

Village of Cloudcroft
201 Burro Ave.
Po Box 317
Cloudcroft, NM 88317



Water Utilities
Phone: 575-682-2411
Fax: 575-682-2042

Welcome to the Village of Cloudcroft!

We are delighted that you chose our beautiful village as your new home and would like to extend a warm welcome to our community. Moving to a new area can be a challenge, so we would like to do our best in making this transition a little easier for you and your family.

The Village Office has put together this informational packet in an effort to provide you with helpful information regarding locations and contact information as well as important Village ordinances. We would also like to invite you to visit our website, www.villageofcloudcroftnm.net, for a full list of ordinances, employment opportunities, council information, meeting dates and times, planning and zoning information, and much more.

In this packet you will find: a water application, an information page, as well as a few important ordinances.

Again, welcome to the Village of Cloudcroft and if you have any questions about our water utilities or other services, please do not hesitate to contact our office at 575-682-2411 and choose the appropriate option.

Sincerely,

Mayor William M. Denney, the Village of Cloudcroft Governing Body, and Staff



Acct #: _____

Water, Sewer, & Garbage Service Application

Account Type: Commercial: _____ Own: _____ Rent: _____
Service Start Date: _____

Name(s): _____

Physical Service Address: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: Home: _____ Cell: _____

Email: _____

Last 4 of Social: _____ DOB: _____

Driver's Licence #: _____ DL State: _____

Employer: _____ Work #: _____

Emergency Contact (Closest relative NOT living with you)

Name: _____ Phone #: _____

Address: _____

City: _____ State: _____ Zip: _____

Requirements to Initiate Village of Cloudcroft Utility Services:

Owner:

- 1) Completed Utility Service Application
- 2) Proof of ownership
(closing documents, deed, etc.)
- 3) Driver's Licence for all persons listed on application

Renter:

- 1) Completed Utility Service Application
- 2) Copy of fully executed lease/rental agreement indicating start and term dates
- 3) Drivers License for all persons listed on application
- 4) \$125.00 refundable rental deposit

**PLEASE BE ADVISED THAT IF METER IS CURRENTLY OFF, WATER WILL NOT BE
TURNED ON UNLESS CUSTOMER IS PRESENT**



Current Rates as of July 1st, 2020:

Water: Summer Months: April through September Winter Months: October through March

Meter on: 0 - 4,000 Gallons: \$44.58

4001 - 10,000 Gallons: Per 1,000 Gal - \$6.18 summer & \$5.42 winter

10,001 Gallons & up: Per 1,000 Gal - \$7.75 summer & \$6.98 winter

Meter off: \$10.02

Sewer: 0 - 4,000 Gallons - \$20.15

4,001 - 10,000 Gallons: \$0.78 per 1,000 Gallons

10,001 Gallons & up: \$1.57 per 1,000 Gallons

Garbage: Class I: \$14.09 Class IV: \$104.93

Normal Residential Garbage Rate

Class II: \$26.23 Class V: \$163.97

Class III: \$65.27

Meters are read around the 25th of each month. Payment is due on the 15th and are considered late on the 25th.

Additonal Fees:

\$15.00 Account change fee (will be added to first bill)

\$15.00 Turn on/off fee: If meter is off, you will have this charge on your first bill. If you request to have your water turned on or off, this charge will be added to your next bill. Note: If you will be turning it on or off for less than 7 days, the charge will be \$7.50

\$40.00 Reconnection fee if turned off due to non-payment

IMPORTANT - PLEASE READ CAREFULLY BEFORE SIGNING!:

I understand that the Village of Cloudcroft may place a lien on each lot or parcel of land for which there are unpaid charges for water, sewer, and garbage collection for more than 30 consecutive days. Additionally, water service may be disconnected for non-payment. If water is shut off for non-payment, the entire balance plus a \$40.00 re-connect fee must be paid before services will be restored.

IF I RENT THIS PROPERTY TO OTHERS, AS THE OWNER, I WILL BE FINANCIALLY RESPONSIBLE FOR ALL UTILITY CHARGES UNLESS I REQUIRE THE TENANT TO FILL OUT A RENTAL APPLICATION, ASSIGNING SUCH CHARGES TO THEM. ONCE THE TENANT VACATES THE PREMISES, CHARGES WILL STAY WITH THE PROPERTY AND SUCH OUTSTANDING CHARGES WILL HAVE TO BE PAID IN FULL BEFORE A NEW TENANT CAN MOVE IN PER VILLAGE CODE 7-1A-2 (E). I ALSO UNDERSTAND THAT IN THE EVENT I VACATE THE PROPERTY, THE WATER BILL WILL REMAIN IN MY NAME AND CONTINUE TO COLLECT CHARGES UNTIL MY PROPERTY SELLS AND THE NEW OWNER PLACES THE WATER ACCOUNT IN THEIR NAME.

By signing this document I agree to the above statements and acknowledge the receipt of this water packet and information.

Signature _____

_____ Date

Signature _____

_____ Date



Water, Sewer, & Garbage Rates (7/1/2020)



Water:

Meter on:

Minimum: 0 to 4,000 gallons - \$44.58

Summer: (April through September)

4001 to 10,000 gallons - \$6.18 per 1,000 gallons

10,001 gallons & up - \$7.75 per 1,000 gallons

Winter: (October through March)

4001 to 10,000 gallons - \$5.42 per 1,000 gallons

10,001 gallons & up - \$6.98 per 1,000 gallons

Meter off: \$10.02

Bulk - Treated:

0 - 1,000 gallons: \$26.68 per 1,000 gallons

1,001 gallons & up: \$26.68 per 1,000 gallons

Bulk Pond:

0 - 1,000 gallons: \$13.34 per 1,000 gallons

1,001 gallons & up: \$13.34 per 1,000 gallons

Sewer:

Minimum: 0 to 4,000 gallons - \$20.15

4,001 to 10,000 gallons - \$0.78 per 1,000 gallons

10,001 gallons & up - \$1.57 per 1,000 gallons

Garbage:

Class I: \$14.09 Residency Rate

Class II: \$26.23 Single business, banks, clinics, apartments/lodging with less than 10 rooms

Class III: \$65.27 Apartments/lodging with 11-20 rooms, multiple businesses, restaurants open for only 1 or 2 meals

Class IV: \$104.93 Apartments/lodging with over 20 rooms, restaurants open for 3 meals

Class V: \$163.97 Schools, industrial, any location larger than 10,000 square feet

System Improvement Fee:

\$5.00 per meter



VILLAGE OF CLOUDCROFT
OFFICES

WATER DEPARTMENT

MONDAY – FRIDAY 8:00AM TO 4:30PM

MUNICIPAL COURT

MONDAY – FRIDAY 8:00AM TO 12:00PM

MUNICIPAL JUDGE

TUESDAY 8:00AM TO 12:00PM

MOTOR VEHICLE DEPARTMENT

MONDAY – FRIDAY 12:30PM - 4:00PM

*** DUE TO COVID: BY APPOINTMENT ***

*** ONLY ***



Helpful Information



- **Village of Cloudcroft Public Works is available 24/7 and can be contacted at 575-682-2411 ext. 7. Please note that there may be an after-hours fee if you need assistance beyond business hours.**
- **Otero County Electric Co-Op can be reached at 575-682-2521**
- **Cloudcroft MVD can be reached at 575-682-3189**
- **Otero County Sheriff's Department *non-emergency* number is 575-437-2210**
- **Forest Service can be reached at 575-682-2551**
- **Game & Fish can be reached at 575-682-6135**
- **Chamber of Commerce can be reached at 575-682-2733 or you can visit their website at www.coolcloudcroft.com**
- **The Roll-off (dump) is open Monday, Tuesday, Wednesday, Friday, and Saturday from 7:30AM to 4:30PM. Closed on Thursday and Sunday. Contact number is 1-877-548-8772**
- **The Slash Pit schedule and information can be found at www.highcountryposts.com/slash-pit or call Bill Farmer at 575-491-2821**
- **Medical Providers in Cloudcroft:**
 - **Bloom & Grow Pediatrics 575-682-2002**
 - **Sacramento Mountain Medical Center 575-682-2542**
 - **Terra Rosa Health Services 575-682-3309**
- **Cloudcroft Animal Hospital can be reached at 575-682-2645**

Chapter 1

WATER AND SEWER SERVICE AND REGULATIONS¹



7-1-1: CREATION OF JOINT SYSTEM:

7-1-2: ADMINISTRATION:

7-1-3: INSPECTION OF PREMISES; AUTHORITY:

7-1-4: DISPOSITION AND USE OF FUNDS:

7-1-5: LIENS; FILING, ENFORCEMENT:

7-1-1: CREATION OF JOINT SYSTEM:

Creation and establishment by the Village of a joint water and sewer system is hereby declared for the purpose of the management, maintenance, care and operation of the water and sewer system of the Village as a joint operation. (1976 Code § 6-1-1)

7-1-2: ADMINISTRATION:

A. Control And Management: The Mayor or his designee shall have the overall control and management of all matters pertaining to the Village water system, and shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of the waterworks, subject to the approval and confirmation of the Board of Trustees. The Board of Trustees may prescribe user service rates and other rules and regulations as it may deem necessary. (1976 Code § 6-1-2; amd. 2000 Code)

B. Receipts And Deposits: The Village Clerk/Treasurer shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same, and deposit the proceeds as collected to the account of the water system fund of the Village, and in accordance with the direction of the Board of Trustees. (1976 Code § 6-1-3)

7-1-3: INSPECTION OF PREMISES; AUTHORITY:

Whenever he deems it necessary for the protection of the public health or safety, the Mayor or his designee may inspect the premises of buildings of any water consumer for the purpose of examining the condition of all pipes, motor, meters and water fixtures, or the manner in which the water is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water. (1976 Code § 6-1-4; amd. 2000 Code)

7-1-4: DISPOSITION AND USE OF FUNDS:

The collection of charges and rentals authorized by this Chapter shall be deposited, paid out and applied only to the following purposes:

A. Operation And Maintenance Costs: The cost of operating and maintaining the water and sewer facilities as a part of the joint utility operation of the Village;

B. Extending System: For extending or improving the Village's joint water and sewer system;

C. Refunding And Paying Bonds: For the purposes of refunding and paying outstanding joint water and sewer bonds of the Village and providing reserve funds therefor;

D. Bond Funds: To other purposes as the Board of Trustees may determine, the funds to be known and established as the Joint Water and Sewer Refunding and Improvement Bond Funds, but nothing contained in this Section shall be construed to prevent the Village Board of Trustees from applying and crediting available money derived from any other source. (1976 Code § 6-1-41)

7-1-5: LIENS; FILING, ENFORCEMENT:

The Village shall have a lien on each lot or parcel of land served by the joint system for charges imposed for service rendered by the joint system. Notices of a lien shall be filed and liens shall be filed and shall be enforced as provided in section [3-36-1](#), New Mexico Statutes Annotated, and all other applicable laws. (1976 Code § 6-1-42)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1](#): NMSA §§ 3-18-25, 3-26-3, 3-27-1 and [3-53-2](#).

ARTICLE A. WATER SERVICE AND REGULATIONS

7-1A-1: APPLICATION FOR SERVICE AND TRANSFER:

7-1A-2: WATER RATES:

7-1A-3: TURNING WATER ON AND OFF; CHARGES:

7-1A-4: TAP AND SERVICE CONNECTION:

7-1A-5: SERVICE LINE REGULATIONS:

7-1A-6: METERING OF WATER:

7-1A-7: WASTE OF WATER PROHIBITED:

7-1A-8: UNUSUAL CONDITIONS:

7-1A-9: WATER CONSERVATION:

7-1A-10: REGULATIONS PART OF CONTRACT:

7-1A-1: APPLICATION FOR SERVICE AND TRANSFER:

Application for the use of water shall be made to the village clerk/treasurer by the owner or agent of the property to be benefited, designating the location of the property and stating the purpose for which the water may be required. Such application shall be accompanied by the tapping charge as hereinafter provided for new services. Application for a transfer of water service from one location to another existing meter shall be made to the village clerk/treasurer by the owner or agent of the property to be benefited, designating the location of the property from which the water service is being transferred and the property to which the water service is being transferred and shall be accompanied by a transfer fee of fifteen dollars (\$15.00). Application to transfer a water service from one owner to another owner shall be made to the village clerk/treasurer by the owner or agent of the property to be benefited and shall be accompanied by a transfer fee of fifteen dollars (\$15.00). (Ord. 107, 1-12-1982)

7-1A-2: WATER RATES:

A. Established: All water sold by the village shall be sold at the following rates:

1. A minimum fee of thirty six dollars sixty five cents (\$36.65) plus tax per month for each water meter.
2. For billing months October, November, December, January, February and March, an additional fee of four dollars forty six cents (\$4.46) plus tax for each one thousand (1,000) gallons usage, or fraction thereof, of monthly metered water use from four thousand one (4,001) gallons to ten thousand (10,000) gallons, inclusive; and an additional five dollars seventy three cents (\$5.73) plus tax for each one thousand (1,000) gallons usage, or fraction thereof, of monthly metered water use greater than ten thousand (10,000) gallons.
3. For billing months April, May, June, July, August and September, an additional fee of five dollars nine cents (\$5.09) plus tax for each one thousand (1,000) gallons usage, or fraction thereof, of monthly metered water use from four thousand one (4,001) gallons to ten thousand (10,000) gallons, inclusive; and an additional six dollars thirty seven cents (\$6.37) plus tax for each one thousand (1,000) gallons usage, or fraction thereof, of monthly metered water use greater than ten thousand (10,000) gallons.

4. Effective November 2008, in the event that water service has been turned off pursuant to section [7-1A-3](#) of this article, the minimum fee of eight dollars twenty three cents (\$8.23) plus tax per month for each water meter shall be charged in lieu of the rates set forth in subsections A1, A2, and A3 of this section. Such minimum fee shall also be charged to any property without a meter which has been served at some time in the past by a water meter.
 5. Effective each year beginning 2009, on July 1, the water rates are authorized to increase based on the annual average change in the U.S. consumer price index-all urban consumers (CPI-U) as compiled by the bureau of business and economic research, University of New Mexico and published in March of each year.
- B. Surcharge: Effective for bills beginning in November 2008, a surcharge of five dollars (\$5.00) per meter shall be due each month, which shall be deposited in a capital improvement fund long term and is not intended to be used for operating costs.
- C. Billings; Penalty: Water meters shall be read monthly subject to section [7-1A-8](#) of this article and, if need be, statements for service may be billed in prearranged monthly customer cycles to expedite billing and payment. All water bills shall be due and payable on or before the next fifteenth day of each month which immediately follows the mailing of the statement therefor. If not paid by the twenty fifth day of the month immediately after the due date, a penalty of ten percent (10%) of the amount of the bill shall be added thereto and paid by the water user in addition to the basic charge. The delinquent customer shall be liable for reasonable attorney fees and costs incurred by the village in securing payment on delinquent accounts in addition to the other remedies of the village provided in this code.
- D. Discontinuance Of Service: In case there shall be any water charge delinquent and the supply has been turned off, the water shall not be turned on again until all water charges, plus a turnon fee have been paid in full. If payment of any price, fee or other charge for water, sewer service, refuse collection, or street maintenance is not made within thirty (30) days from the date when written notice that payment is due is mailed, the water service may be discontinued and shall not be again supplied to the person liable for the payment until the arrears with interest has been fully paid.
- E. Liability For Payment: The charges established by this article shall be payable by the owner of the premises served, unless the owner notifies the village in writing prior to the initiation of the debt that utility charges incurred by a renter will not be the responsibility of the owner. Such notification shall include the location of the rental property. (Ord. 347, 11-12-2008)

7-1A-3: TURNING WATER ON AND OFF; CHARGES:

- A. Generally: If the water supply to any property is turned off for failure to pay service charges, a charge of forty dollars (\$40.00) shall be made for turning the water back on.
- B. Request Of Property Owner: Turnoff of water service at the request of the property owner will be done by the village only at the water meter for a charge of fifteen dollars (\$15.00) and water service will again be turned on by the village at the request of the property owner for a charge of

fifteen dollars (\$15.00) if such request is made during normal business hours on a normal workday and such turnon service is to be performed during normal business hours. A charge of sixty five dollars (\$65.00) will be made if the water turn off or on is to be performed during hours in which the village will be required to pay overtime to a village employee to provide this service.

1. Temporary: Turnoff of water service on a temporary basis not to exceed one week shall be done at the request of the property owner by the village only at the water meter for a charge of seven dollars fifty cents (\$7.50) for turning the water off and seven dollars fifty cents (\$7.50) for turning the water on during normal business hours.
2. Meter Removal: Water meters will be removed by the village at the request of the owner for a fee of twenty five dollars (\$25.00); a water meter so removed will be reinstalled for an installation fee of seventy five dollars (\$75.00). (Ord. 323, 12-9-2003)

7-1A-4: TAP AND SERVICE CONNECTION:

Upon the application for a new tap and service connection by any consumer within the corporate limits of the village, the applicant shall pay to the village clerk/treasurer the sum of one thousand five hundred dollars (\$1,500.00) to cover the cost of the corporation cock, fittings, meter, installation of the tap and the necessary pipe from the main to the curb box for the meter can, so long as the service line shall not exceed fifty feet (50') and if any service connection shall require a service line in excess of fifty feet (50'), the consumer shall pay for the installation and pipe for all of the service line in excess of fifty feet (50'). The village shall own and maintain the water line from the main to the curb box or meter can (including meter) and the property owner shall own and maintain the service line from the curb box or meter can to the premises served. Service taps shall be three-fourths inch ($\frac{3}{4}$ " in diameter; provided, that the village board of trustees may, by resolution, provide for larger taps where the water supply and service facilities are sufficient to permit such taps. Where a larger tap is permitted, the cost of the tap may be fixed by the board of trustees by resolution. (Ord. 347, 11-12-2008)

7-1A-5: SERVICE LINE REGULATIONS:

No more than one building shall be permitted to use a water service line and water service to each building shall be metered separately from any other building. All service lines shall be installed at a depth below the surface of the ground sufficient to prevent freezing and to a depth of at least thirty inches (30") or wrapped and covered with equivalent insulation, as deemed adequate by the village. Each service line shall contain a stop and waste cock where the water may be turned off on the water user's side of the curb box or meter can. (Ord. 221, 9-13-1988)

7-1A-6: METERING OF WATER:

A. Installation; Ownership: All water sold by the village shall be metered by meters which may be installed either in a curb box or meter can or inside of the building at the option of the village. All water meters shall be owned and kept in repair by the village. (1976 Code § 6-1-7)

B. Deposit: Meter deposits shall be determined by the board of trustees. (1976 Code § 6-1-14)

C. Restrictions On Opening: It shall be unlawful for anyone other than the designated village employees or a duly licensed New Mexico plumber to open a meter box or meter can to turn the water on or off to any building, cabin or premises. (1976 Code § 6-1-20)

7-1A-7: WASTE OF WATER PROHIBITED:

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures shall not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for violations, the water supply may be turned off where any such waste occurs. (1976 Code § 6-1-9)

7-1A-8: UNUSUAL CONDITIONS:

A. Responsibility Of Owners: Each property owner and water user shall be solely responsible for turning the water off at his respective premises to avoid winter freezing on cabins, buildings and premises not used for a year round residence. The village shall not be liable for any damage done to a building, cabin or residence, or on any premises, by reason of failure of the occupant to turn off his water and prevent winter freezing and damage. (1976 Code § 6-1-18)

B. Meter Reading: Each water meter shall be read monthly during a normal billing cycle provided that during unusual conditions of snow or ice or other unusual conditions that exist beyond the control of the village which prevents the monthly reading of water meters, the village clerk/treasurer shall estimate monthly water bills by using the prior average bills for each such meter unable to be read. If estimates are necessary, no meter shall go unread for more than two (2) consecutive months without the specific written approval of the mayor. (Ord. 329, 11-9-2004)

7-1A-9: WATER CONSERVATION:

A. Definitions:

ADMINISTRATIVE CITATION: The code enforcement officer shall be responsible for preparing the form of the citation.

EATING ESTABLISHMENTS: A facility that serves meals to customers, including those facilities located in schools, drive-ins, and excluding health and frail elderly care facilities.

FUGITIVE WATER: Water that has escaped from one property onto adjacent property or onto the public right of way. (This does not include stormwater runoff or flow resulting from municipal emergencies.)

HAND WATERING: The use of a handheld watering device such as a bucket or a hose with an attached positive shutoff nozzle.

HOSPITALITY BUSINESSES: Licensed eating or lodging establishments.

LODGING ESTABLISHMENT: A licensed motel, hotel or bed and breakfast establishment, that provides private rooms for overnight stay and provides towels, sheets and/or other linens for its guests to use during their stay.

NONBENEFICIAL USES OF WATER: A. Landscape water applied in such a manner, rate or quantity that it overflows the area being watered and runs onto adjacent property or public right of way;

B. Landscape water that leaves a sprinkler or other application device in such a manner as to spray onto adjacent property or public right of way;

C. Water used to wash down vehicles, or hard surfaces such as parking lots, aprons, pads, driveways or other surfaced areas so as to flow from that surface onto adjacent property or the public right of way;

D. Other uses as may be determined by the governing body by resolution.

RESPONSIBLE PARTY: The person who is personally liable for the water charges to a property served by the municipal water system.

WATER WASTE: The nonbeneficial use of water.

B. Emergency Control: The mayor or authorized representative is hereby authorized to control, limit or cut off the constant flow of water supplying an area or areas of the village as may be warranted and reasonably calculated to maintain adequate water pressure in distribution pipelines to fight, control or prevent the spread of fire or to control any emergency inimical to the public welfare, health and safety.

C. Declaration Of Water Emergencies: Whenever an emergency exists by reason of a shortage of water, due to inadequate supply or failure of equipment or materials, such that the village water system is unable or will within the near future become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection as determined by the fire chief, the governing body is authorized to restrict or prohibit, by emergency proclamation, the use of water from the village water system as set forth herein designating the level of emergency. Said proclamation shall be posted in three (3) prominent places within the village and shall take effect immediately.

D. Restrictions: When the governing body has declared a level one water emergency, the following restrictions apply to all properties served by the village of Cloudcroft water system, including those properties outside the village limits. Additional restrictions, as enumerated below, may apply when the governing body has declared a level two or level three water emergency.

1. Prohibited Acts:

a. Water Waste: No entity or operation served by the village water system shall waste, cause, or permit to be wasted or applied to nonbeneficial uses, as defined in this section, any water furnished by the village of Cloudcroft.

b. Fugitive Water Flow: No entity or operation shall cause or permit the flow of excess fugitive water onto adjacent property or public right of way.

2. Exceptions:

- a. Flow resulting from firefighting and training, or routine inspections of fire hydrants, or from other necessary municipal uses.
- b. Water applied to prevent or abate health, safety and accident hazards; and in construction work.
- c. Water that flows onto adjacent property or public rights of way as the result of an act of nature.

3. Outdoor Watering Restrictions:

- a. Spray irrigation is allowed from six o'clock (6:00) P.M. to ten o'clock (10:00) A.M.
- b. If level two restrictions are in effect, said watering shall be additionally restricted to even calendar days for property with even addresses, and to odd calendar days for property with odd addresses. When a property has more than one address, the address of the water meter shall determine the address for watering. No watering shall be allowed on the thirty first day of any month.
- c. If level three restrictions are in effect, the only watering permitted will be by hand watering or automatic controlled irrigation for no more than fifteen (15) minutes per zone program on the hours and days specified for levels one and two, except under conditions outlined in special written permits approved by the governing body.
- d. Personal vehicles may be washed only during the watering hours allowed above, and only with a bucket or with a handheld hose with an attached positive shutoff nozzle. If level two restrictions are in effect, personal vehicles may be washed only during the assigned watering days. Personal vehicles shall not be washed when level three restrictions are in effect.
- e. The above restrictions do not apply if a permit has been granted by the village clerk so that the applicant may repair or maintain an irrigation system or apply chemicals to a landscape.
- f. Collected rain water and gray water may be used without restriction except that gray water shall be used only in accordance with regulations set by the state of New Mexico.
- g. When level three restrictions are in effect there shall be no operation of outdoor fountains and/or waterfalls, nor draining and refilling of ornamental ponds, swimming pools and hot tubs.

4. Indoor Water Conservation: Private line leaks shall be repaired by the owner and proof of repair shall be submitted to the village within fifteen (15) days of notification by the village. Anyone wanting to detect possible leaks by checking a water meter may ask the village for a courtesy check; the village shall make every attempt to comply with this request no later than the next working day.

5. Hospitality Businesses: In declared level two and three water emergencies, all lodging establishments shall encourage their customers to agree not to have their sheets and towels changed during a stay of three (3) days or less. Such establishments shall post in every guest room signs informing customers of the water shortage, and instructing them on how to decline replacement linen service.

E. Enforcement And Fees:

1. Authority: Members of the village police department shall have the authority to issue an administrative citation to the responsible party violating the provisions of this section and any emergency proclamation issued hereunder.
2. Enforcement: Any person who causes, permits, facilitates, violation of the provisions of this section shall be subject to enforcement as stated herein.
3. Schedule Of Surcharge Fees:
 - a. First violation: Warning notice issued to responsible party;
 - b. Second violation for the same offense: Fifty dollar (\$50.00) penalty fee assessed to the property served which shall be the personal liability of the person responsible for the payment of water charges to the property served by the municipal water system;
 - c. Third violation for the same offense: One hundred dollar (\$100.00) penalty fee assessed to the property served which shall be the personal liability of the person responsible for the payment of water charges to the property served by the municipal water system;
 - d. Subsequent violations for the same offense: Five hundred dollar (\$500.00) penalty fee assessed to the property served which shall be the personal liability of the person responsible for the payment of water charges to the property served by the municipal water system.

The responsible party shall have twenty four (24) hours after receipt of a warning notice to cure the violation. Subsequent citations for the same offense may be issued twenty four (24) hours after the previous citation and each twenty four (24) hour period thereafter of a continuous violation. Egregious violations, as determined by majority vote of the governing body, after notice and opportunity to be heard, may result in cut off of water at the meters serving the premises on which the violations occur. (For the purpose of assessing fees, previous violations shall not be considered if a period of 1 year has elapsed since the last violation, or if a new owner, not related to the previous owner, has taken possession of the property.)

4. Fee Assessment: Fees shall be assessed on the village water and sewer bills for the responsible party's account. Responsible parties shall be notified of the fee by certified mail, return receipt requested, within fifteen (15) days of being cited during which time the responsible party may request a hearing before the code enforcement officer. Once final, fees shall be listed as a separate line item on the bill, must be paid within the normal payment period allowed by the village, and are subject to the same collection fees and protocols as other fees on the water and sewer bills.
5. Collection: All fees collected for violations of this section shall be deposited to the village water and sewer operating fund.
- F. Variances: In cases of practical difficulties or extreme hardship, the mayor or his designee may grant variances from the provisions of this section for a period not to exceed fifteen (15) days. Such variances shall stipulate corrective measures to be taken. In the event more time is needed, the responsible party shall apply for a special permit from the governing body.
- G. Appeals: Enforcement actions on administrative citations shall be heard by the code enforcement officer and his decision may be appealed de novo within thirty (30) days to the governing body and thereafter to the district court pursuant to the rules of civil procedure.

H. Additional Restrictions: The governing body may, by majority vote, impose additional restrictions during water emergencies by resolution. (Ord. 314, 4-8-2003)

7-1A-10: REGULATIONS PART OF CONTRACT:  

All regulations contained in this article shall be considered a part of the contract of every person taking water from the water system of the village, and every person taking water shall be considered as having expressly consented to be bound thereby. (1976 Code § 6-1-21)

ARTICLE B. SEWER SERVICE AND REGULATIONS

[7-1B-1: SEWAGE DEFINED:](#)

[7-1B-2: RULES AND REGULATIONS ADOPTED:](#)

[7-1B-3: CONNECTION TO SYSTEM REQUIRED:](#)

[7-1B-4: PERMIT FOR CONNECTION:](#)

[7-1B-5: CONSTRUCTION OF SEWERS:](#)

[7-1B-6: RATES AND CHARGES FOR THE USE OF SEWERS:](#)

[7-1B-7: TAPPING FEE:](#)

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7-1B-1: SEWAGE DEFINED:

A. Acceptable: The waste from water closets, urinals, lavatories, sinks, bathtubs, showers, household laundries, cellar floor drains, bars, soda fountains, cuspidors, refrigeration drips, drinking fountains and any other waterborne waste not constituting an industrial waste are acceptable wastes for the purpose of this article.

B. Not Acceptable: The following wastes are not acceptable, except as may be provided for in [chapter 2](#) of this title:

1. Liquid Or Vapor: Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150°F);
2. Biological Oxygen Demand: Any water or waste having a five (5) day biological oxygen demand which may contain more than one thousand (1,000) parts per million by weight as averaged during any twelve (12) hour period;
3. Flammable Or Explosive Liquids: Any gasoline, benzine, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;
4. Unshredded Garbage: Any garbage that has not been properly shredded;
5. Interfering Substances: Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, woods, paunch, manure, grit, brick, cement, onyx, carbide or any other interference with the proper operation of the sewage works;
6. Corrosive Water Or Waste: Any water or waste having a pH lower than 5.5 or higher than 9, or having any other corrosive property capable of causing damage or hazard to structure, equipment or personnel of the sewage works;

7. Toxic Or Poisonous Substances: Any water or waste containing a toxic or poisonous substance in sufficient quantities to injure or interfere with sewage process, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the sewage treatment plant;
8. Suspended Solids: Any water or wastes containing suspended solids of such character or quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant;
9. Noxious Gas: Any noxious or malodorous gas or substance capable of creating a public nuisance;
10. Other Prohibited Substances: Any other substances, matter or material expressly prohibited by [chapter 2](#) of this title. (1976 Code § 6-1-22)

7-1B-2: RULES AND REGULATIONS ADOPTED:

The board of trustees shall make and enforce rules and regulations as it may deem necessary for the safe, efficient and economical management of the village sewer system. The rules and regulations, when not repugnant to this code or any other ordinances of the village and laws of the state, shall have the same force and effect as ordinances of the village. (1976 Code § 6-1-40)

7-1B-3: CONNECTION TO SYSTEM REQUIRED:

Except where otherwise provided, no person shall maintain within the village any privy, privy vault, septic tank, cesspool or other facility intended for use for the disposal of sewage. Where a public sanitary sewer is not available within the village or in any area under the jurisdiction of the village, the building sewer shall be connected to a private sewage disposal system complying with the provisions and recommendation of the New Mexico department of health and social services. A private sewage disposal system shall be constructed, maintained and operated at all times in a sanitary manner. At the time a public sanitary sewer is, or becomes available within one hundred fifty feet (150') of the property served by a private sewage disposal system, a direct connection shall be made to the public sanitary sewer in accordance with the provisions of this section and any septic tank, cesspool or similar sewage disposal facilities shall be abandoned and filled with suitable material. (1976 Code § 6-1-23)

7-1B-4: PERMIT FOR CONNECTION:

A. Required: It shall be unlawful for any person to open, uncover or in any manner make connection with any sewer main or line in the village, or to lay drain or sewer pipes on any premises or in any street or alley in the village, without first obtaining a written permit therefor from the village clerk/treasurer or his authorized representative. It shall be unlawful for any person to cover a connection with a sewer main or line in the village without first having such connection visually inspected by the village clerk/treasurer or his authorized representative. (Ord. 81, 9-13-1976)

B. Application: The application for a permit shall be in writing and shall contain the following information:

1. Name and address of applicant;
2. Name and address of owner of the premises where said connection is to be made; drain or line is to be laid;

3. Location of the proposed connection, drain or sewer pipes;
4. Statement as to the type of connection and type of materials to be discharged into the sewer;
5. Statement as to whether said connection is to be made to the storm sewer or the sanitary sewer. (1976 Code § 6-1-25)

C. Issuance: If the proposed connection does not violate any provision herein and does not violate any other ordinances of the village, the village clerk/treasurer shall issue a permit for a connection. The permit shall contain all information contained in the application and shall specify the type and kind of grease and sand traps to be used. (1976 Code § 6-1-26)

7-1B-5: CONSTRUCTION OF SEWERS:

Any user of the sewer system, either inside or outside of the village limits, must furnish his own sewer service line. If there is no sewer main line available for him to connect with, then a main line will be constructed by the village in accordance with a duly adopted extension policy. All connections to the village sewer system must be made by a licensed plumber, subject to the supervision and inspection of the state plumbing inspector and in compliance with the state plumbing code and requirements of the village. (1976 Code § 6-1-28)

7-1B-6: RATES AND CHARGES FOR THE USE OF SEWERS:

A. Enumerated: There is hereby levied and charged to each lot, parcel of land and premises served by or having sewer connections with the sanitary sewer system of the village, or otherwise discharging sanitary sewage, industrial wastewater or other liquids either directly or indirectly into the village sanitary sewer system, the following rates and charges:

1. Sixteen dollars fifty six cents (\$16.56) per month for each water meter serving the premises;
2. An additional sixty four cents (\$0.64) for each one thousand (1,000) gallons, or fraction thereof, of monthly metered water use from four thousand one (4,001) to ten thousand (10,000) gallons, inclusive;
3. An additional one dollar twenty nine cents (\$1.29) for each one thousand (1,000) gallons, or fraction thereof, of the monthly metered water use greater than ten thousand (10,000) gallons;
4. These rates will become effective for bills beginning in October 2008;
5. Effective each July 1, beginning 2009, the sewer rates and charges are authorized to increase based on the annual average change in the consumer price index-all urban consumers (CPI-U) as compiled by the bureau of business and economic research, University of New Mexico, and published in March of each year.

B. Billings; Penalty: The sewer charges levied pursuant to this article shall be payable monthly and shall be added to and made a part of the monthly water bill of the various properties in the village. All sewer bills inside or outside the village shall be due and payable on or before the next fifteenth day of the month which immediately follows the mailing of the statement thereof, and if

not paid by the twenty fifth day of the month immediately after the due date, a penalty of ten percent (10%) of the amount of the bill shall be added thereto and paid by the sewer user.

- C. Discontinuance Of Service: In addition to the remedies provided in this code, the village may, without notice, discontinue sanitary sewer service or water service to any premises for which the sanitary sewer system charges are delinquent for a period of thirty (30) days. The village may, without notice, discontinue the sanitary sewer service to any premises discharging nonacceptable wastes into the sanitary sewer system. (Ord. 347, 11-12-2008)

7-1B-7: TAPPING FEE:

At the time of filing the application, the applicant shall pay a tapping fee of five hundred dollars (\$500.00) for the connection to the sewer of any property within the village limits, and an amount to be determined by the village for the connection to the sewer of any property located outside of the village limits. (Ord. 273, 7-9-1996)

7-1B-8: GREASE, OIL AND SAND INTERCEPTORS:

- A. Conditions Requiring: Grease, oil and sand interceptors shall be provided when in the opinion of the mayor or designee they are necessary for the proper handling of any liquid containing grease in excessive amounts or any flammable waste, sand or harmful ingredients; and the village clerk/treasurer shall maintain in the office of the village clerk/treasurer a list of all those accounts that are required to use grease, oil and sand interceptors and shall provide notice by regular mail to such accounts of the requirement of this section. (Ord. 230, 7-10-1990; amd. 2000 Code)
- B. Exception: A grease, oil and sand interceptor shall not be required for any private living quarters of a dwelling unit. (Ord. 230, 7-10-1990)
- C. Type; Capacity: Interceptors shall be of a type and capacity approved by the mayor or designee and shall be located to be readily and easily accessible for cleaning and inspection. (Ord. 230, 7-10-1990; amd. 2000 Code)
- D. Records Maintenance; Inspection: Each user of the village sewer system required to maintain a grease, oil and sand interceptor shall maintain records which shall be available for inspection by the village upon demand during normal business hours, which records shall reflect the date of periodic cleaning of the grease, oil and sand in interceptors as may be appropriate for that particular user of the sewer system, and the name of the person who actually provided the cleaning service. (Ord. 230, 7-10-1990)

7-1B-9: MANHOLE FOR INDUSTRIAL WASTE:

When required by the mayor or designee, the owner of any property served by a building sewer carrying industrial waste shall install a suitable control manhole in the building sewer to facilitate observation and sampling of the waste. The manhole, when required, shall be accessible and safely located and shall be constructed in accordance with [chapter 2](#) of this title. The manholes shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. (1976 Code § 6-1-31; amd. 2000 Code)

7-1B-10: PROHIBITED ACTS:

- A. Discharge Of Nonacceptable Wastes: The discharge of nonacceptable wastes into the village sewer system, whether directly or indirectly, is prohibited; nonacceptable wastes being defined as stated herein or stated in [chapter 2](#) of this title. Where an investigation reveals the presence in the system of nonacceptable wastes emanating from any lot, land, building or premises, the owner, lessor, renter or occupant of such lot, land, building or premises shall be at his own expense required to treat, neutralize or in other ways prepare the noxious substance therein to the satisfaction of the mayor or designee in order to convert the same into acceptable wastes. (1976 Code § 6-1-29; amd. 2000 Code)
- B. Interference With Employees: No person shall in any way interfere with the employees of the village in any discharge of their duties either in the tapping of any sewer pipe, main or lateral. No person shall dig up or cause to be dug up any street or alley in the village for the purpose of connecting with the sewer system of the village without first obtaining a permit, and no person having a permit shall dig up any portion of any street or alley of the village for the purpose of connecting with the sewer system of the village and fail to neglect to place the street or alley in its original condition. (1976 Code § 6-1-33)
- C. Deposit Of Unsanitary Wastes On Property: No person shall deposit or permit to be deposited any human excrement or animal excrement wastes in any unsanitary manner upon public or private property within the village or within any area within the jurisdiction of the village. (1976 Code § 6-1-34)
- D. Untreated Industrial Waste Into Natural Outlets: No persons shall discharge into any natural outlet within the village, or any area within the jurisdiction of the village, or into the village sewer system, any sanitary sewer or industrial waste, except as may be permitted and provided for and with full compliance with [chapter 2](#) of this title. (1976 Code § 6-1-35; amd. 2000 Code)
- E. Damage, Tampering: No person shall maliciously, wilfully or negligently break, damage or destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the village sanitary sewer system. (1976 Code § 6-1-36)

7-1B-11: ABANDONMENT OF CONNECTION:

No person shall abandon any building connection without first obtaining a written permit therefor. The building connection shall be effectively sealed with a vitrified clay stopper inserted in the bell of the sewer extending to the property line, which stopper shall be jointed as directed by the mayor or designee. (1976 Code § 6-1-32; amd. 2000 Code)

7-1B-12: SEWER DISCHARGE RATE:

Any new well or existing well furnishing domestic water to premises within the village limits which is connected to the village sewer system shall either: a) provide an accurate meter reading of the private well water introduced into the premises, shall pay the appropriate sewer discharge rate based on such metered water disclosed each month to the village clerk and the village shall have the right to inspect such meter records and the meter, or b) meter effluent as it is discharged into the

village sewer system in which case the owners of the private well from which water is discharged into the sewer system shall pay to the village the cost, including parts and labor, of installing such a meter, plus twenty percent (20%). Said owner shall also reimburse the village for the cost of maintaining and replacing the meter, plus twenty percent (20%). Charges for sewer use shall be the same as those authorized in section [7-1B-6](#) of this article from time to time as amended, except that the number used to determine charges shall be the actual metered effluent discharge in lieu of a water meter reading. (Ord. 295, 7-11-2000)

Chapter 1

ANIMAL CONTROL¹

5-1-1: DEFINITIONS:

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5-1-1: DEFINITIONS:

As used in this Chapter, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein:

ANIMAL: Any vertebrate, excluding man.

ANIMAL SHELTER: Any establishment authorized by the Village of Cloudcroft for the care and custody of impounded animals.

BITE: A puncture or tear of the skin inflicted by the teeth of an animal.

CHIEF OF POLICE: Chief of Police of the Village of Cloudcroft.

EXOTIC ANIMAL: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.

KEEPER: Any person who owns, harbors, keeps, or has control or custody of an animal for more than six (6) days; provided, that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.

KENNEL: Any establishment or premises where dogs or cats are boarded or kept.

MAYOR: The Mayor of the Village of Cloudcroft or his or her designated representative.

NUISANCE: Means, but is not limited to, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offensive to the environment of the Village of Cloudcroft.

PERSON: Any individual, household, firm, partnership, corporation, society, association and every agent and employee thereof.

QUARANTINE: To detain or isolate an animal suspected of being infected with rabies.

RUNNING AT LARGE: An animal off the premises of the keeper and not under the direct control of a competent person. Direct control means connected by a secure leash not over six feet (6') in length or some other equivalent means of direct control.

STRAY OR ESTRAY: Any animal where there is no identifiable keeper.

VACCINATION: The vaccination of an animal with an anti-rabies vaccine approved by the State Veterinarian and administered by and under the supervision of a veterinarian.

VETERINARIAN: Any veterinarian licensed in the State of New Mexico.

VICIOUS ANIMAL: Any animal which commits an unprovoked attack upon a person on private property, or which terrorizes or attacks a person on public property or in a public place.

VILLAGE: That area lying within the corporate boundaries of the Village of Cloudcroft.

WILD ANIMAL: Any animal which is wild by nature and cannot normally be domesticated or controlled. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-2: ADMINISTRATION AND ENFORCEMENT:

- A. Responsibility: The Chief of Police is responsible for the administration of this Chapter. Reasonable rules and regulations may be prescribed by the Chief of Police to carry out the intent and purpose of this Chapter.
- B. Enforcement: The Chief of Police or his or her designated representative shall have the authority to issue citations for violation of this Chapter and to perform such other duties as are prescribed herein.
- C. Investigation: For the purpose of discharging the duties imposed by this Chapter and to enforce its provision, the Chief of Police or any designated representative is hereby authorized to enter upon any premises upon which an animal is kept or harbored during the daylight hours, and to demand the exhibition, by the owner of such animal, of the license and vaccination certificate for such animal, and further to investigate and file a complaint against the owner of any animal for violation of any of the provisions of this Chapter; provided however, that in the event any dog, cat or animal has been exposed to rabies, or when any person has been bitten by any dog, cat or other animal, the Chief of Police or any designated representative is hereby authorized to enter upon any premises upon which such dog, cat or other animal is kept or harbored, during the daylight hours, for the purpose of investigating and enforcing the provisions of this Chapter. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-3: LICENSING OF DOGS AND CATS:

- A. Required: Every keeper of any dog or cat three (3) months of age or older shall procure a license. License fees shall be paid annually and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee by the Village, a dated and numbered certificate shall be issued stating the name and address of the owner, rabies tag number and the animal's description. (Ord. 85, 5-9-1978; amd. 2000 Code)

- B. Proof Of Rabies Vaccination: No dog or cat shall be licensed without proof of rabies vaccination as provided in this Chapter. (Ord. 85, 5-9-1978)

- C. Certificates And Tags: The current Village license and rabies tags shall be affixed to the licensed dog or cat at all times, except when the dog is being kept in an approved kennel, veterinary hospital or training class. The original license and tag and the rabies certificate and tag of all dogs and cats shall be retained by the owner and shall be available for inspection by any person charged with the enforcement of this Chapter. (Ord. 85, 5-9-1978; amd. 2000 Code)

- D. Loss Of License Tag: In the event the original license tag is lost, the keeper shall obtain a duplicate tag from the Village at a cost of one dollar (\$1.00). (Ord. 85, 5-9-1978)

- E. Fee: The annual license fee shall be five dollars (\$5.00) for a neutered dog or cat, and shall be twenty five dollars (\$25.00) for an unneutered dog or cat. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-4: KENNELS:

- A. Restrictions: No person, group of persons, or business entity in the Village may own, keep or harbor five (5) or more dogs or cats four (4) months of age or older; or where the business of buying, selling, breeding, grooming, training or boarding of dogs or cats is conducted, without obtaining a kennel license. (Ord. 85, 5-9-1978; amd. 2000 Code)

- B. License Required: Persons desiring to operate a kennel, which must be located in an appropriately-zoned location, must obtain a nontransferable kennel license, provided it can be appropriately zoned, which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December 31 of each year and shall be renewed by February 1 of the following year. No kennel license may be issued without an inspection certificate issued by the Village Clerk/Treasurer or a duly appointed law enforcement officer of the Village. The annual kennel license fee shall be twenty five dollars (\$25.00). (Ord. 240, 12-10-1991; amd. 2000 Code)

- C. Facilities And Care: Animal housing facilities must be structurally sound and shall be constructed of nontoxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages or runs for periods exceeding twenty four (24) hours must be provided with adequate space to prevent overcrowding and to permit adequate exercise according to the requirements of the species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animal from sunlight, rain, snow or cold weather detrimental to the animal's health. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors and disease hazards. Except where indicated for health, animals shall be provided with clean, fresh, sufficient 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 must be provided with veterinary care. (Ord. 85, 5-9-1978)

D. Inspection: Any duly appointed law enforcement officer of the Village shall be permitted to enter, at any reasonable time, for the purpose of inspecting or reinspecting any kennel or pet shop to determine compliance with this Chapter. (Ord. 240, 12-10-1991)

E. Violations; Suspension And Revocation; Hearing: A kennel license may be denied, suspended or revoked by the Board of Trustees upon a determination that the operator of the kennel or pet store is in violation of this Chapter. An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the Board of Trustees. Based upon the record of such hearing, the Board of Trustees shall make a finding and shall sustain, modify or rescind the action considered at the hearing. Any owner of a kennel or pet store whose license has been suspended or revoked may make application for reinstatement of the license. If, following inspection, the applicant has complied with the requirements of this Chapter, the license shall be reinstated. (Ord. 85, 5-9-1978)

F. Exceptions: This Section shall not be construed to require a kennel license for: (Ord. 85, 5-9-1978; amd. 2000 Code)

1. A veterinary hospital or clinic operated by a licensed veterinarian.
2. A bona fide research institution using animals for scientific research.
3. A publicly owned animal control center or shelter.
4. A bona fide animal shelter operated by an organized humane society. (Ord. 85, 5-9-1978)

5-1-5: WILD AND EXOTIC ANIMALS:

A. Prohibited Animals Specified:

1. Wild animals kept in such numbers or in such a manner as to constitute a likelihood of harm to the animals themselves or to other animals, or to human beings, or to the property of human beings, or which constitute a public or private nuisance.
2. Exotic or wild animals prohibited by Federal or State law or regulation.
3. Bats.
4. Skunks. (Ord. 85, 5-9-1978)

B. Permit Required: No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the Board of Trustees and from the State Department of Game and Fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animals involved. The Chief of Police or his designated representative is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this Chapter. The Chief of Police or his designated representative or the Department of Game and Fish may deny, revoke or suspend a permit for failure to comply with this Chapter. The fee for such a permit shall

be twenty five dollars (\$25.00) and shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-6: DOMESTIC LIVESTOCK:

A. Restrictions:

1. Except in an appropriately-zoned district where a stockyard or stable is permitted, no owner may keep any domestic livestock, including, but not limited to, horses, cattle, goats, sheep and swine, including Chinese or Vietnamese miniature pot bellied pigs, within the Village without first applying for and receiving from the Board of Trustees a permit to do so.
2. No owner shall, keep any equine or bovine over six (6) months of age on any premises, the overall area of which is less than one-half ($1/2$) of an acre for each equine or bovine. (Ord. 247, 6-9-1992; amd. 2000 Code)
3. All domestic livestock shall be cared for according to accepted livestock management practice and in such manner as to not create a public nuisance.
4. All domestic livestock, except Chinese or Vietnamese miniature pot bellied pigs, shall be kept in a secure pen or enclosure which shall not be less than one hundred feet (100') from any inhabited dwelling, or currently used church or school.
5. The owner or person in possession of a pen or enclosure for domestic livestock shall keep it in such a manner as to control offensive odors, insect breeding and other conditions effecting public health.
6. Chinese or Vietnamese miniature pot bellied pigs may be kept at a residence in the same manner as a dog or a cat; provided, that no more than two (2) such miniature animals may be kept at a residence.

B. Permit Required: No person shall own or keep any domestic livestock without first applying for and receiving from the Village Clerk/Treasurer a permit to do so. The Village or its representatives shall be permitted at any reasonable time to enter the premises for the purpose of inspection or reinspection to determine compliance with this Chapter. After reasonable notice and opportunity to be heard, the Board of Trustees may deny, suspend or revoke the permit for any violation of this Chapter. The fee for such a permit shall be twenty five dollars (\$25.00) and shall be renewed annually. Each species of domestic livestock shall require a separate permit. (Ord. 247, 6-9-1992)

5-1-7: RABIES CONTROL:

A. Annual Vaccination: It is the duty of every person keeping a dog or cat over the age of three (3) months to have such animal vaccinated against rabies. All dogs and cats must be revaccinated annually. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination and the expiration date of the period of immunity.

- B. Certificate Of Vaccination: Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this Chapter.
- C. Harboring Unvaccinated Animals: It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.
- D. Reporting Rabies Suspects: Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report same to the local District Health Office of the Health Services Division of the Health and Environmental Department stating precisely when and where such animal was seen and if possible where it may be found.
- E. Human Exposure To Rabies: Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and to the local District Health Office. Every physician or other health care professional who treats a person for such bite shall report such treatment to the local District Health Office within twelve (12) hours of such treatment. Such treatment must specify the name and precise location of the person bitten.
- F. Quarantine Of Rabies Suspects: Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital or an approved kennel; provided however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the animal control office may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the law enforcement officer.
- G. Enforcement Of Quarantine: It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible law enforcement officer.
- H. Wild Animal Bites: Bites inflicted by animals other than dogs and cats must be reported to and discussed with the local District Health Office for proper disposition. (Ord. 85, 5-9-1978)

5-1-8: DISPOSITION OF DEAD ANIMALS:

The carcass of any animal that shall die within the Village shall, within twenty four (24) hours, be removed at least two (2) miles beyond the Village limits by the owner of the animal, unless such owner shall bury the animal in some place outside the limits of the Village at a depth of not less than six feet (6'). In no case shall any carcass be buried within the Village limits nor shall such owner permit such carcass to remain in the open air in the Village until it becomes offensive in smell. (Ord. 85, 5-9-1978)

5-1-9: PROHIBITED ACTIVITIES:

- A. False And Stolen Documents: It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit or forged license, certificate or tag.

- B. Animals Running At Large: It shall be unlawful for any keeper of a dog or cat or other pet animal to permit such animal to run at large.

- C. Nuisance: It is unlawful for a keeper to allow any animal to persistently bark, howl or make noise or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.

- D. Confinement During Estrus: Any female dog or cat in the stage of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented, except for intentional breeding purposes. Keepers who do not comply with this subsection may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.

- E. Physical Abuse: It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or to cruelly drive or work any animal.

- F. Abandonment Of Animals: It is unlawful to abandon any animal within the Village.

- G. Poisoning: It is unlawful to poison a domestic animal or to distribute poison or toxicants in any manner with the intent of so poisoning.

- H. Care And Maintenance: It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.

- I. Animal Fights: It is unlawful to cause, instigate or promote any fight in which two (2) or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.

- J. Premiums And Novelties: It is unlawful to sell, offer for sale, barter or give away any live animal as a premium, prize, award, novelty or incentive to purchase merchandise; it is unlawful to color, stain or dye any chicken, duckling or fowl.

- K. Turtles: It is unlawful to offer for sale, sell, barter or give away turtles, except in conformance with appropriate Federal regulations.

L. Vicious Animals: It is unlawful for any person to keep or harbor any vicious animal. (Ord. 85, 5-9-1978)

M. Interference With Officer: No person shall interfere with, hinder or molest the Chief of Police or any designated representative in the performance of any duty required by this Chapter. (Ord. 85, 5-9-1978; amd. 2000 Code)

5-1-10: IMPOUNDMENT:

A. Animal Shelter: A suitable animal shelter shall be provided for the purpose of boarding and caring for animals impounded under the provision of this Chapter.

B. Impounding Animals: Animals kept in violation of this Chapter and stray animals shall be taken into custody by a law enforcement officer or other designated official and thereupon impounded.

C. Right Of Entry: Law enforcement officers, in performance of their duties, may enter upon unenclosed portions of private property, for the purpose of apprehending animals running at large and stray animals.

D. Register: The law enforcement officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.

E. Notice To Owner: If the keeper of an impounded animal is known, he or she must immediately be notified. If the keeper of the animal is not known, notice of the impoundment shall be posted in a conspicuous place in the Village offices for a period of one day.

F. Right To Redeem: The keeper of any animal which has been impounded under the provisions of this Chapter shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges and such other costs as set by the Board of Trustees.

G. Time For Redemption: All impounded animals shall be redeemed within three (3) days after impoundment. Any animal not redeemed within the required period shall become the property of the animal shelter and may be placed for adoption upon payment of the license fee, impoundment fees, care and feeding charges, veterinary charges and such other costs as set by the Board of Trustees, or the animal may be humanely destroyed.

H. Disposition Of Impounded Animals Held On Complaint: If a complaint has been filed in the Municipal Court of the Village against the keeper of an impounded animal for a violation of this Chapter, the animal shall not be released except upon order of the court which also may direct the owner to pay any penalties for violation of this Chapter in addition to all impounding fees, care and feeding charges and veterinary fees. (Ord. 85, 5-9-1978)

I. Fees And Charges: The impoundment fees, care and feeding charges, and veterinary charges referred to herein shall be fifty dollars (\$50.00) for the first redemption of an animal, one hundred dollars (\$100.00) for the second redemption of the same animal and two hundred fifty dollars (\$250.00) for each succeeding redemption of the same animal, which shall be paid to the Village or the Village designee, in which case, fees shall be determined by the designee. (Ord. 95, 7-8-1980; amd. 2000 Code)

5-1-11: RECORDS MAINTENANCE:

A. Vaccination, Licensing And Impoundment: It shall be the duty of the Village Clerk to keep or cause to be kept accurate and detailed records of the vaccination, licensing and impoundment of animals. The Chief of Police shall give impoundment records to the Village Clerk.

B. Bite Cases: It shall be the duty of the Chief of Police to keep or cause to be kept accurate and detailed records of all bite cases reported to him, and of his investigation of the same. Should the report of a bite involve a rabid dog or animal it shall be immediately transmitted to the District Health Office. (Ord. 85, 5-9-1978; amd. 2000 Code)

C. Audit: The aforesaid records shall be audited annually in the same manner as other Village records are audited and shall be open to inspection as public records at all reasonable times. (Ord. 85, 5-9-1978)

5-1-12: EXEMPTIONS TO REGULATIONS:

A. Hospitals And Clinics: Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Chapter, except the duty to report rabies cases and to comply with the provisions specifically naming duties and responsibilities of licensed veterinarians in relations to animal regulation and rabies control. (Ord. 85, 5-9-1978)

B. Nonresidents: The licensing and vaccination requirements of this Chapter shall not apply to any animal belonging to a nonresident of the Village and kept within the Village for not longer than thirty (30) days, provided all such animals shall at all times while in the Village be confined within a building, enclosure or vehicle, or be under restraint by the owner. However, animals belonging to nonresidents must display a current license and rabies tag or their equivalent from the nonresident's place of residence. (Ord. 85, 5-9-1978; amd. 2000 Code)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) NMSA § 3-18-3.