



VILLAGE OF MOSQUERO

ORDINANCE NO. 2026-02

AN ORDINANCE RELATING TO ORDINANCE 2020-01
ENTITLED “AN ORDINANCE FOR THE LICENSING AND REGULATION OF DOGS
IN AND FOR THE VILLAGE OF MOSQUERO”

AMENDING SECTION 3. LICENSING AND REGISTRATION FEES,
AMENDING SECTION 5. RUNNING AT LARGE TO INCLUDE THE ADDITION OF SUBSECTION 5(F) –
PROCEDURE WHEN NO IMPOUND FACILITY IS AVAILABLE, AND
AMENDING SECTION 7. “DOG BITE” TO INCLUDE THE ADDITION OF SUBSECTION 7(E) – PROCEDURE
WHEN NO IMPOUND OR HOLDING FACILITY IS AVAILABLE, AND
ADDING SECTION 17. OFFICER DISCRETION AND ENFORCEMENT LIMITATIONS

WHEREAS, the Village of Mosquero has therefore adopted a comprehensive ordinance establishing licensing, impounding, and otherwise consideration for dogs within the corporate limits of Mosquero, New Mexico; and

WHEREAS, these provisions were approved by the Village council and set forth in Ordinance 2020-01 as of August 11, 2020, and is currently in effect; and

WHEREAS, the Village Council wishes to introduce additional amendments to include the requirement pertaining to the impound procedures should an impound facility not be available;

NOW THEREFORE, IT BE ORDAINED THE GOVERNING BODY OF THE VILLAGE OF MOSQUERO, THAT

SECTION 1. SHORT TITLE – This ordinance amendment may be cited as “Ordinance 2026-02 Amendments to Ordinance 2020-01 for Licensing and Regulation of Dogs in and for the Village of Mosquero”.

SECTION 2. PURPOSE – The purpose of this Ordinance to amend Ordinance 2020-01 “An Ordinance for the Licensing and Regulation of Dogs in and for the Village of Mosquero” to include the following additions:

Section 3. Licensing and Registration Required of Ordinance 2020-01 currently states:

“Dog licenses shall be issued by the Village of Mosquero City Clerk upon payment of a licensing tag of \$5.00 for each male and female dog...”

This section is hereby amended to read:

“Dog licenses shall be issued by the Village of Mosquero City Clerk upon payment of a licensing tag fee of \$5.00 for the first year of registration and a subsequential annual registration update fee of \$3.00 for each male and female dog.”

All other timelines and requirements in Section 3 remain unchanged.

Section 5. Running at Large

F. If a dog is required to be impounded under this section but no holding facility is available, the dog shall be returned to the owner and the owner shall be issued the applicable citation(s) and fines as outlined in this ordinance.

G. All dogs in public spaces must be leashed and under control at all times.

Section 7. Dog Bite

E. Procedure When no Impound or Holding Facility is Available

1. **Lack of Facility** - In the event the Village of Mosquero does not have access to an operational animal holding facility or contracted impound location, any dog involved in a verified bite incident shall not be impounded.
2. **Mandatory Return to Owner** - The dog shall be returned to the owner immediately after the incident is documented by a Law Enforcement Officer.
3. **Owner Citation** - When a bite incident is verified with proof and/or evidence, and the incident did not occur on the owner’s private property and was not provoked, the owner shall be issued a citation and fine of \$50.00 for the first offense.
4. **Escalating Penalties**
 - Second verified bite: \$150.00 citation
 - Third verified bite: \$300.00 citation, in addition to the existing penalties already outlined in Section 7 (including the five-year probation on dog ownership)
5. **Failure to Pay** – Failure to pay any fine within 30 days shall result in referral to the Village’s designated collections process.
 - Referral to a third-party collection agency
 - Reported delinquent accounts as permitted by law

Section 17. Officer Discretion and Enforcement Limitations

- A. **General Authority** – Law Enforcement Officers (LEO) and Animal Control Officers (ACO), as defines in this or Ordinance, are authorized to enforce the provisions of this ordinance to the extent reasonably possible based on available resources, personnel, and public-safety priorities.
- B. **Discretion in Enforcement** – LEOs and ACOs shall have discretion in determining the appropriate enforcement action for violations of this ordinance, including but no limited to issuing warnings, citations, or taking other lawful measures. Discretion may be exercised based on:
 1. The severity of the violation;
 2. The immediacy of any threat to public safety;
 3. The availability of an impound or holding facility;

4. The officer's workload, emergency response obligations, or other operational limitations;
 5. The presence of mitigating circumstances.
- C. **Limitations Due to Lack of Facilities or Resources** – When the Village of Mosquero does not have access to an operational impound or holding facility, or when available resources prevent immediate impoundment. Officers may elect to:
1. Return the dog to its owner;
 2. Issue applicable citations and fines;
 3. Document the incident for future enforcement;
 4. Provide written or verbal warnings when appropriate.
- D. **Prioritization of Public Safety** – Officers may prioritize enforcement actions involving:
1. Verified bite incidents;
 2. Dogs posing an immediate threat to persons or property;
 3. Dogs repeatedly running at large;
 4. Situations involving cruelty, neglect, or abandonment.
- E. **No Liability for inability to Act** – the Village of Mosquero, its officers, and its employees shall not be held liable for failure to impound, seize, or otherwise take custody of a dog when such action is not reasonably possible due to lack of facilities, personnel, or other operational constraints.
- F. **Consistency with Ordinance Intent** – The exercise of officers discretion under this section shall be guided by the intent of Ordinance 2020-01 and its amendments, which is to promote public safety, responsible dog ownership, and the welfare of residents and animals within the Village of Mosquero.

SECTION 3. SAVING CLAUSE – This Ordinance applies to the Village of Mosquero and does not apply to any other local municipality.

SECTION 4. SEVERABILITY – If any part of this amendment is found invalid, the remaining portions shall remain in full force and effect.

SECTION 5. EFFECTIVE DATE – This Ordinance shall become effective and be in full force immediately upon its passage, publication, and posting according to law, and shall apply to all residents within the corporation limits of the Village of Mosquero hereafter.

SIGNED, PASSED, APPROVED, AND ADOPTED by the Governing Body of the Village of Mosquero this 10th day of March, 2026.

Absent

Victor Vigil, Mayor

Theresa Trujillo

Theres Trujillo, Mayor Pro Tem

Jacob Green

Jacob Green, Trustee

Margaret Green

Margaret Green, Trustee

Absent

Jimmie Ridge, Trustee

Attest:

DLB

Dallas Baker, Village Clerk