of the person having custody thereof.~~ Dragging; hobbling. A person shall not hobble an animal, or tether or attach any animal to any object that can be dragged or moved by the animal. Such animal, if not otherwise restrained by a secure tether or enclosure, shall be considered by the animal control officer to be unrestrained. This shall not apply to livestock animals properly used for work purposes.

~~C. Animals Not under Immediate Control. Any animal trespassing upon private or public premises shall be deemed prima facie not to be under the immediate control of a competent person and shall be reported for impounding to the animal control officer, municipal police, or duly authorized designee.~~ Owner's premises. A person owning or having care, custody, or control over an animal on his or her premises shall restrain the animal either by a secure enclosure or by immediate control.

1. All pens, kennels, stalls, corrals, or other enclosures used to restrain an animal shall be continuously maintained with preservatives, fasteners, and other materials to prevent deterioration and animal escape. Substantial and acceptable locking or latching devices shall be installed on all gates and doors to animal enclosures in such a manner as to be inaccessible to animals and small children in order to prevent animal escape or unauthorized entry.

2. A person owning or having care, custody, or control over a dog on his or her premises may use a tether as a temporary means of restraint only.

a. A person shall not tether a dog to a stationary object for more than two (2) hours in any twelve (12) hour period.

b. A person shall not tether a dog to a running line, pulley, or trolley system for more than four (4) hours in any twelve (12) hour period.

c. A person shall not tether a dog in an unenclosed area where people or other animals are able to wander in proximity of the tethered dog.

d. A tether used to restrain a dog shall be at least twelve (12) feet in length. Such tether shall not enable the animal to reach beyond the owner's property.

e. A tether used to restrain a dog shall be affixed to a properly fitting collar or harness worn by the dog.

f. A tether used to restrain a dog shall not weigh more than one-eighth (1/8) of the animal's body weight. The tether weight shall include any additional objects attached to the dog or tether, such as locks and fasteners.

g. A tether used to restrain a dog shall have working swivels on both ends and shall be fastened so that the animal may sit, walk, and lie down using natural motions. Such tether shall be unobstructed by objects that may cause the tether or animal to become entangled or strangled.

h. In all cases, a tethered dog must be able to reach a container with water at all times.

3. Fences to be provided for a livestock enclosure shall be species appropriate. For use in conjunction with stud stalls, such fences shall be maintained not less than six (6) feet in height.

4. A person owning or having care, custody, or control over a venomous reptile shall restrain the animal to the owner's premises by a secure locked cage.

a. A cage used to restrain a venomous reptile shall feature labeling that clearly defines and identifies the animal with the following information:

- i.. Common Name;
- ii. Scientific Name; and
- iii. Venomous Nature.

D. Public Premises. A person owning or having care, custody, or control over an animal off his or her premises shall keep the animal under immediate control.

1. A leash used to restrain an animal shall be of suitable length as to enable the handler to maintain control of the animal under specific circumstances.

2. A person shall not carry an animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. Animals carried in the open bed of a vehicle shall be crated or restrained upon a non-slick surface in a manner that prevents the animal from jumping out of the vehicle. In addition to all other regulations in this section, animals should never be overcrowded when being transported. If the animals are crated or kept in any enclosure, they may be allowed to share a crate but each animal should be able to stand up, move around, lie down and stretch out naturally. If crates or enclosures are stacked, they must be attached securely to prevent the crates or enclosures from falling or turning over. If crates or other enclosures are stacked, it is important that no urine or feces are passed between crates and enclosures. No animal shall be left in the open bed of a vehicle whether in a crate or not when the weather is such that the animal will be exposed to extreme heat, cold or rain.

3. A person in charge of an amphibian or reptile away from the owner's premises shall keep the animal secure within a closed container that will not expose people unexpectedly to the animal.

4. A person in charge of a venomous animal away from the owner's premises shall keep the animal secured within a tied bag that shall be placed inside a secure locked box clearly marked "Venomous Animal."

E. Property of Others. A person owning or having care, custody or control over an animal shall not detain or restrain an animal upon another person's private property without having permission from the resident or owner of such property.

1. If the resident or owner does not permit the animal being detained or restrained upon such property, the animal may be taken up and impounded by the animal control officer at the request of the resident or owner.

2. If the owner of a rented or leased property does not approved of an animal being restrained or detained by the resident on such property, the dispute shall be regarded by the marshal, municipal police, or animal control officer as a civil matter.

F. Multiple Dwelling Unit. An owner, manager, agent or governing board of any multiple dwelling unit, including mobile home parks and gated communities, shall not permit or authorize any animal to be unrestrained upon

the common areas of the multiple dwelling unit, except upon such areas and within such enclosures specifically designed for such activity.

G. Exceptions.

1. A working dog that is under the control and supervision of the owner or handler performing such acts such as herding, search and rescue, or police work shall not be considered unrestrained while performing or being trained for such duties.

2. A hunting, tracking, or show dog that is under the control and supervision of the owner or handler shall not be considered as unrestrained when performing in or being trained for those capacities. +]

D. H. Dogs Not Allowed at Town-Sponsored Events. Dogs shall not be allowed at town-sponsored events. This restriction shall not apply to service animals as defined in MTC [6.05.030](#) or to animals which are authorized to participate in such events [+by the mayor+]. [Ord. 2007-10 § 20]

6.05.210 Penning female animals Nuisance prohibitions. 

[+The following prohibitions are in addition to any other nuisances defined by this chapter.

A. Property Damage; Nuisance. A person owning or having care, custody, or control over an animal shall prevent the animal from causing damage or being a nuisance to the person or property of another.

B. Females in estrus. A person owning or having care, custody, or control over ~~The owner of a female animal~~ [+in estrus+] shall ~~cause such animal when in season or in heat to be penned or enclosed during such period of time in a house, building or secure enclosure so that other animals are not attracted to the animal in a manner that will preclude occurrence of a public nuisance, but not tied. Such enclosure shall be constructed so that no other animals may gain access to the confined animal, except for intentional breeding purposes~~ confine the animal in such a way that prevents the animal from becoming a nuisance.

C. Pet Waste. A person owning or having care, custody, or control over a pet such as a dog or cat shall dispose of the waste from the animal in a watertight and fly tight receptacle, which shall be emptied frequently and in such a manner so as to prevent a nuisance or a health hazard.

D. Livestock Waste. Waste from livestock shall be removed or spread at least once each week so as not to constitute a nuisance. Additionally, all premises where livestock are kept shall be treated with approved

pesticides for the control of insects and rodents related to waste from livestock so as not to constitute a nuisance.

E. Public Defecation. A person owning or having care, custody, or control over an animal shall not permit the animal to defecate on or along any traveled portion of any highway or public way normally used by motor vehicles, in any public park or on any public property, or the property of another, unless such waste is immediately removed and disposed of properly.

F. Dust Control. All areas used as arenas for exercising, training or exhibition of livestock may be subject to dampening via a sprinkler system when or if required by zoning provisions enacted by the council.

G. Feeding Animals Running at Large. A person shall not feed a dog or cat running at large. A community cat may be fed.+] [Ord. 2007-10 § 21]

6.05.220 Prohibited acts and conditions.

[+A. Interference with Animal Control.+] It shall be unlawful for any person to [+obstruct,+] hinder, resist, or oppose the animal control officer, municipal police, or duly authorized designee in the performance of his or her duties or to secret any animal from him or her that requires attention.

[+B. Found Animals. A person shall harbor, hold or retain possession of any animal for more than 24 hours without first submitting a found animal report to the marshal's department. A person having possession of such an animal shall immediately surrender the animal to the animal control officer upon request.

1. A person having possession of such an animal shall allow the animal to be scanned for the presence of an identification microchip by the animal control officer immediately upon request.

2. If the animal remains in the custody of the finder and the owner of such animal fails to submit a missing animal report with the marshal's department within seventy-two (72) hours following the submission of the found animal report, the finder may thereafter claim ownership of the animal.

C. Pet Mill. No person shall keep or operate a pet mill.+] [Ord. 2007-10 § 22]

6.05.230 Cruelty to animals prohibited.

A. ~~Killing or Beating Animals Prohibited.~~ [+Cruelty to Animals. A person shall not negligently mistreat, injure, kill without lawful justification, or torment an animal, or abandon or fail to provide necessary sustenance to an animal under that person's care, custody or control. Under this section, "lawful justification" means humanely

destroying a sick or injured animal or protecting a person or animal from death or injury due to an attack by another animal. It shall be unlawful for any person to willfully or maliciously kill, destroy, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn, or scald with any substance, overdrive, or otherwise cruelly set upon any animal; except, that reasonable force may be employed to drive off vicious, dangerous, or trespassing animals. It shall be unlawful to poison dogs, cats, and other domesticated animals.

1. Felony Prosecution. Prosecution under this section shall be limited to first, second, or third offenses. Fourth and subsequent offenses, and offenses involving extreme cruelty as defined under state law, shall be prosecuted as a felony under NMSA 1978, Section 30-18-1, as amended.

B. Overworking Animals Prohibited. It shall be unlawful for any person to drive to work any animal cruelly when such animal is unfit for labor.

C. Slaughtering Wild Animals Excepted. The slaughtering of animals for food or the killing of wild animals, such as authorized by law, shall not be a violation of this section.

D. Duty to Provide Food and Shelter. It shall be unlawful for any person to fail, refuse or neglect to provide any animal in his or her custody, as owner or otherwise, with proper food, drink, shade, shelter, care, medical treatment or to carry any animal in or upon any vehicle in a cruel or inhumane manner, or to keep any animal under unsanitary or unhealthy conditions.

[+E. Basic Grooming. All animals shall be groomed in accordance with this article as described by the definition of basic grooming as applicable to the species. Basic grooming is necessary to maintain the eyes, ears, beaks, hooves, feet and skin of an animal in healthy condition. Basic grooming includes making sure that the toenails or hooves are not so long as to cause the animal not to be able to move normally or to cause pain to the animal. Basic grooming also includes providing the animal with whatever the animal needs for self-grooming. No animal shall be allowed to have a coat that is matted to the point that it becomes so heavy as to cause skin irritation or trap fecal matter. The animal shall not be so dirty as to provide a home for parasites and insects. No animal shall be allowed to have foreign objects imbedded in its skin, fur or hair other than an identification microchip.+]

≡ F. Animals without Proper Care. Whenever the animal control officer, municipal police, or duly authorized designee finds that any animal is without proper care because of injury, illness, [+severe thirst,+] confinement or voluntary absence of the owner or person responsible for the care of such animal, the animal control officer, municipal police, or duly authorized designee may impound such animal for protective care. In the event of sickness or injury of the animal, upon the advice of a licensed veterinarian, the animal control officer, municipal

police, or duly authorized designee may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal.

F G. Abandoning of Animal Prohibited. It shall be unlawful for any person to abandon any [+domesticated+] animal in the town of Mesilla, except community cat caregivers.

G H. Discharging Firearms or Fireworks at Any Animal Prohibited. It shall be unlawful for any person to fire any BB gun, firearm or firework in the vicinity of an animal unless used to repel an attack by an animal on a human being, livestock or other animal or unless otherwise permitted pursuant to MTC [6.05.160](#)(C) and (E).

H I. Animals on Unenclosed Premises. It shall be unlawful for any person to stake out, graze, or herd any animal upon any unenclosed private lot or parcel of land in a manner that such animal may be or go beyond the boundary of such lot or land.

[+J. Sexual Abuse. It shall be unlawful for any person to take part in any sexual abuse of an animal. Nothing herein shall prohibit a person from engaging in accepted veterinary practices, medical treatment by the owner or with the owner's consent, or bona fide experimentation for scientific research.+]

K. Keeping of Infected or Painfully Crippled Animals. It shall be unlawful for any person to have, keep, or harbor any animal which is known or believed to be infected with a dangerous or communicable disease or is painfully crippled, wounded, or injured. All such animals shall be reported to the animal control officer, municipal police, or duly authorized designee who will make proper disposition of the animal. This section shall not be construed to include veterinary hospitals in which animals are being treated.

[+1. Given probable cause, the animal control officer may require the owner to provide a letter of health evaluation from a veterinarian describing the condition of the animal and the treatment provided or recommended.

2. The animal control officer may evaluate the condition of an animal in order to determine probable cause.

L. Vehicle Operator Responsibility. A person shall not intentionally strike any animal with any vehicle, self-propelled or otherwise.

1. Any person who, as the operator of a motor vehicle, strikes any animal shall immediately report such injury or death to the marshal, animal control officer, or municipal police.

M. Performing Animal Exhibition; Circus. A performing animal exhibition or circus in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering shall not be permitted.

1. All equipment on a performing animal shall fit properly and shall be in good working condition.

N. Performance of Duty. Nothing herein shall prohibit the marshal, animal control officer, municipal police, or duly authorized designee from using a tranquilizer gun, snare, net, net gun, trap or other similar devices to humanely capture animals as reasonably necessarily for the control of such animals.

O. Storage and Utilization of Hunting Traps. It is unlawful to use or authorize the use of any steel-jawed leghold trap or any other body-gripping trap to capture any animal, except as allowed by state hunting authorities. Such devices shall be stored appropriately when not in lawful use as not to present undue hazard or injury to domesticated animals or humans.

P. Hunting. Nothing herein shall prohibit a person from engaging in legal hunting practices as allowed by state hunting authorities. [Ord. 2007-10 § 23]

6.05.240 Permitted premises. 

A. Permit Required.

1. No person shall operate a ~~kenel~~ residential or commercial multi-animal site, guard dog operation, ~~hobby breeder operation~~, apiary operation, arachnid operation, or insect operation without a valid permit issued by the animal control officer, municipal police, or duly authorized designee. Any person who operates or proposes to operate a residential or commercial multi-animal site shall file an application for a permit with the animal control officer.

2. No person shall operate a ~~kenel~~ residential or commercial multi-animal site, [+or+] guard dog operation or ~~hobby breeder operation~~ without also obtaining a valid business license issued by the town pursuant to MTC Title 5, Business Taxes, Licenses and Regulations. A minimum fine of \$250.00 will be assessed for any violations.+]]

3. A ~~minimum fine of \$100.00~~ [+ \$250.00+] will be assessed for any violations [+All applications for multi-animal site permits must meet the following conditions:

a. An initial non-refundable fee, established by the council by resolution, for residential or commercial multi-animal sites must accompany any application to defray the cost of processing the request.

b. Commercial sites must also comply with the town business registration requirements.

i. An annual commercial multi-animal site permit fee shall be established by the council by resolution.

ii. Approval is required by the town zoning administrator and animal control officer.

iii. All boarded animals three months of age or over must be vaccinated for rabies.

c. All multi-animal residential site permits must be renewed annually at a fee established by the council by resolution.

d. An application may be denied if the owner or responsible person shows a history of noncompliance with this chapter as evidenced by two or more convictions of violations of this chapter during the past year.

e. Multi-animal sites must comply with applicable zoning regulations. If any provision of this section is in conflict with the provision of any applicable zoning regulation, the provision of the zoning regulation shall control.

4. A multi-animal site permit may be revoked when, in the opinion of the zoning administrator or animal control officer, any one or more of the following conditions exist:

a. The premises or enclosures are not maintained in a clean and sanitary condition and are a health hazard or produce noxious odors.

b. The enclosures are unsafe.

c. The number of animals exceeds the number allowed on the permit.

B. [+Special Animal Permits.

1. Applications Generally. A person or organization who seeks to keep any animal requiring a special animal permit shall file an application with the animal control officer describing the location of the site and the purpose for which it is to be maintained. Veterinary hospitals and clinics shall be exempt from this requirement. It shall be a condition of the issuance of any special animal permit that the permittee consents to inspection of the premises at any time between the hours of 6:00 a.m. and 10:00 p.m. The application permit fee shall be set by the council by resolution.

2. Application conditions. All applications for special animal permits required under this section must meet the following conditions:

a. An initial non-refundable fee must accompany any application to defray the cost of the request.

b. An application may be denied if the owner or responsible person shows a history of noncompliance with this chapter as evidenced by two or more convictions of violations of this chapter during the past year.

3. Revocation. A special animal permit may be revoked when, in the opinion of the zoning administrator or animal control officer, any one or more of the following conditions exist:

a. The premises or enclosures are not maintained in a clean and sanitary condition and are a health hazard or produce noxious odors.

b. The enclosures are unsafe.

c. Containers for venomous snakes or lizards are not clearly labeled and locked.

4. Restrictions. The keeping of any permit-required species not allowed under the provisions of the existing special animal permit.

a. Outdoor Rehabilitation Aviary. A special permit is required by any person to keep or maintain an outdoor rehabilitation aviary. The animal control officer will not issue this special permit without proof of a license issued by the federal government and the New Mexico Department of Game and Fish.

b. Birds of Prey. A special permit is required by any person to keep or maintain a bird of prey. The animal control officer will not issue this special permit without proof of a

license issued by the federal government and the New Mexico Department of Game and Fish.

c. Threatened or Endangered Amphibian, Snake, or Reptile. Federal and state permits are required for any person to keep or maintain any species of amphibian, snake or reptile that is listed as threatened or endangered by the federal government or the state.

d. Certain Snakes. A special permit is required for any person to keep or maintain any snakes of the families Elapidae and Viperidae, or the three genera within the family Colubridae (*Thelotornis kirtlandii*, the twig snake; *Dispholidus typus*, boomslang; and *Rhabdophis*, keelbacks). The animal control officer will not issue this special permit until the appropriate federal and state permits are acquired.

e. Pigeons. Fancy pigeons, racing pigeons and sporting pigeons may be kept pursuant to a special permit, provided that structures utilized as lofts shall be maintained in a sanitary condition, and in compliance with all applicable health regulations. The maintaining of undomesticated pigeons is prohibited within town limits.

i. Fancy pigeons are those which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples include fantails, pouters, and trumpeters.

ii. Racing pigeons are those members of the family Columbidae which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after being released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Examples include the racing homer, homing pigeon, or carrier pigeon.

iii. Before issuance of a special permit for the keeping of pigeons, the owner must demonstrate that he is a member in good standing of the following: The American Racing Pigeon Union, Inc., the International Federation of Racing Pigeon Fanciers, the National Pigeon Association; the American Tipler Society; the International Roller Association; or the Rare Breeds Club, as such clubs have rules that help preserve the peace and tranquility of the neighborhood. Membership must be renewed on an annual, or as required, basis in order to maintain the special permit.+]]

C. Permit Applications. Persons who wish to apply for a permit shall file using forms provided by the animal control officer, municipal police, or duly authorized designee. The application shall require information sufficient to assure the animal control officer, municipal police, or duly authorized designee that the applicant and facilities are adequate, in compliance with MTC [6.05.170](#), to care for the animals in a manner that protects the public and the animals and located in an area zoned by the town for such proposed use or facilities in compliance with the regulations set out in MTC Title [18](#), Zoning.

D. Permit Requirement[+s; Transfer+]. No permit is transferable from one person or place to another person or place. A valid permit shall be posted in a conspicuous place at each permitted premises. A permit holder shall notify the animal control officer, municipal police, or duly authorized designee of any changes in operations which may affect the status of the permit and shall keep the animal control officer, municipal police, or duly authorized designee informed of any changes in name, address, or home and business telephone numbers. Both the person in charge of the permitted premises and the owner of the permitted premises shall be responsible for complying with this section. At each permitted premises, a current record shall be kept which describes all animals owned, purchased or received after the date of issuance of the permit.

An application for renewal must be accompanied by a current certificate of inspection issued by the animal control officer, municipal police, or duly authorized designee and shall be filed with the animal control officer, municipal police or duly authorized designee at least ~~30~~ [+thirty (30)+] days but no more than ~~60~~ [+sixty (60)+] days before the date of expiration. Failure to renew the permit as specified shall result in the expiration of the permit or in the assessment of a late fee of ~~\$10.00~~ [+in accordance with a schedule adopted by the council by resolution+] for each day in violation after the date of expiration[+,+] in addition to the cost of renewing the permit.

The application shall require information sufficient to assure the animal control officer, municipal police, or duly authorized designee that the applicant and facilities are adequate, in compliance with MTC [6.05.170](#), to care for

the animals in a manner that protects the public and the animals and located in an area zoned by the town for such proposed use or facilities in compliance with the regulations set out in MTC Title [18](#), Zoning.

D. E. Facilities and Care Applicable to ~~Kennels~~ [+Residential or Commercial Multi-Animal Sites+], Guard Dog Operations, ~~Hobby Breeder Operations~~, Arachnid Operations, and Insect Operations. Housing facilities for animals applicable to ~~kennels~~ [+residential or commercial multi-animal sites+], guard dog operations, ~~hobby breeder operations~~, arachnid operations, or insect operations shall be constructed, repaired and maintained in compliance with MTC [6.05.170](#) and MTC Title [15](#), Buildings and Construction.

E. F. Access to Permitted Premises. The animal control officer, municipal police, or duly authorized designee shall be allowed to enter the premises following notification to the permit holder or applicant for the purpose of inspection prior to issuance of a permit, renewal of a permit, or for investigation of a complaint.

F. G. Suspensions and Revocations of Permits. When the animal control officer, municipal police, or duly authorized designee discovers that a permitted premises is in violation of this section or MTC Title [5](#), Business Taxes, Licenses and Regulations, MTC Title [15](#), Buildings and Construction, or MTC Title [18](#), Zoning, he or she shall give written notice of this violation to the permit holder, operator, owner or person in charge by means of an inspection report or other written notice. The notification shall state that failure to comply with the provisions of this section may result in immediate suspension or revocation of the permit. Permits may be suspended for 30 days to allow the permit holder to comply with the requirements of this section or other applicable laws, ordinances or regulations. A permit shall be surrendered to the animal control officer, municipal police, or duly authorized designee upon suspension or revocation. A person whose permit has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit by filing an additional application for a permit on a form required by the animal control officer, municipal police, or duly authorized designee. Within five business days after the application is received by the animal control officer, municipal police, or duly authorized designee, he or she shall conduct an inspection of the premises proposed to be permitted or re-permitted. If the applicant and the site are in compliance with all the applicable requirements of this section and all other applicable laws, regulations, and ordinances, the permit shall be reinstated.

G. H. Guard Dog Operation. A person who wishes to conduct a guard dog operation or business shall first obtain a guard dog permit in accordance with this section and shall be subject to any and all other requirements therein applicable. In addition to the facilities and care standard requirements of permitted premises set forth in this section, the area where the guard dog is housed while not on duty shall be secured in a manner which will prevent their escape. The off-duty housing area shall be kept locked when not in use. Premises where guard dogs are on duty or in use shall be posted with warning signs at least 42 [+twelve (12)+] inches long on each

side. The warning sign shall state "Guard Dog" or "Guardian" and shall show a picture of an aggressive dog. The warning signs shall be posted not more than 200 feet apart on the exterior of the fences or walls surrounding the site where such guard dogs are on duty or in use, and shall be posted at the exterior corners of said site and every entrance of said site. Further:

[+1. A dog shall not be used to guard residential property.

2. The permit application shall include sufficient information to identify the name and address of the owner of the commercial property, the name and address of the owner of the guard dog, and the location intended to be guarded by the guard dog.

3. The permit applicant must submit to a pre-permit inspection of the premises by the animal control officer, so that an accurate physical description of the animal may be obtained.

4. Prior to obtaining the permit, the permit applicant shall obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interests and costs, of not less than one hundred thousand (\$100,000) for damage or bodily injury to or death of a person caused by the guard dog.

5. Vehicles used to transport a guard dog and vehicles being protected by a guard dog shall be secured so the public is protected from injury. The vehicle shall be constructed or modified to ensure that the guard dog is transported in a safe, humane manner. The vehicle shall be conspicuously posted with guard dog signs on both sides of the vehicle.+]]

H. I. Apiary Operations, Arachnid Operations, and/or Insect Operations. A person who wishes to conduct an apiary operation, arachnid operation, and/or insect operation or business shall first obtain a permit from the animal control officer, municipal police, or duly authorized designee. To qualify for such a permit, the person must demonstrate in the form of certification, training, or education to the animal control officer, municipal police, or duly authorized designee that such person or his or her agents or representatives have the requisite or necessary knowledge, skill, or experience for the identification and handling or controlling of such animals. [+A permitted individual or other person maintaining an apiary must comply with all provisions of the New Mexico Bee Act, NMSA 1978, Chapter 76, including any rules and regulations promulgated by the New Mexico Department of Agriculture, if applicable.

1. Abandoned Hives. Any hive or comparable apparatus that is not occupied by a live bee colony, and that is accessible to bees, is hereby declared a public nuisance. The hive or apparatus shall be subject to abatement.

2. Africanized Bees. If the marshal determines that the presence of Africanized or overly defensive honey bees in a hive is a public nuisance or if Africanized or overly defensive honey bees from a hive are entering land other than the land upon which the hive is located so as to endanger the public health, safety, or welfare or so as to create an unreasonable interference with the use of the property of others, the marshal or his designee may take any action necessary to abate the public nuisance, including, but not limited to, moving, selling, destroying, or otherwise disposing of the infested hive as he might direct.+]]

4. J. Exceptions to Permitted Premises. The following are not required to obtain a permit under this section but shall remain subject to the regulations set out in MTC Title 5, Business Taxes, Licenses and Regulations, MTC Title 15, Buildings and Construction [+Construction+], and MTC Title 18, Zoning:

1. A veterinarian hospital or clinic operated by a licensed veterinarian.
2. A bona fide research institution, using animals for research.
3. A publicly owned animal control center or shelter. [Ord. 2007-10 § 24]

6.05.250 Violation – Penalty.

A. Any person who shall violate any provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both. Each day of a violation shall be considered a separate offense.

B. Citations may be issued to the custodian or owner of the animal in violation. The impounding fee shall be ~~\$25.00~~ [+~~\$50.00~~+] for the first impoundment within a 12-month period, ~~\$50.00~~ [+~~\$75.00~~+] upon a second impoundment within the same 12-month period, ~~\$75.00~~ [+~~\$150.00~~+] upon the third impoundment within the same 12-month period, and \$300.00 upon every impoundment after the third impoundment within the same 12-month period. The fee for an animal with no license tag shall be based on a schedule adopted by the council by resolution.

C. It shall be the duty of any person who is the owner or the keeper of any ~~vicious or dangerous~~ [+dangerous or potentially dangerous dog, or potentially dangerous or ferocious wild +] animal, the keeping of which is

unlawful, to cause such animal to be destroyed[+, or other disposition as a court of competent jurisdiction might direct,+] in accordance with MTC [6.05.160](#). Failure to comply with this section shall subject such owner or keeper to a minimum fine of ~~\$10.00~~ [+\$100.00+] plus costs. Each day's failure to comply shall be considered a separate offense. [Ord. 2007-10 § 25]

DRAFT

NOVEMBER IS AMERICAN DIABETES MONTH®



diabetes.org/DearDiabetes
#EverydayReality

Office of the Mayor Nora L. Barraza & Board of Trustees Mesilla, New Mexico

PROCLAMATION

- WHEREAS,** in the United States, more than 30 million people – including **241,000** in New Mexico – have diabetes, a serious disease with potentially life-threatening complications including heart disease, stroke, blindness, kidney disease and amputation; and
- WHEREAS,** an additional 84 million people in the United States are at risk of developing type 2 diabetes; and
- WHEREAS,** approximately every 21 seconds, someone in the United States is diagnosed with diabetes; and
- WHEREAS,** an increase in community awareness is necessary to put a stop to the diabetes epidemic; let it therefore be
- RESOLVED,** that I, Mayor, Nora L. Barraza, and the Board of Trustees of the Town of Mesilla, do hereby proclaim November 2018 to be American Diabetes Month® in Mesilla, New Mexico. I encourage all Americans to recognize American Diabetes Month and be part of the American Diabetes Association’s movement to confront, fight and, most importantly, change the future of this deadly disease.

In witness whereof I have hereunto set my hand and this November 26, 2018 caused this seal to be affixed.

NORA L. BARRAZA



**BOARD OF TRUSTEES
TOWN OF MESILLA
WORK SESSION
TUESDAY, NOVEMBER 13, 2018
5:30 P.M.**

TRUSTEES: Nora L. Barraza, Mayor
Jesus Caro, Mayor Pro Tem
Carlos Arzabal, Trustee
Veronica S. Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Clerk/Treasurer
K.C. Alberg, Marshal

PUBLIC: Susan Krueger

**A. Discussion on amending the Mesilla Town Code Chapter 6.05 Animal Control Ordinance. –
Marshal K.C. Alberg.**

Mayor Barraza opened the work session at 5:30 p.m. to discuss amending the Mesilla Town Code Chapter 6.05 Animal Control Ordinance.

Marshal Alberg gave an update on the amendments of the ordinance. He will have a clean draft by Friday or Monday at the latest to submit to the Board.

Trustee Johnson-Burick asked about the fee structure. Are our fees going to be like Dona Ana County and the City's?

Marshal Alberg responded yes, they will be similar, but Mesilla does have some other fees that the County and City would not because we have chickens that are allowed and other animals.

Mayor Pro-Tem Caro recommended a military discount along with a Senior discount.

Marshal stated that there were some definition clarifications that still needed to be included. He has another meeting with the taskforce and will get some final verbiage to include into the ordinance. Discussion regarding changing the use of the language for "kennel" in residential because they're not all commercial. Maybe something like "residential permit." Also adding language regarding chaining or tethering.

Mayor Barraza stated that Cynthia will forward the draft she receives from the Marshal once she receives it.

Mayor Barraza closed the work session at 5:58 p.m.

**BOARD OF TRUSTEES
TOWN OF MESILLA
REGULAR MEETING
TUESDAY, NOVEMBER 13, 2018
6:00 P.M.**

TRUSTEES: Nora L. Barraza, Mayor
Jesus Caro, Mayor Pro Tem
Carlos Arzabal, Trustee
Veronica S. Garcia, Trustee
Stephanie Johnson-Burick, Trustee

STAFF: Cynthia Stoechner-Hernandez, Clerk/Treasurer
K.C. Alberg, Marshal
Armando Cordero

PUBLIC: Susan Krueger

1. PLEDGE OF ALLEGIANCE

Mayor Barraza led the Pledge of Allegiance.

2. ROLL CALL & DETERMINATION OF A QUORUM

Mayor Barraza, Mayor Pro-Tem Caro, Trustee Arzabal, Trustee Garcia, and Trustee Johnson-Burick were in attendance. A quorum was present.

3. CHANGES TO THE AGENDA & APPROVAL

Motion: To approve agenda, **Moved by Trustee Arzabal, Seconded by Trustee Garcia.**

Roll Call Vote: Motion passed (summary: Yes = 4).

Mayor Pro Tem Caro Yes

Trustee Arzabal Yes

Trustee Garcia Yes

Trustee Johnson-Burick Yes

4. PUBLIC INPUT – The public is invited to address the Board for up to 3 minutes.

Ms. Susan Krueger gave her input. It's a pleasure to have the Marshal involved in the Animal Care Control Taskforce. They have a session on Friday and are working on a redlined ordinance. She voiced concerns about Mr. Art Villa's case being on the Assessor's report as it is repainting the inside of the home. He should not have had to get a permit.

5. CLOSED SESSION – pursuant to NMSA 1978 Chapter 10-15-1(H)(2): discussion limited to personnel matters in the Public Works Department. – **Nora L. Barraza, Mayor.**

Motion: To close regular meeting and go into closed session, **Moved by Trustee Arzabal, Seconded by Mayor Pro-Tem Caro.**

Roll Call Vote: Motion passed (summary: Yes = 4).

Mayor Pro Tem Caro Yes

Trustee Arzabal Yes

Trustee Garcia Yes

97 Trustee Johnson-Burick Yes

98

99 Entered Closed Session at 6:13 p.m.

100

101 **Motion:** To enter Regular Meeting after limited discussion pursuant to NMSA 1978 Chapter 10-15-
102 1(H)(2) regarding personnel matters in the Public Works Department; no action taken, **Moved by**
103 **Trustee Johnson-Arzabal, Seconded by Mayor Pro-Tem Caro.**

104

105 **Roll Call Vote: Motion passed (summary: Yes = 4).**

106 **Mayor Pro Tem Caro Yes**

107 **Trustee Arzabal Yes**

108 **Trustee Garcia Yes**

109 **Trustee Johnson-Burick Yes**

110

111 **6. *APPROVAL OF CONSENT AGENDA – The Board will be asked to approve by one**
112 **motion the following items of recurring or routine business. The Consent Agenda is**
113 **marked with an asterisk *:**

114 **Motion:** To add items under New Business: B, C, and D and to approve consent agenda, **Moved by**
115 **Trustee Arzabal, Seconded by Trustee Johnson-Burick.**

116 Mayor Pro-Tem Caro asked for clarification on the funding sources for items B, C and D. Mayor
117 Barraza explained them as stated on the agenda.

118 **Roll Call Vote: Motion passed (summary: Yes = 4).**

119 **Mayor Pro Tem Caro Yes**

120 **Trustee Arzabal Yes**

121 **Trustee Garcia Yes**

122 **Trustee Johnson-Burick Yes**

123 **A. *BOT Minutes – Minutes of a Work Session and a Regular meeting of October 22, 2018.**
124 *Approved by consent agenda.*

125 **B. *PZHAC Case 060808 – 2731 Calle Cuarta, submitted by Jesus Alvarado for Arthur Villa;**
126 **a request for a building permit to repaint the outside of a dwelling at this address. Zoned:**
127 **Historical Residential (HR). *Approved by consent agenda.***

128 **C. *PZHAC Case 060809 – 2243 Calle de Santa Ana, submitted by Julie and Henry R.**
129 **Lucero; a request for a building permit to install a wooden fence at the rear of a dwelling**
130 **located at this address. Zoned: Historical Residential (HR). *Approved by consent agenda.***

131 **D. *PZHAC Case 060813 – 2310 Avenida de Mesilla, submitted by Morgan Switzer for “NM**
132 **Vintage Market”; a request for a building permit to allow two wall signs to be installed at a**
133 **retail shop at this address. Zoned: Historical Commercial (HC). *Approved by consent***
134 ***agenda.***

135 **7. NEW BUSINESS:**

136 **A. For Approval: the hiring of a Public Works Director. – Nora L. Barraza, Mayor.**

137 Mayor Barraza stated that at this time she would like to request that the board appoint Rodney
138 McGillivray as Public Works Director. He is highly qualified and is moving to Las Cruces from Nevada.
139 He’s got several certifications in building inspection and on public works projects.

140

141 **Motion:** To approve the hiring of Mr. Rodney McGillivray, **Moved by Trustee Arzabal, Seconded by**
142 **Trustee Johnson-Burick.**

143
144 **Roll Call Vote: Motion passed (summary: Yes = 4).**

145 **Mayor Pro Tem Caro Yes**

146 **Trustee Arzabal Yes**

147 **Trustee Garcia Yes**

148 **Trustee Johnson-Burick Yes**

149

150 **B. For Approval:** an agreement with Souder Miller and Associates for design on the Town of
151 Mesilla Calle de Norte Trail Project funded from the New Mexico Department of
152 Transportation (NMDOT) – **Armando Cordero/Cynthia Stoechner-Hernandez,**
153 **Clerk/Treasurer. *Approved by consent agenda.***

154 **C. For Approval:** an agreement with Molzen-Corbin for design on the Town of Mesilla 2019
155 Local Government Road Fund (LGRF) Calle de Parian road improvement project. –
156 **Armando Cordero/ Cynthia Stoechner-Hernandez, Clerk/Treasurer. *Approved by***
157 ***consent agenda.***

158 **D. For Approval:** an agreement with Molzen Corbin for design on the Town of Mesilla
159 Bowman Street Reconstruction project funded by Capital Outlay Funding. – **Armando**
160 **Cordero/Cynthia Stoechner-Hernandez, Clerk/Treasurer. *Approved by consent agenda.***

161 **8. *STAFF REPORTS: *Approved by consent agenda.***

162 Community Development

Community Programs

163 Finance Department

Fire Department

164 Marshal's Department

Public Works Department

165 **9. BOARD OF TRUSTEE COMMITTEE REPORTS**

166 Trustee Arzabal will go to a CO meeting either the 6th or 7th in December.

167 Trustee Johnson-Burick will attend an MPO meeting tomorrow at 1 PM.

168 Mayor Barraza stated that she attended the Infrastructure Conference in Albuquerque in October and also
169 attended the Nation League of Cities Conference in Los Angeles last week.

170 **10. BOARD OF TRUSTEE/STAFF COMMENTS**

171 Mr. Cordero stated that Calle Primera has begun. They are going to have to move a utility line. The
172 water trust board meter replacement project needs more 1", 1 ½" and 2" meters, so we are waiting for
173 those then that will complete that project. Molzen Corbin is beginning the surveying on Bowman Street.
174 McDowell sewer project is going to be going out to bid soon.

175

176 Mayor Pro-Tem Caro stated that he has a few more potholes to report on Snow/Sur, Snow/Norte, and
177 Oeste/Parian. Veteran's Day Ceremony went well.

178

179 Trustee Johnson-Burick stated that it was an honor to be at the Veteran's Day Ceremony.

180

181 Trustee Arzabal stated that he wasn't able to attend the Veteran's Day Ceremony because he was
182 coaching football. His students are working on a Service Learning project and they picked Action
183 Programs for Animals on Picacho. He was contacted by Mike Cook from the Bulletin to put some

184 positive stuff about Mesilla in the paper. He told him to contact the Mayor and Cynthia.

185

186 Trustee Garcia asked if we are going to discuss moving the voting date or not? MOLI had better speakers
187 this time.

188

189 Mayor Barraza responded to Trustee Garcia regarding the voting date discussion – we were working with
190 the former County Clerk on this prior to his leaving. At this point, we want to wait and see how it goes
191 with the other Municipalities that are opting in to change their elections to November of even years in
192 order to decide.

193 **11. ADJOURNMENT**

194 **The Town of Mesilla Trustees unanimously agreed to adjourn the meeting. (Summary: Yes-4)**

195

196 **MEETING ADJOURNED AT 6:49 P.M.**

197

198

199

200

201 **APPROVED THIS 26th OF NOVEMBER, 2018.**

202

203

204

Nora L. Barraza
Mayor

205

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207

208 **ATTEST:**

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211

Cynthia Stoenner-Hernandez
Town Clerk/Treasurer

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PZHAC ACTION FORM
BUILDING PERMIT 060515
[PZHAC REVIEW – 11/19/18]
STAFF ANALYSIS

Decision was based on information provided during the Work Session – Item 1

Item:

Case 060515 – 2160 Calle del Norte, submitted by Gary Bell and Saharu Oda; a request for a building permit to construct a dwelling with guest quarters on a vacant property at this address. Historical Residential (HR).

Staff Analysis:

The proposed work was discussed in the PZHAC Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the proposed dwelling will be acceptable for the property or the Town, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings stated below.

If, on the other hand, it is determined that the proposed dwelling will not be acceptable to the property or the Town, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Estimated Cost: @ \$350,000.00

Consistency with the Code:

The PZHAC will need to determine that the proposed dwelling, when finished, will be consistent with the zoning requirements for this property. Additionally, the PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of building a dwelling and guest quarters on a property at this address.
- The PZHAC has determined that the proposed structure meets all applicable Code requirements.

PZHAC ACTION:

The PZHAC determined that the request meets the requirements of the Code and voted 3 – 0 to recommend APPROVAL of the permit to the BOT.

BOT OPTIONS:

1. Approve the requested permit as approved by the PZHAC.
2. Approve the requested permit with conditions.
3. Reject the application.

BOT ACTION:

PZHAC ACTION FORM
BUILDING PERMIT 060515
[PZHAC REVIEW – 11/19/18]
STAFF ANALYSIS

Decision to be based on information provided during the Work Session – Item 1

Item:

Case 060515 – 2160 Calle del Norte, submitted by Gary Bell and Saharu Oda; a request for a building permit to construct a dwelling with guest quarters on a vacant property at this address. Historical Residential (HR).

Staff Analysis:

The proposed work was discussed in the PZHAC Work Session held prior to this meeting. (Please refer to the information provided in the write-up for this item in the Work Session.)

If it is determined that the proposed dwelling will be acceptable for the property or the Town, or if an alternate solution is arrived at, then the request can proceed on the assumption that all requirements of the Code will be satisfied. The PZHAC should continue on to approve the request based on the Findings stated below.

If, on the other hand, it is determined that the proposed dwelling will not be acceptable to the property or the Town, and no other solution can be reached, then the PZHAC should either postpone the request further until the applicant can return with a proposal that meets the standards set forth by the PZHAC; or the PZHAC should deny the request based on the request not meeting any or all of the Findings as listed.

Estimated Cost: @ \$350,000.00

Consistency with the Code:

The PZHAC will need to determine that the proposed dwelling, when finished, will be consistent with the zoning requirements for this property. Additionally, the PZHAC will also need to determine that the request, as submitted, is consistent with the all other sections of the **Building and Zoning Codes** that may be applied to this project.

Findings:

- The PZHAC has jurisdiction to review and approve this request.
- The proposed work consists of building a dwelling and guest quarters on a property at this address.
- The PZHAC has determined that the proposed structure meets all applicable Code requirements.

PZHAC OPTIONS:

1. Recommend approval of the requested building permit to the BOT.
2. Recommend approval of the requested building permit to the BOT with conditions.
3. Reject the permit.

PZHAC ACTION:

**PZHAC WORK SESSION
NOVEMBER 19, 2018
ITEM 1**

Submitted by Villa Custom Homes for Gary Bell and Saharu Oda; a request to discuss changes to plans for a dwelling to be built at 2260 Calle del Norte. (Case 060515) Zoned: Zoned: Historical Residential (HR)

Staff Analysis:

This project was originally discussed at the PZHAC Work Session held March 6, 2016 and approved on March 20, 2017; but was never issued. The main issues that were discussed at the time were access to the property, availability of utilities, drainage, and the style of the structure. These issues have all been met, but the PZHAC needs to review the style of the new proposed structure.

The property, which is 0.497 acres in size, is located immediately north of a property at 2140 Calle del Norte, and southwest of and adjacent to the Sommer Grove Subdivision. (See attached map). The main dwelling was to be about 2300 square feet in size, with a detached 700 square foot casita. (A copy of the original elevations is attached.)

The applicant is now proposing a 2083 square foot main dwelling with an attached guest suite of 288 square feet. The dwelling will be Pueblo style and will vary in height from 15.5 to 17.5 feet, with the height of the chimney being 20.66 feet (see attached elevations). Access to the property will be by a 255 foot long by 25 foot wide easement across the east edge of the property at 2140 Calle del Norte from Calle del Norte.

Attached is a site plan of the property, along with a survey and floor plans for the dwelling and guest suite.

Since this construction is in a Historic zoning district, the PZHAC will need to determine that the new structure meets the following section of the Code:

18.33.080 Historical appropriateness permit.

A. Identification. A permit for a certificate of historical appropriateness shall be required before any of the following actions or work is undertaken: new construction, exterior alteration, demolition or removal. All work or acts of new construction or exterior alteration requiring a permit for a certificate of appropriateness shall comply with the design criteria established by the precedent styles within the development zone of the proposed work.

The applicant or a representative will be present at the work session to provide further details about the proposed construction, and will be available to answer any questions that may arise.

PHOTO OF THE PROPERTY LOOKING NORTHWEST



PHOTO OF THE PROPERTY LOOKING NORTHEAST



**PHOTO OF THE EASEMENT TO THE PROPERTY
(SHARED DRIVEWAY TO 2140 CALLE DEL NORTE)**



PHOTO OF THE DWELLING AT 2140 CALLE DEL NORTE



PHOTO OF THE DWELLING AT 2170 CALLE DEL NORTE



PHOTO OF THE DWELLING AT 2188 CALLE DEL NORTE



PHOTO OF THE DWELLING AT 2100 CALLE DEL NORTE



PHOTO OF THE DWELLING AT 1910 CALLE PACANA



PHOTO OF THE DWELLING AT 1930 CALLE PACANA

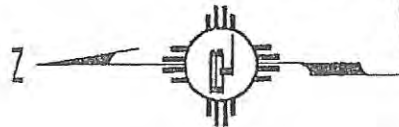


**SOMMER GROVE SUBDIVISION
2160 CALLE DEL NORTE
(ADJACENT TO SUBDIVISION)**



PLAT OF SURVEY

LOT A
 U.S.S TRACT 11B-11 REPLAT NO. 1
 PLAT FILED SEPTEMBER 18, 1997, IN
 BOOK 18, PAGE 770, OF THE
 DONA ANA COUNTY RECORDS
 TOWN OF MESILLA
 DONA ANA COUNTY
 NEW MEXICO



DRAWN BY:	C. SCANLON
FIELD BY:	E. RODRIGUEZ
JOB NO.:	16-09-0361
DATE:	SEPT. 6, 2016



SURVEYOR'S CERTIFICATE

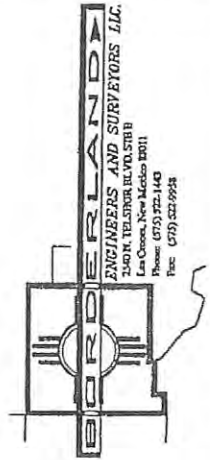
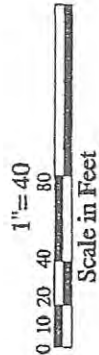
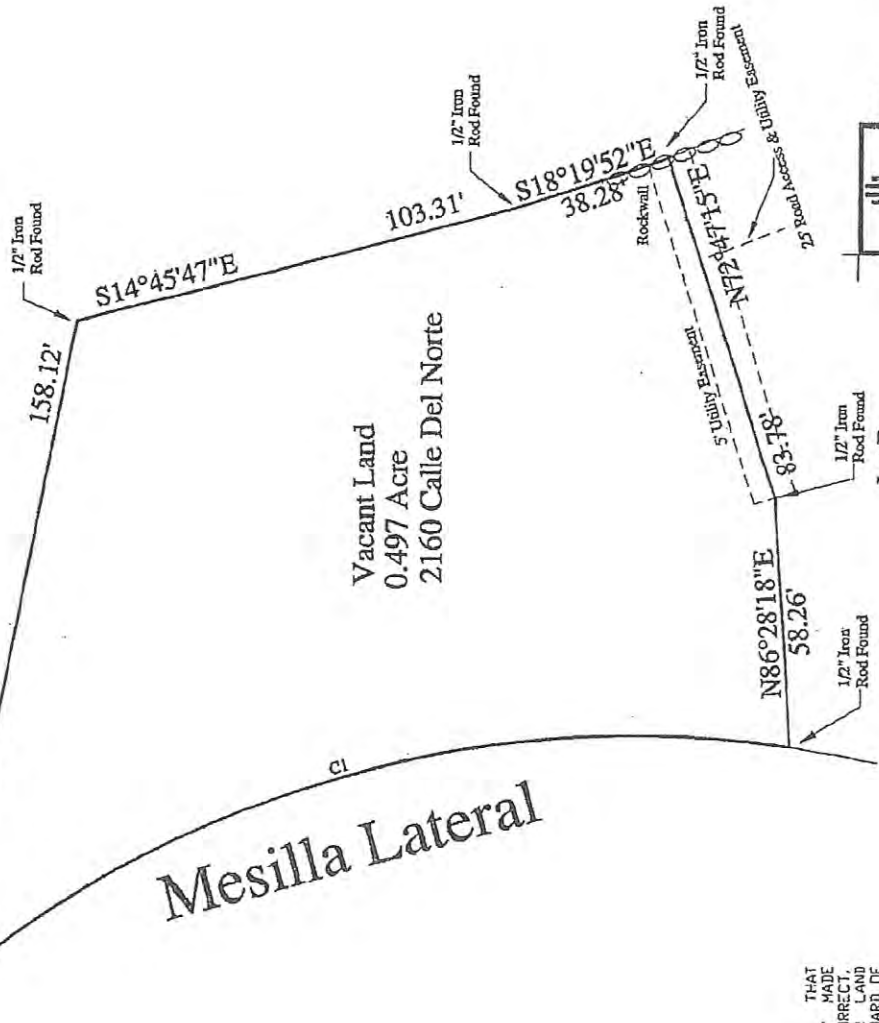
THIS IS TO CERTIFY THAT I AM A REGISTERED LAND SURVEYOR, THAT THIS PLAT WAS PREPARED FROM FIELD NOTES OF AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT IT IS TRUE AND CORRECT, MEETING THE MINIMUM REQUIREMENTS OF THE STANDARDS FOR LAND SURVEYS IN NEW MEXICO AS ADOPTED BY THE NEW MEXICO STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SEPT. 6, 2016
 DATE OF SURVEY
 T. G. SCANLON P.S. NO. 9433
 2990 N. MAIN ST. SUITE 3C LAS CRUCES, NM, 88001

PROPERTY IS IN AN "X" DESIGNATED ZONE AS SHOWN ON THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 35013C1093 G, EFFECTIVE JULY 6, 2016.

NOTES:
 THE BASIS OF BEARING IS THE NAD83 BOUNDARY.
 ALL ENDPOINTS SHOWN HEREON ARE PER FILED INSTRUMENT OF RECORD AS NOTED HEREON.
 BEARINGS AND DISTANCES MATCH THAT OF RECORD, UNLESS OTHERWISE NOTED.
 1/2" IRON RODS WITH YELLOW PLASTIC CAP LABELED MIP5 9433 SET AT PROPERTY CORNERS OR AS NOTED HEREON.

CURVE TABLE					
CURVE	LENGTH	RADIUS	CHORD	CHORD BEARING	DELTA
C1	208.04'	245.31'	201.86'	N15°58'12"W	48°35'26"



Items 1 and 3

PROJECT
LOCATION



LOCATION MAP

SUBDIVISION NAME:
Incorporated

SITE DATA:

Address: 2160 Calle Del Norte
Zoning: Incorporated

REVIEW AGENCY:

TOWN OF MESILLA
COMMUNITY DEVELOPMENT
575-524-3262

CODES:

2015 International Residential Building Code
2015 International Energy Conservation Code
Mesilla Town Code

GENERAL CONTRACTOR:

Villa Custom Homes

BUILDING DATA:

HEATED / LIVABLE	2,083 SF
GUEST SUITE	288 SF
PATIO'S / COVD ENTRY	488 SF
3-CAR GARAGE	834 SF
TOTAL HEATED	2,371 SF
TOTAL	3,663 SF

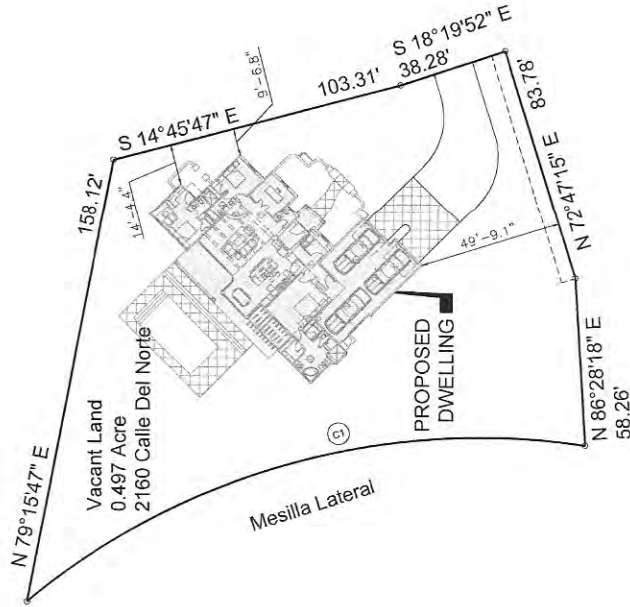
A New Single Family Residence For:

Villa Custom Homes - Bell Residence

Mesilla, New Mexico
November 5th, 2018

SHEET INDEX

1. COVER SHEET, SITE PLAN
2. FOUNDATION PLAN, FND DETAILS
3. FLOOR PLAN, GENERAL NOTES
4. ELEVATIONS, ROOF FRAMING PLAN, ROOF PLAN, GENERAL NOTES
5. BUILDING SECTIONS, TYPICAL WALL SECTIONS
6. ELECTRICAL / LIGHTING PLAN



SITE PLAN

SCALE: 1/4\"/>

Mesilla, New Mexico



Sht No.
1 OF 6



PROJECT: 16-003-D-02
 DATE: 11-05-18
 SCALE: AS NOTED

OWNER: Villa Custom Homes
 PROJECT: Bell Residence

REVISIONS:
 NO. DATE DESCRIPTION
 1. 11-05-18

SCALE: AS NOTED
 DATE: 11-05-18

OWNER: Villa Custom Homes
 PROJECT: Bell Residence

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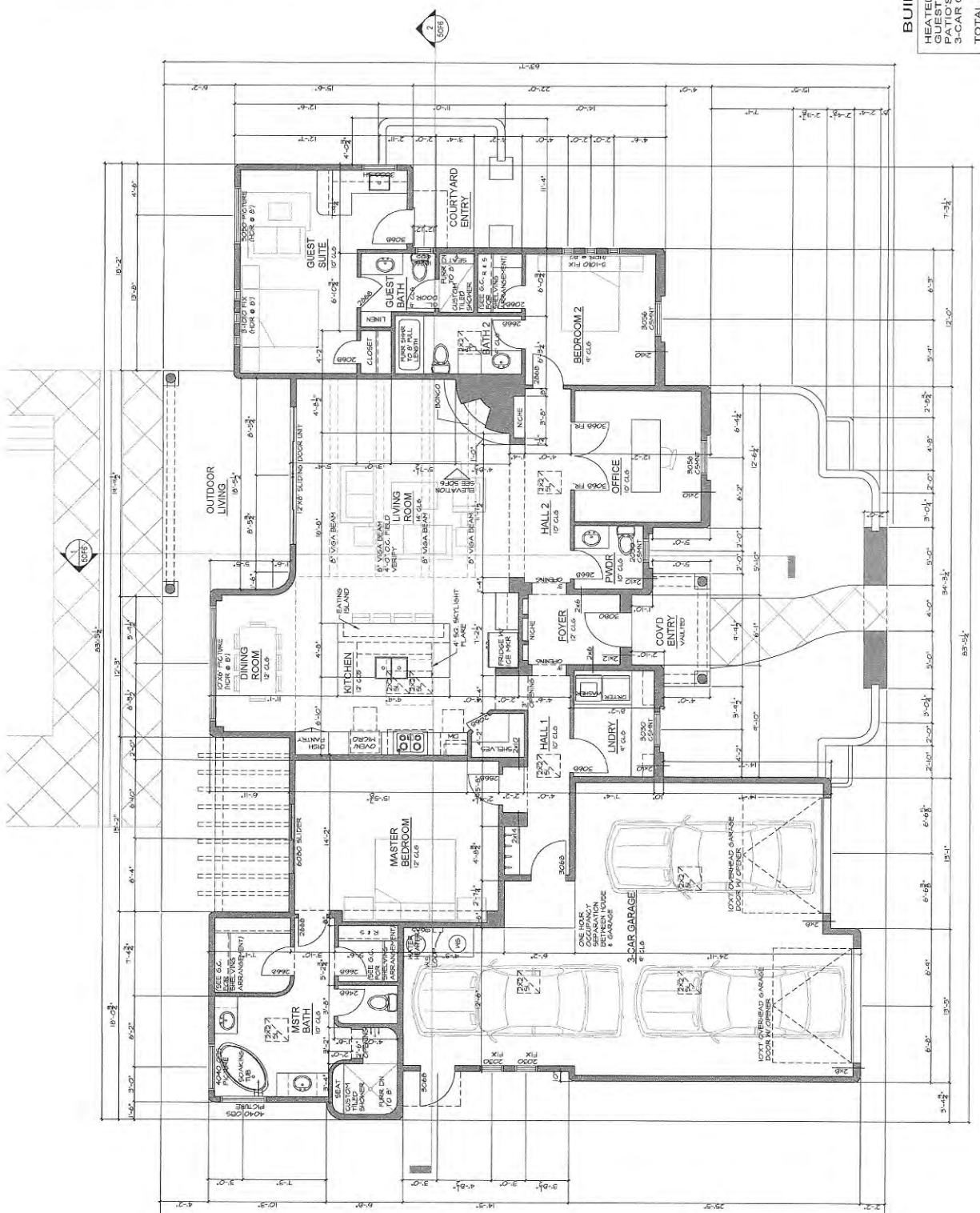
SCALE: AS NOTED
 DATE: 11-05-18

OWNER: Villa Custom Homes
 PROJECT: Bell Residence

GENERAL NOTES:

- GENERAL CONTRACTOR IS RESPONSIBLE FOR OVERALL SITE SAFETY AND SITE CLEAN UP.
- MECHANICAL AND PLUMBING CONTRACTOR TO ESTABLISH RESPONSIBILITY FOR CONDENSATE SYSTEMS.
- ONLY LICENSED CONTRACTORS TO BE USED ON PROJ. 2017.
- MECHANICAL CONTRACTOR TO VERIFY FRESH AIR SUPPLY TO EACH ROOM AS REQUIRED.
- ELECTRICAL CONTRACTOR TO COORDINATE WITH CONCRETE CONTRACTOR TO SIZE AND PLACE ALL ELECTRICAL THROUGH FOUNDATION AS REQUIRED.
- EXTERIOR WALLS TO BE 2X6 STUDS @ 24" O.C. STUDS @ 24" O.C.
- INTERIOR NON-BEARING WALLS TO BE 2X4 STUDS @ 24" O.C.
- INTERIOR BEARING WALLS TO BE 2X4 STUDS @ 16" O.C.
- ALL HEADERS ON LOAD BEARING WALLS TO BE BUILT UP WITH 2X12.
- ALL FIXTURES & APPLIANCES TO BE CHOSEN THAT IS SHOWN ON THE PLANS.
- PROVIDE FIRE & DRAFT STOPS PER 2015 IBC.
- ONE HOUR MIN. OCCUPANCY SEPARATION BETWEEN HOSE AND GARAGE.
- ALL WALLS TO BE INSULATED WITH 2" R-19 INSULATION WITH CHASE PRIOR TO CONSTRUCTION.
- ALL INTERIORS TO BE FINISHED WITH THE FOLLOWING: 1. FLOORING TO BE DETERMINED BY OWNER PRIOR TO INSTALLATION. 2. WALLS TO BE FINISHED WITH CHASE PRIOR TO CONSTRUCTION.
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 GUEST SUITE: 288 SF
 PATIOS / COVD ENTRY: 488 SF
 3-CAR GARAGE: 634 SF
 TOTAL HEATED: 2,371 SF
 TOTAL: 3,693 SF



FLOOR PLAN



SCALE: 1/8" = 1'-0"

DATE: 11-05-18

OWNER: Villa Custom Homes

PROJECT: Bell Residence

REVISIONS:
 NO. DATE DESCRIPTION
 1. 11-05-18

SCALE: AS NOTED
 DATE: 11-05-18

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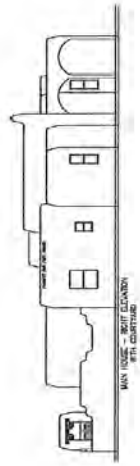
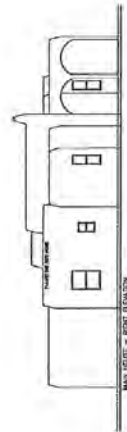
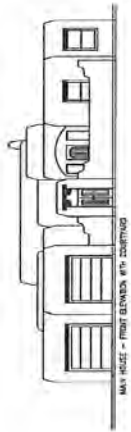
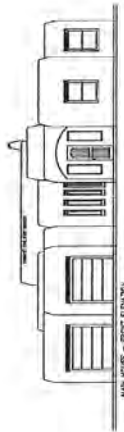
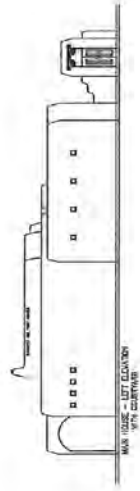
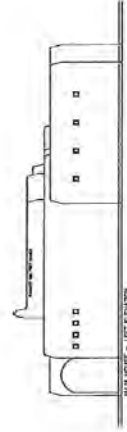
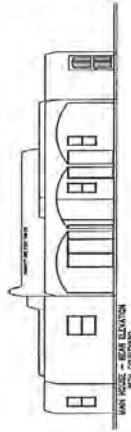
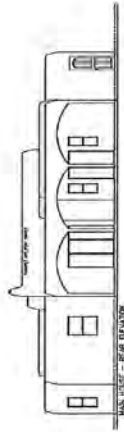
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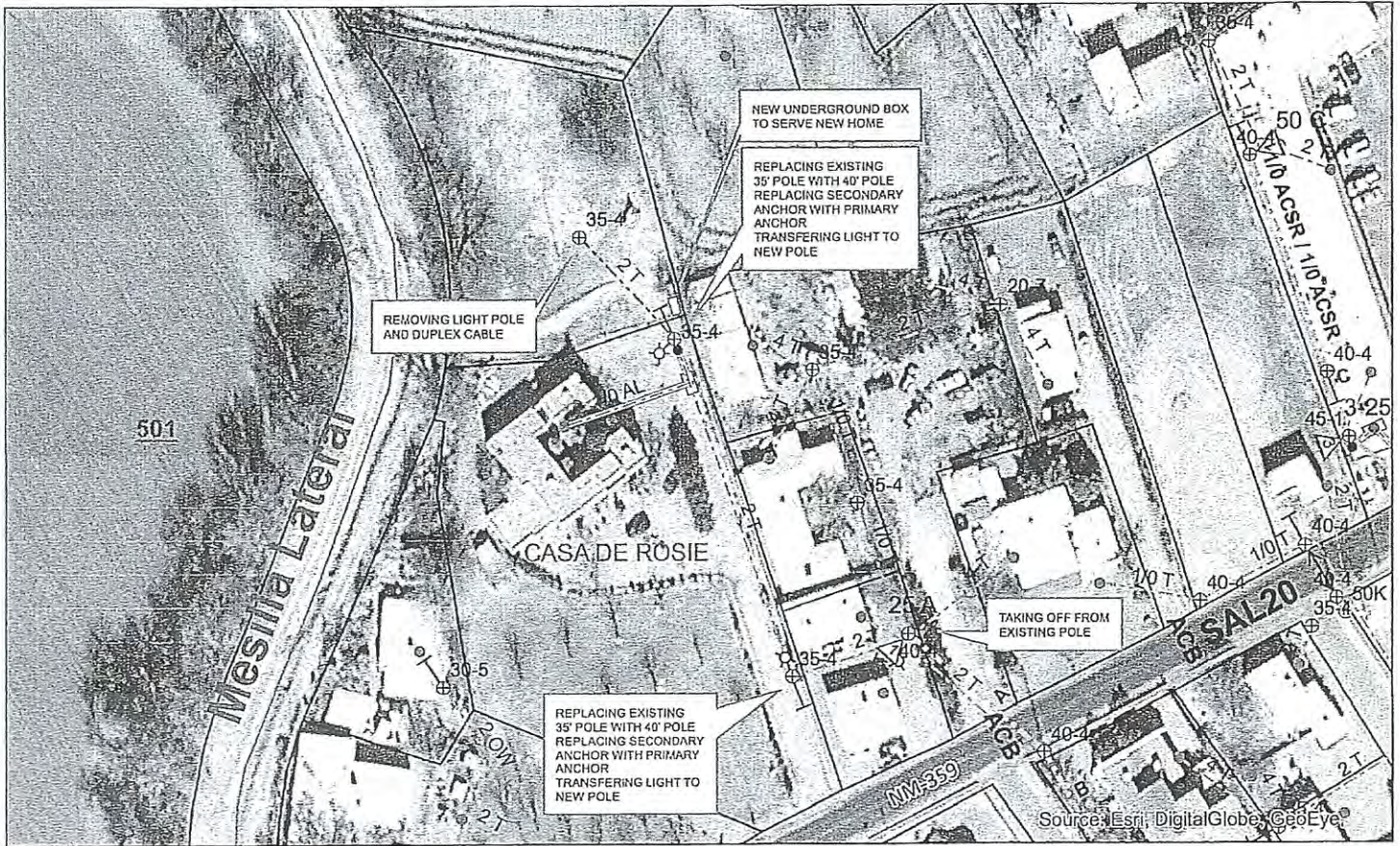
OWNER: Villa Custom Homes

PROJECT: Bell Residence

COPY OF ORIGINAL ELEVATIONS



Item 5



Source: Esri, DigitalGlobe, GeoEye



1 inch = 51.39145 feet

Work Request #: EPE Work Request Number
 Work Order #: EPE Work Order Number
 Tax District #: EPE Tax District
 Feeder: Feeder Name

EPE Contact Name
 EPE Job Location
 EPE Legal Description
 EPE Township/Range/Section

Planner: EPE Planner
 Planner Phone: EPE Planner Phone
 Planner Cell: EPE Planner Cell
 Customer: EPE Contact Name
 Customer Phone: EPE Contact Phone



Item 7

Doña Ana County, NM

General Reference Maps

2014 Aerial | Addresses | County Address Points

Select Search Type: Account Nu

Maps

Legend

Map Themes

Parcels

UDC Zoning

Roads and Transportation

NM House Districts

NM Senate Districts

County Commission Districts

City Council Districts

Median Household Income

General Land Ownership

Account Number: [R0401170](#)

Parcel Number: 4006137151342

Owner: ODA SAHARU & GARY BELL

Mail Address: 2218 FOXTAIL PINE DR

Subdivision: USRS TRACT 11B-11

REPLAT NO 1 (BK 18 PG 770 -
9721396)

Property Address: 2160 CALLE DEL
NORTE

Acres: 0



TOWN OF MESILLA
 PERMISSION TO CONDUCT WORK
 OR
 OBTAIN A COMMERCIAL/RESIDENTIAL BUILDING PERMIT

OFFICIAL USE ONLY:
 Case # 060515
 Fee \$ 35.00

2231 Avenida de Mesilla, P.O. Box 10, Mesilla, NM 88046 (575) 524-3262 ext. 104

CASE NO. 060515 ZONE: HR CODE: NR APPLICATION DATE: 3/23/17

Gary Bell & Saharu Oda **575-644-8461**

Name of Applicant/Owner Applicant's Telephone Number
2218 Foxtail Pine Drive, Las Cruces, NM 88012

Applicant's/Owner's Mailing Address City State Zip Code
gbell614@gmail.com

Applicant's/Owner's E-mail Address
VILLA CUSTOM HOMES (JUDD SINGER) P.O. BOX 16097 LC, NM 88004

Contractor's Name & Address (If none, indicate Self)
575-650-7377 **85-0452636** **81509**
 Contractor's Telephone Number Contractor's Tax ID Number Contractor's License Number

Address of Proposed Work: **2160 Calle Del Norte**

Description of Proposed Work: **Construction of House and Casita**

\$ **350,000.00** 11/9/18
 Estimated Cost Signature of Applicant Date

Signature of property owner if applicant is not the property owner: _____

With the exception of administrative approvals, all permit requests must undergo a review process from staff, PZHAC and BOT before issuance of a building permit. Recorded proof of ownership with legal description of property (deed or current tax bill) along with verification of legally subdivided status of the property are required. Plan sheets are to be no larger than 11 x 17 inches.

FOR OFFICIAL USE ONLY

PZHAC Administrative Approval BOT Approved Date: _____
 Approved Date: _____ Disapproved Date: _____
 Disapproved Date: _____ Approved with Conditions
 Approved with conditions

FIRE INSPECTION/APPROVAL REQUIRED: YES NO SEE CONDITIONS

CID PERMIT/INSPECTION REQUIRED: YES NO SEE CONDITIONS

CONDITIONS: PZHAC REVIEW - BOT FINAL PLANNING APPROVAL REQUIRED
ZC 11/12/18

PERMISSION ISSUED/DENIED BY: _____ ISSUE DATE: _____

- This Application will include the following, if checked:
1. Plot plan with legal description to show existing structures, adjoining streets, driveway(s), improvements & setbacks. Verification shall show that the lot was legally subdivided through the Town of Mesilla or that the lot has been in existence prior to February 1972.
 2. Site Plan with dimensions and details.
 3. Proof of legal access to the property.
 4. Drainage plan.
 5. Architectural style and color scheme – diagrams or elevations (Historical and commercial zones only).
 6. Proof of sewer service or a copy of septic tank permit; proof of water service (well permit or statement from the Public Utility providing water services).
 7. Other information as necessary or required by the City Code or Community Development:
Plans for electric upgrades from El Paso Electric.