

CITY OF ARTESIA

Title 6 - ANIMALS**Chapters:****6.04 Dogs and Cats****6.08 Livestock****Chapter 6.04 - DOGS AND CATS****Sections:****6.04.010 Definitions.****6.04.020 License-Required.****6.04.030 License-Fee.****6.04.040 License-Metallic stamp.****6.04.050 Running at large-Prohibited.****6.04.060 Running at large-Impoundment.****6.04.070 Vaccination.****6.04.080 Confinement to prevent nuisances.****6.04.090 Impoundment.****6.04.100 Investigation and duties of officers.****6.04.110 Violation- Penalty.****6.04.120 Sterilization deposit.****6.04.010 DEFINITIONS**

- A. "animal" means a cat or dog;
- B. "animal shelter" means the animal shelter operated by the city of Artesia in which stray, lost or unwanted animals are kept and released for adoption;
- C. "sterilization" means rendering an animal unable to reproduce, either by the spaying of a female animal or by the neutering of a male animal; and
- D. "sterilization deposit" means that portion of the adoption fee charged by the animal shelter when a person adopts an unsterilized animal; the "sterilization deposit" is refunded when the animal is sterilized.

(Ord. 565 § 1, 1993)

6.04.020 LICENSE REQUIRED

No person shall own, keep, harbor or permit any dog or cat within the city limits unless such dog or cat has been licensed by the city as provided in this chapter.

(Ord. 351§ 1(a), 1973)

6.04.030 LICENSE - FEE

The owner or person keeping or maintaining any dog or cat in the city shall pay an annual license fee to the city for each dog or cat. All dog and cat licenses shall be issued for one year, ending on the thirty-first (31st) day of December of each year. Persons applying for a license from January 1st through June 30th of each year shall pay a fee of two dollars [\$2.00] for the license, and persons applying for a license after July 1st shall pay one dollar [\$1.00] for a license covering the remainder of the year in which application was made for such license. (Ord. 351 § 1 (b), 1973)

6.04.040 LICENSE - METALLIC STAMP

With each dog or cat license issued, the city clerk, or the person issuing such license, shall deliver to the owner a metallic stamp with the number of the license to be worn by the dog or cat for which it is issued at all times, attached to a collar or harness upon such animal. (Ord. 351 § 1(c), 1973)

6.04.050 RUNNING AT LARGE - PROHIBITED

It is unlawful for any owner, possessor or keeper of any dog or cat in the city to permit the same to run at large within the city. A dog or cat shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper or his agent or a member of his family, and not on a leash, cord or chain not more than ten feet [10'] in length in the hands of the person immediately in charge of such dog or cat. (Ord. 351 § 2(a), 1973)

6.04.060 RUNNING AT LARGE - IMPOUNDMENT

Any dog or cat running at large within the city shall be subject to impoundment, as provided in this chapter, and the owner, possessor or keeper thereof shall be subject to fine and/or jail sentence on account of such dog or cat running at large, as provided in this chapter. (Ord. 351 § 2(b), 1973)

6.04.070 VACCINATION

No person shall own, keep or harbor within the city limits any dog or cat over three months old unless such dog or cat has been vaccinated for rabies. Every person owning, keeping or harboring a dog or cat over three [3] months old within the city limits shall cause such dog or cat to be vaccinated for rabies annually and shall present evidence of such vaccination each year when applying for a license for such animal. (Ord. 351 § 3, 1973)

6.04.080 CONFINEMENT TO PREVENT NUISANCES

Upon complaint of any person residing upon premises adjacent to or in the vicinity of any premises where any dog or cat is maintained that the dog or cat is creating a nuisance by excessive barking or noise, it shall be the duty of the owner, keeper or possessor of the dog or cat to confine the same within an enclosure sufficient to abate such noise and nuisance. (Ord. 351 § 4, 1973)

6.04.090 IMPOUNDMENT

Dogs and cats not licensed and/or not vaccinated for rabies and dogs and cats running at large may be caught and impounded in the dog and cat pound provided by the City of Artesia, New Mexico and, if not redeemed by the owner within [seventy-two] 72 hours, such dogs and cats may be destroyed by the City Poundman or Humane Officer. In order to redeem any dog or cat impounded under the provisions of this ordinance, the owner or person keeping such dog or cat must appear within such [seventy-two] 72 hours, pay the cost of the dog or cat license, if the animal be not li-



censed, furnish satisfactory evidence of vaccination or pay to have the dog or cat vaccinated, if the animal has not been vaccinated for rabies, and pay an impoundment fee of (a) [Twenty-five dollars] \$25.00 for the first time that the animal has been impounded, (b) [Fifty dollars] \$50.00 for the second time the animal has been impounded, and (c) [One hundred dollars] \$100.00 for the third and any subsequent impoundments of the animal occurring within a twelve [12] month period. (Ord. 524 § 1, 1988: Ord. 351 § 5, 1973)

6.04.100 INVESTIGATION AND DUTIES OF OFFICERS

For the purpose of enforcing this chapter, the City Poundman and any police officer of the City are authorized to enter upon any premises in which a dog or cat is kept or harbored. Such authorized officers may require the owner or person keeping or harboring any dog or cat to exhibit to such officers the license and vaccination certificate for such dog or cat. The Poundman and any police officer of the city may impound any dog or cat not licensed or vaccinated and any dog or cat running at large. Any person who shall interfere with, harm or impede the poundman or any police officer engaged in the performance of duties under this chapter shall be deemed guilty of the violation of this chapter for such interference. With respect to any dog or cat complained of as creating a nuisance by excessive noise, the Poundman or police officer handling the complaint shall first contact the owner or keeper of such dog or cat and advise the owner or keeper of such animal, and the first complaint shall not result in penalties against the owner or keeper or impoundment of the animal if the owner or keeper of such animal does confine the animal in an enclosure so as to abate the noise and nuisance. Any second and subsequent complaint against the same animal shall be grounds for filing of a complaint in municipal court seeking penalties against the owner or keeper of such animal or the impoundment of such animal, or both such remedies.

(Ord. 351 § 6, 1973)

6.04.110 VIOLATION - PENALTY

Any person who violates any provision of this ordinance shall be subject to a fine of not less than (fifty dollars) \$50.00 nor more than [three hundred dollars] \$300.00, to a jail sentence of not less than five [5] days nor more than [thirty] 30 days in the city jail of the City of Artesia, New Mexico, or to both such fine and imprisonment. In prosecutions for violations of this ordinance, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner, possessor or keeper of the animal in question that such animal was in violation of the provisions of this ordinance, it being the purpose and intent hereof to impose strict liability upon the owner, possessor or keeper of such animal to see that all provisions hereof are complied with. (Ord. 542 § 7, 1991: Ord. 524 § 7, 1988: Ord. 351 § 7, 1973)

6.04.120 STERILIZATION

A. No animal shall be released by the animal shelter to an

adopting person unless a sterilization agreement has been signed and a sterilization deposit has been paid, as provided in Subsections C and D of this Section.

- B. In addition to any adoption fee charged, a sterilization deposit of [one hundred dollars] \$100.00 shall be imposed on the adoption of each animal from the animal shelter.
- C. Animals less than six (6) months of age shall be released only upon payment of the adoption fee and a sterilization deposit and after the adopting person has signed an agreement stating he will have the adopted animal sterilized when it is no older than six (6) months of age.
- D. Adult animals over the age of six (6) months shall be released only upon payment of the adoption fee and a sterilization deposit and after the adopting person has signed an agreement stating he will have the animal sterilized within thirty (30) days of the date of adoption.
- E. The sterilization deposit shall be reimbursed only upon presentation of a receipt from a veterinarian that the adopted animal has been sterilized.
- F. An unsterilized animal reclaimed by its owner shall be released without being sterilized upon payment of the [one hundred dollars] \$100.00 for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the animal within thirty (30) days after release or will obtain a breeder permit or its equivalent. The sterilization deposit shall be reimbursed upon presentation by the owner of a receipt from a veterinarian that the animal has been sterilized or a breeder permit.

(Ord. 565 § 2, 1993)

Chapter 6.08 - LIVESTOCK

Sections:

6.08.010 Keeping certain animals prohibited - exceptions.

6.08.020 Area where keeping of livestock is permitted.

6.08.030 Slaughterhouses.

6.08.040 Violation of Section 6.08.010 - penalty.

6.08.050 Effective date.

6.08.010 KEEPING CERTAIN ANIMALS PROHIBITED-EXCEPTIONS From and after the third day of June, 1980, it shall be unlawful for any persons, associations, firms, or corporations to keep, cause, or permit to be confined, one or more cows, horses, mules, burros, goats, sheep, pigs, hogs, or swine at any place within the corporate limits of the city except on premises within a district zoned as SA district as more particularly provided in § 6.08.020, or except animals that are being kept for slaughter as provided in § 6.08.030 (Ord. 420 § 2 1980)



6.08.020 AREA WHERE KEEPING OF LIVESTOCK

IS PERMITTED Except as provided in this section, it shall be lawful and not a violation of this chapter to keep one [1] or more of the animals described in § 6.08.010, or any combination thereof, on premises within the city limits, lying within a zoning district zoned as a SA district under Chapters 17.12 and 17.16, said classification of a district being and referring to a rural-suburban district permitting the operation of farms and the keeping and raising of livestock thereon, and said Chapters 17.12 and 17.16 being the comprehensive zoning ordinance of the city. The city council determines that, due to the concentration of residential occupancy in the area described in this section, and notwithstanding that said area is zoned as SA district, the keeping of livestock, as described in § 6.08.010, constitutes a nuisance and a hazard to the health and welfare of the residents in the area, and is therefore ordered to be discontinued within one [1] year from the effective date of the ordinance codified in this chapter, as set forth in § 6.08.050, and shall be unlawful after the expiration of said one-year (1) period, in the following area: That area bounded on the east by the Eagle Draw Channel; on the south by the city limits of the city of Artesia, New Mexico; on the west by 26th Street; and on the north by the West Main Commercial District. Nothing contained in this chapter shall relieve those owners and persons keeping livestock in permitted SA district from complying with the provisions of Title 17 prescribing the requirements for keeping livestock. (Ord. 420 § 3 1980)

6.08.030 SLAUGHTERHOUSES

It shall be lawful and not a violation of this chapter for any slaughterhouse within the city limits which complies with all ordinances with regard to slaughterhouses, to keep animals which are brought in to be slaughtered upon the premises for a period not to exceed twenty-four (24) hours from the date when such animal was brought in for slaughter. (Ord. 420 § 4 1980)

6.08.040 VIOLATION OF SECTION 6.08.010 - PENALTY

- A. If any person, persons, associations, firms or corporations shall violate § 6.08.010 from and after the third day of June, 1980, each day's violation shall constitute a separate offense.
- B. Any person, persons, associations, firms, or corporations who shall violate § 6.08.010 shall be fined not more than one hundred dollars [\$100.00] in the discretion of the judge trying said case.

(Ord. 420 § 5 & 6, 1980)

6.08.050 EFFECTIVE DATE

This chapter shall become effective on the third day of June, 1980. (Ord. 420 § 1, 1980)