

**MELVIN L. GARCIA, RAYMOND A. SANCHEZ, DAVID J. WILSON, MARGARET H. AMACKER and DUKE CITY PIT BULL TERRIER CLUB, INC., a non-profit New Mexico corporation, Plaintiffs-Appellants,**

**vs.**

**THE VILLAGE OF TIJERAS, a municipality of the State of New Mexico,  
Defendant-Appellee**

**No. 9424**

COURT OF APPEALS OF NEW MEXICO  
108 N.M. 116; 767 P.2d 355; 1988 N.M. App. LEXIS 99  
October 11, 1988

**SUBSEQUENT HISTORY:** [\*\*\*1] October 11, 1988  
[\*116] Certiorari Denied December 6, 1988.

### **Case Summary:**

**PROCEDURAL POSTURE:** Plaintiff pit bull owners sought review of the decision of the New Mexico trial court, which entered judgment in favor of defendant village in the pit bull owners' action seeking to declare a village ordinance banning pit bull terriers unconstitutional. The pit bull owners contended that the ordinance was vague, violated their procedural and substantive due process rights, and was an unconstitutional taking of their private property.

**OVERVIEW:** The village enacted the ordinance banning pit bull terriers in response to a series of attacks by pit bulls on persons and animals. The court held that the pit bull owners did not have standing to challenge the ordinance on vagueness grounds because the ordinance clearly applied to them. The court held that the village was entitled to combat the special threat it faced from pit bulls, and that the village's action was clearly rationally related to efforts to combat that threat. The court found no equal protection violation in the ordinance's singling out of only the pit bull terrier breed of dog. The ordinance did not violate the pit bull owners' procedural due process rights because it clearly contemplated that a hearing would take place before a dog was destroyed. The court held that the ordinance was not an unconstitutional taking because it was a legitimate exercise of the police power, reasonably necessary to preserve and protect the public health, safety, and welfare.

**OUTCOME:** The court affirmed the trial court's judgment upholding the constitutionality of the village ordinance.