

## TOWN OF BLOOMFIELD ANIMAL CONTROL ORDINANCE

### ARTICLE I. IN GENERAL

#### SECS. 4-1-4-15. RESERVED.

### ARTICLE 11. DOGS

#### DIVISION 1. GENERALLY

##### SEC. 4-16. DEFINITION.

The word "OWNER," when used in this article, is any person owning, keeping or harboring any dog. (Ord. No. 81, § 1, 5-27-75) Cross reference-Definitions and rules of construction generally, § 1-2. \*Cross reference-Unreasonable noise from animals, 11-77(5). State law references-Municipal powers concerning animals, N.M.S.A. 1978, § 3-18-3; criminal offenses relating to animals, N.M.S.A. 1978, § 30-18-1 et seq.; animals and animal husbandry, N.M.S.A. 1978, § 77-1-1 et seq. State law reference-Dogs and domesticated animals, N.M.S.A. 1978, § 77-1-1 et seq.

##### SEC. 4-17. RABIES VACCINATION REQUIRED.

- (a) The owner, possessor or keeper of every dog within the city shall have such dog inoculated against rabies between January first and March first of each year. Dogs purchased, obtained or otherwise acquired or brought into the city subsequent to the first day of March in any calendar year shall be inoculated within thirty (30) days after such acquisition or being brought into the city.
- (b) The inoculation required by subsection (a) shall be made by any veterinarian licensed to practice veterinary medicine in this state. (Ord. No. 81, §§ 4, 5, 5-27-75) State law reference- Vaccination of dogs and cats required, N.M.S.A. 1978, § 77-1-3 et seq.

##### SEC. 4-18. INSTIGATING OR ENCOURAGING DOG FIGHTS PROHIBITED.

No person shall cause, instigate or encourage any dog fight within the city. (Ord. No. 81, § 21, 5-27-75)

##### SEC. 4-19. CRUELTY TO ANIMALS.

It shall be unlawful for any person to:

- (1) Over-drive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate or needlessly kill, or carry or transport in any vehicle or other conveyance in a cruel and inhumane manner any animal; or cause any of these acts to be done; or
- (2) Fail to provide any animal in his charge or custody with necessary sustenance or drink or cause any of these acts to be done; or
- (3) Poison any animal other than common pests or distribute poison in any manner whatever with the intent or for the purpose of poisoning any animal other than com-

mon pests; provided, however, that prior to the spreading of any poison outside of any building for the control of common pests, permission to so act shall be secured from the chief of police or his authorized representative; or

- (4) Shoot at, wound, take, capture, ensnare, trap or in any other manner molest or injure any domestic animal or insectivorous bird. State law reference-Cruelty to animals, N.M.S.A. 1978, § 30-18-1.

##### SEC. 4-20. ABANDONMENT; NEGLECT.

It is unlawful for any person to intentionally abandon or neglect animals anywhere within the city.

##### SEC. 4-21. CONFINEMENT OR MUZZLING OF DOGS DURING RABIES DANGER; IMPOUNDING OF DOGS NOT CONFINED OR MUZZLED.

Whenever the mayor shall be of the opinion that any danger exists from hydrophobia in the city or other danger exists from dogs running at large within the city, he shall issue his proclamation requiring every owner, possessor or keeper of any dog within the city to confine or securely muzzle the same for such time as he may designate, during which time it is unlawful for any dog to be within the city unless so securely muzzled with a good and substantial wire or leather muzzle securely fastened and put on so as to prevent any such dog from biting. It shall be the duty of the dog catcher and all police officers of the city to take up and impound any dog that may be found during the time so designated by the mayor as aforesaid unless muzzled or confined as herein provided. (Ord. No. 81, § 22, 5-27-75) State law reference-Quarantine, N.M.S.A. 1978, § 77-1-8.

##### SEC. 4-22. FEMALE DOGS IN HEAT.

Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or other enclosure shall be so constructed or situated as to prevent other dogs from gaining access to such yard, pen or other enclosure. (Ord. No. 81, § 23, 5-27-75)

##### SEC. 4-23. RUNNING AT LARGE PROHIBITED.

It is unlawful for any owner, possessor or keeper of any dog in the city to permit the same to run at large within the city. A dog 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 servant or a member of his immediate family, not restrained either by leash, cord or chain, not more than ten (10) feet in length. (Ord. No. 81, § 24, 5-27-75) Cross reference-Streets, sidewalks and other public places, Ch. 15. State law references-Impoundment of dogs running at large, N.M.S.A. 1978, § 77-1-9; running at large in municipalities, N.M.S.A. 1978, § 77-1-12.

**SEC. 4-24. VICIOUS DOGS.**

No person shall own, keep, possess or harbor a vicious dog within the city. As used in this section, a vicious dog is a dog that unprovokedly bites or attacks human beings or other animals either on public or private property or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon the streets, sidewalks or any public ground or place. The dog catcher and all police officers shall take up and impound any dog which is a vicious dog. If a vicious dog cannot be taken up and caught by the dog catcher or any police officer without such dog catcher or police officer exposing himself to danger of personal injury from such dog, the dog catcher or any police officer may forthwith destroy such dog without notice to the owner, keeper or possessor thereof. (Ord. No. 81, § 25, 5-27-75) State law reference-Vicious animals, N.M.S.A. 1978, § 77-1-10.

**SEC. 4-25. CONFINEMENT OF BITING DOGS.**

- (a) The owner, possessor or keeper of any dog which has bitten or which is suspected to have bitten any person or which is suspected of having rabies shall immediately notify the dog catcher or any police officer of such fact.
- (b) Any dog which has bitten or which is suspected to have bitten any person or which is believed to have rabies or to have been exposed to rabies shall be confined, upon order of the dog catcher or any police officer, for a period of ninety (90) days for observation. Such dog shall either be confined at the residence of the owner, possessor or keeper thereof, if such confinement can be accomplished without exposing such dog to the public, or, at the option of the dog catcher or any police officer, such dog shall be confined at the city pound or at a private veterinary hospital at the expense of the owner, possessor or keeper of the dog. It is unlawful for any owner, possessor or keeper of such dog to permit such dog during confinement to come into contact with the public. (Ord. No. 81, § 26, 5-27-75) State law reference-Similar provisions, N.M.S.A. 1978, §§ 77-1-6, 77-1-7.

**SEC. 4-26. NOTICE OF KNOWLEDGE OF VIOLATION OF SECTION NOT NECESSARY FOR PROSECUTION OF OWNER OR KEEPER.**

For the purpose of prosecution for violations of this article, 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 dog in question that such dog was violating any of the provisions of this article at the time and place charged, it being the purpose and intent of this article to impose strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog. (Ord. No. 81, § 27, 5-27-75)

**SECS. 4-27--4-35. RESERVED.****DIVISION 2. LICENSE\*****SEC. 4-36. REQUIRED.**

The owner, possessor or keeper of any dog within the city shall secure a license for such dog from the clerk-treasurer on or before the first day of March of each year or within thirty (30) days after the dog reaches the age of three (3) months. Dogs purchased, obtained or otherwise acquired subsequent to the first day of March in any calendar year shall be licensed within thirty (30) days after such acquisition. New residents of this city shall have thirty (30) days after becoming residents to secure a license hereunder. (Ord. No. 81, § 2, 5-27-75) \*State law reference-Municipal licensing of dogs permitted, N.M.S.A. 1978, § 77-1-15.

**SEC. 4-37. APPLICATION.**

All applications for a license under this division shall be made on forms provided by the clerk-treasurer. (Ord. No. 81, § 6, 5-27-75)

**SEC. 4-38. CERTIFICATE OF INOCULATION PREREQUISITE TO ISSUANCE.**

Upon application for a dog license, the applicant shall exhibit to the clerk-treasurer a certificate from a licensed veterinarian that the dog has been inoculated against rabies as required by this article. (Ord. No. 81, § 6, 5-27-75)

**SEC. 4-39. FEES.**

The annual license fee for dogs within this city shall be two dollars (\$2.00) for males and spayed females and five dollars (\$5.00) for unspayed females. (Ord. No. 81, § 3, 5-27-75)

**SEC. 4-40. TAGS.**

- (a) Issuance. It is the duty of the clerk-treasurer to deliver or cause to be delivered to each person making application for a license, paying the license fee provided for in section 4-39, and presenting the certificate of inoculation required by section 4-38, a dog tag for each dog licensed and inoculated.
- (b) Possession. Only those persons who own, possess or keep a dog duly licensed and inoculated in accordance with the provisions of this article shall be permitted to possess a dog tag as herein provided for.
- (c) Description. The dog tag provided for in subsection (a) shall be of such size, shape, color and material as may be deemed expedient and suitable by the clerk-treasurer. Such tag shall contain a number stamped thereon in numerical order beginning with number one and shall also indicate the year for which the same is issued and the words, "City of Bloomfield."
- (d) Attachment to dog's collar or harness. Every owner, possessor or keeper of a dog within the city shall place upon such dog a collar or harness made of durable material to which the dog tag provided for in subsection (a) shall be attached.
- (e) To be worn only by licensed dogs. No person shall affix to the collar or harness of any dog or permit to remain



so affixed a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of its license. (Ord. No. 81, §§ 7--11, 5-27-75)

**SEC. 4-41. RECORDS TO BE KEPT OF ISSUANCE; DUPLICATES; TRANSFERS.**

The clerk-treasurer shall keep a record of the date of issue of each dog tag and the person to whom such tag is issued and the number thereof. If the dog tag is lost or destroyed, a duplicate tag may be obtained from the clerk-treasurer upon the payment of a fee of fifty cents (\$0.50). If the ownership or possession of a dog is changed, a new dog tag must be obtained and such new dog tag shall be issued by the clerk-treasurer upon proof being presented that the inoculation and licensing requirements of section 4-38 have been complied with and upon the payment of the fee of fifty cents (\$0.50). (Ord. No. 81, § 12, 5-27-75)

**SECS. 4-42-4-50. RESERVED.**

**DIVISION 3. IMPOUNDMENT**

**SEC. 4-51. ESTABLISHMENT OF POUND.**

The clerk-treasurer may establish a dog pound for the city to be operated by city personnel, or at his election, he may, subject to the approval of the city council, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the city. (Ord. No. 81, § 14, 5-27-75)

**SEC. 4-52. AUTHORITY TO IMPOUND.**

It is lawful for the dog catcher and all police officers to impound any dog which is not wearing a dog tag and any dog which they reasonably feel to be in violation of any of the provisions of this article, whether such dog is wearing a dog tag or not. It is lawful for the dog catcher or any police officer to go upon private property for the purpose of catching any dog to be impounded. (Ord. No. 81, § 13, 5-27-75)

**SEC. 4-53. FILING OF COMPLAINT IN MUNICIPAL COURT.**

If a dog is impounded, the dog catcher or any police officer shall immediately institute proceedings in the municipal court on behalf of the city against the owner, possessor or keeper of such dog if known, charging the owner, possessor or keeper with a violation of the appropriate section. Nothing herein contained shall be construed as preventing the dog catcher, any police officer or any citizens from instituting a proceeding in the municipal court in the city for violation of this section where there is no impoundment. (Ord. No. 81, § 15, 5-27-75)

**SEC. 4-54. NOTICE TO OWNER OR KEEPER OF DOG.**

As soon as practicable after the date of impoundment, the dog catcher shall send by regular mail a written notice of such impoundment to the owner, possessor or keeper of such dog if the address of such person be known; if the owner, possessor or keeper of such dog is not known or if his

address cannot be determined, the dog catcher shall cause to be posted in a conspicuous place in the city for at least three (3) consecutive days a notice of impoundment. Whether the notice herein provided be mailed or posted, it shall describe the dog, set forth the date of impoundment and describe the location where the dog was taken. (Ord. No. 81, § 16, 5-27-75; Ord. No. 82, § 1, 7-14-75)

**SEC. 4-55. RELEASE OF IMPOUNDED DOG; DESTRUCTION OF DOG.**

If a complaint has been filed in the municipal court of the city against the owner, possessor or keeper of any impounded dog for a violation of this article, the dog shall not be released from impoundment except on order from municipal judge. In addition to any penalties which may be provided for in this Code for a violation of this Code, the municipal judge shall require such owner, possessor or keeper to pay the fees herein provided for in section 4-57 and may, upon finding that such dog constitutes a nuisance or that such dog is a vicious dog or that such dog constitutes a clear and present danger to the citizens of the community, order that the dog be destroyed in a humane manner by the dog catcher or by persons authorized to do so by the clerk-treasurer. (Ord. No. 81, § 17, 5-27-75)

**SEC. 4-56. DISPOSAL OF DOG OF UNKNOWN OWNER OR KEEPER.**

If a complaint has not been filed in municipal court because the owner, possessor or keeper of any impounded dog is not known or cannot be located and such dog has not been claimed within three (3) days from the date of impoundment, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by the dog catcher or by persons so authorized to do so by the clerk-treasurer. (Ord. No. 81, § 18, 5-27-75; Ord. No. 82, § 2, 7-14-75)

**SEC. 4-57. REDEMPTION FEES.**

- (a) Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the city the sum of five dollars (\$5.00) as an impoundment fee together with the sum of one dollar and fifty cents (\$1.50) for each day of impoundment for room and board and any and all license or rabies inoculation fees provided for in this article.
- (b) Additionally, to insure compliance with the terms of this article, the dog catcher shall require a deposit of ten dollars (\$10.00) for each untagged dog released, such money to be paid to the clerk treasurer. Upon the owner exhibiting to the dog catcher or to the clerk-treasurer his certificate showing proof of vaccination, such deposit shall be returned to the owner. (Ord. No. 81, § 19, 5-27-75)

**SEC. 4-58. SALE OF IMPOUNDED DOGS.**

After the notice required by section 4-54 has been given, and after the number of days of impounding required by section 4-56 have expired, then such dog may be released to any person upon payment of an adoption fee as set by council by

resolution from time to time, and upon presentation of written proof of inoculation and licensing of such dog in accordance with the requirements of this article. (Ord. No. 82, § 3,7-14-75)

**SEC. 4-59. INTERFERENCE WITH DOG CATCHER OR POLICEMAN PERFORMING DUTIES.**

It is unlawful for any person to interfere with, molest, hinder or obstruct the dog catcher or any police officer in the discharge of their official duties under this article. (Ord. No. 81, § 20, 5-27-75) Cross reference-offenses against governmental functions, § 11-16 et seq.

**SECS. 4-60--4-70. RESERVED.**

**ARTICLE III. LIVESTOCK\***

**SEC. 4-71. DEFINED.** The term "LIVESTOCK" as used in this article shall mean horses, burros, cattle, sheep, goats and swine. (Ord. No. 12, § 5, 12-22-53) Cross reference-Definitions and rules of construction generally, § 1-2.

**SEC. 4-72. RUNNING AT LARGE PROHIBITED.**

It is unlawful for any owner, possessor or keeper of any livestock in the city to permit the same to run at large within the city. Livestock 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 servant or a member of his immediate family, not restrained either by leash, cord or chain, not more than ten (10) feet in length; except for herding permitted under section 4-73. (Ord. No. 12, § 1, 12-22-53)  
Cross reference-Streets, sidewalks and other public places, Ch. 15. State law reference-Estrays, N.M.S.A. 1978, § 77-13-1 et seq.

**SEC. 4-73. CONTROL WHILE DRIVING THROUGH STREETS.**

It shall be unlawful for any person to drive livestock in, on or through the city unless a written permit has been obtained from the chief of police and there be one person or more in close control of such livestock in such manner as to cause such livestock to make way for pedestrians and motor vehicles driving upon the streets and alleys of the city; and any and all persons driving livestock in or through the city to have the livestock under control with a rope on such livestock, or have such livestock driven by sufficient herders to manage and direct such livestock in such manner as not to interfere with pedestrians or motor vehicles traveling on the streets and alleys of the city. (Ord. No. 12, § 2, 12-22-53) Cross reference-Streets, sidewalks and other public places, Ch. 15. State law reference-Herding, N.M.S.A. 1978, § 77-11-1 et seq. \*State law reference-Livestock board, N.M.S.A. 1978, § 77-2-1 et seq.

**SEC. 4-74. REGULATIONS FOR KEEPING.**

It shall be unlawful for any person to keep any livestock in the city unless such livestock be enclosed by a fence around

the land in which such livestock is kept. It shall be unlawful for any person to keep or maintain livestock in the city in or on premises, enclosures, buildings or structures which are not at all times maintained in a sanitary condition, or in such condition as to prevent odors from such premises which will be offensive to persons in the city. (Ord. No. 12, § 3, 12-22-53)

**SECS. 4-75-4-85. RESERVED.**

**ARTICLE IV. WILD OR EXOTIC ANIMALS  
DIVISION 1. GENERALLY**

**SEC. 4-86. DEFINITIONS.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

**ANIMAL** means any vertebrate member of the animal kingdom excluding man.

**ANIMAL CONTROL CENTER OR CENTER** means any pound, lot, premises or building maintained by the city for the care and custody of animals.

**ESTRAY** means any animal found running at large beyond the boundaries of the premises of the owner.

**OWNER OF AN ANIMAL** is a person who owns, harbors or keeps, or knowingly causes or knowingly permits an animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises.

**PREMISES** are defined as a parcel of land and the structures thereon.

**SHELTER** means any establishment owned and operated by a nonprofit organization, licensed to do business in the state whose sole function is to bring aid and comfort to animals.

**WILD OR EXOTIC ANIMAL** is defined as any animal not normally considered domesticated, and shall include but not be limited to:

- (1) Class Reptilia: Order Phidia (such as racers, boas, water snakes and pythons) and Order Loricata (such as alligators, caymans and crocodiles).
- (2) Following members of the Class Aves: Order Falconiforms (such as hawks, eagles and vultures) and Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus)
- (3) Class Mammalia: Order Carnivora, Familia, Felidae, (such as ocelots, margays, tigers, jaguars, leopards and cougars) except commonly accepted domesticated cats, the Family Canidae, such as wolves, dingos, coyotes and jackals, except domesticated dogs, Family Mustelidae, (such as weasels, martens, mink, badgers), Family Procynnidae, (raccoon), Family Ursidae (such as bears), and Order Marsupialia, (such as kangaroos and common opossums), Order Edentata (such as sloths, anteaters and armadillos), Order Procynoidae (elephants), Order Primates (such as monkeys, chimpanzees and gorillas), Class Rodentia (such as porcupines) and Order Ungulata (such as antelope, deer,

bison and camels) and Tayassuidae (Genus Pecari) wild hog. (Ord. No. 92, § 1, 8-9-76) Cross reference-Definitions and rules of construction generally, § 1-2.

**SEC. 4-87. ADMINISTRATION AND ENFORCEMENT.**

- (a) The mayor is responsible for the administration of this article. Reasonable rules and regulations shall be prescribed by the mayor to carry out the intent and purpose of this article, pursuant to standards created by this article. Powers delegated to the mayor may be delegated by the mayor to other appropriate city departments as he may deem expedient for the effectuation of this article.
- (b) The mayor, the supervisor of the animal control center, and animal control officers shall have the authority to issue citations for violations of this article and to perform such other duties as are prescribed herein.
- (c) The amount of money to be used for the purposes of enforcing this article shall be not less than the total fees collected under this article. (Ord. No. 92, § 2, 8-9-76) Cross reference-Administration generally, Ch. 2.

**SEC. 4-88. PROHIBITED EXOTIC ANIMALS; EXCEPTIONS.**

The following exotic animals are prohibited in the city:

- (1) Any exotic animal or species prohibited by federal or state law;
- (2) Any exotic animal or species when kept in such numbers or in such a way as to constitute likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance;
- (3) Bats;
- (4) Skunks. (Ord. No. 92, § 3, 8-9-76)

**SEC. 4-89. EXCLUSIONS.**

- (a) A valid zoological park, veterinary hospital, humane society, shelter, public laboratory, circus, sideshow, educational or scientific facility, provided protective devices adequate to prevent such animal from escaping or injuring the public are provided, are excluded from the provisions of sections 4-88, 4-90, 4-91, 4-92, 4-106-4-112 and 4-137.
- (b) Upon application to the mayor the keeping of prohibited animals may be permitted for educational or scientific purposes, providing there is no conflict with state or federal regulations in lieu of licensing each animal, a special animal permit shall be obtained in accordance with section 4-106. (Ord. No. 92, §§ 4, 10, 8-9-76)

**SEC. 4-90. HEALTH REQUIREMENTS.**

Individuals authorized to acquire an exotic animal must, within fourteen (14) days of acquisition, submit to the mayor a health certificate from a qualified veterinarian stating that the animal is in good health and has been vaccinated in accordance with applicable time schedules. (Ord. No. 92, § 5,8-9-76)

**SEC. 4-91. HOUSING FACILITIES AND CARE**

**REQUIRED**

- (a) Housing for exotic animals shall be sufficiently spacious, ventilated and temperature controlled and shall be kept clean and sanitary at all times.
- (b) The exotic animals shall be provided with proper food, water and attention.
- (c) The exotic animals shall be kept and cared for in such a way as to not endanger the safety of any person or property.
- (d) The exotic animal permittee must notify the mayor when changing his residence or location of the exotic animals, or selling or otherwise disposing of the exotic animals for which the permit was issued.
- (e) All exotic animals shall be kept under lock and key. (Ord. No. 92, § 6, 8-9-76)

**SEC. 4-92. INSPECTION.**

Permits issued pursuant to the provisions of this article shall be surrendered for inspection upon the request of the mayor. The premises on which an exotic animal is maintained shall be open at any reasonable hour and in a reasonable manner for inspection by the mayor. (Ord. No. 92, § 7, 8-9-76)

**SECS. 4-93--4-105. RESERVED.**

**DIVISION 2. EXOTIC ANIMAL PERMIT**

**SEC. 4-106. REQUIRED.**

No person shall receive, purchase, own or keep any exotic animal without first applying to and receiving from the mayor a permit to do so. Notwithstanding the above, those persons in possession of exotic animals when they become residents of the city in the future have a sixty-day period in which to apply for such permit before the penalty provisions of this Code become applicable. (Ord. No. 92, § 5,8-9-76)

**SEC. 4-107. APPLICATION.**

The application for a permit under this division shall contain the name of the applicant; his address, the address of the proposed location of the exotic animals, if different from the applicant's; a brief description of the applicant's plan for keeping the exotic animals which shall include the species of animal, the number of individuals of each species, and a description of the housing facilities; a list of individuals qualified to care for the animals desired or that have agreed to advise or assist the applicant in the proper care and treatment of the animals and who would be willing to recommend the person applying for the permit; and the list of publications which the applicant has studied in order to qualify for a permit for the animals. (Ord. No. 92, § 5, 8-9-76)

**SEC. 4-108. INVESTIGATION.**

Upon receipt of the application under this division, the mayor shall inspect the facilities where the animals are to be housed and shall make whatever other investigations he deems necessary. (Ord. No. 92, § 5, 8-9-76)

**SEC. 4-109. STATE OR FEDERAL PERMITS PRE-REQUISITE TO ISSUANCE.**

No person shall apply for an exotic animal permit without first obtaining any required state or federal permits. (Ord. No. 92, § 5, 8-9-76)

**SEC. 4-110. ISSUANCE; FEE.**

If the mayor approves the application under this division the twenty-five dollars (\$25.00) initial exotic animal permit fee shall be paid and the permit issued. (Ord. No. 92, § 5, 8-9-76)

**SEC. 4-111. NEW ANIMALS.**

Whenever, in any given permit year, there are new exotic animals in a collection due to the reproduction of members of the collection or to replacement in the same number and zoological species as the members replaced, the new animals do not require an additional permit during the year, provided the mayor is notified in writing of the new exotic animals within thirty (30) days of acquisition. Whenever a new exotic animal or collection is added, a new permit must be secured and a new fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite of such issuance. (Ord. No. 92, § 5, 8-9-76)

**SEC. 4-112. RENEWAL.**

The exotic animal permit shall be valid for one year, and must be renewed within sixty (60) days thereafter and an inspection is required prior to the renewal of the permit. The annual fee for renewal is ten dollars (\$10.00). If during the preceding year, more than one initial permit has been issued an applicant, the former permits may be consolidated so that only one renewal permit is required; provided, however, that the renewal date for the consolidated permit shall be the date of the issuance of the earliest initial permit. The animal control center may deny the application for renewal for cause. (Ord. No. 92, § 5, 8-9-76)

**SECS. 4-113--4-120. RESERVED.**

**DIVISION 3. ANIMAL EXHIBIT PERMIT**

**SEC. 4-121. REQUIRED.**

No person shall keep, conduct or operate within the city any traveling animal show, petting zoos, circus, pony rides, animal acts or miscellaneous animal or reptile exhibits without first obtaining a special animal permit from the mayor. (Ord. No. 92, § 11, 8-9-76)

**SEC. 4-122. APPLICATION.**

Each application for a special animal permit under this division shall be in writing upon a form to be furnished by the mayor and shall contain such information as the mayor shall require. (Ord. No. 92, § 11, 8-9-76)

**SEC. 4-123. INVESTIGATION; STANDARDS FOR ISSUANCE.** Upon the filing of each application under this division, either for an original permit or renewal thereof, the mayor shall make such investigation as he deems proper. The mayor shall then issue a permit to the applicant if it is

found that:

- (1) The animals, or the conduct or operation of the business for which the permit is requested will not constitute a menace to the health, peace or safety of the community;
- (2) The premises and establishment where animals are to be kept is maintained in a clean and sanitary condition and that animals will not be subject to needless suffering, unnecessary cruelty or abuse;
- (3) The applicant has not had a permit revoked within one year prior to the date of application. (Ord. No. 92, § 11, 8-9-76)

**SEC. 4-124. FEE.**

The fee for each permit under this division shall be twenty-five dollars (\$25.00). (Ord. No. 92, § 11, 8-9-76)

**SEC. 4-125. TERM.**

All special animal permits issued by the mayor under this division shall be for a specified period of time but not to exceed one year unless revoked or suspended, or unless the holder of such permit changes the location of his place of business, or sells, assigns, transfers or otherwise disposes of such business or his interests therein. (Ord. No. 92, § 11, 8-9-76)

**SECS. 4-126--4-135. RESERVED.**

**DIVISION 4. IMPOUNDMENT**

**SEC. 4-136. NOTIFICATION TO AUTHORITIES OF POSSESSION.**

- (a) No person shall, without the knowledge or consent of the owner, hold or retain possession of any exotic animal of which he is not the owner, for more than twenty-four (24) hours without first reporting the possession of such animal to the supervisor of the animal control center, giving his name and address, a true and complete statement of the circumstances under which he took up the animal, a description of the animal, and the precise location where such animal is confined.
- (b) It is unlawful for a person taking up an exotic animal to fail to give the notice required in subsection (a), and for any person having such animal to fail to give the notice required above, and for any person having such animal in his possession to fail or refuse to immediately surrender such animal to an animal control officer upon demand thereof (Ord. No. 92, § 12, 8-9-76)

**SEC. 4-137. AUTHORITY TO IMPOUND.**

For failure to have a permit in advance of obtaining an exotic animal or to renew the permit within sixty (60) days of the expiration date, or upon suspension of an exotic animal permit, the mayor shall have the authority to enter the premises where the exotic animal is kept, at any reasonable hour, and to impound the animal. The animal shall be surrendered upon demand of the mayor. (Ord. No. 92, § 8, 8-9-76)

**SEC. 4-138. NOTIFICATION OF OWNER; KEEPING AND DISPOSAL.**

- (a) If an stray exotic animal is wearing a license or bears

other identification, the animal shall be confined at the animal control center for a period of at least seven (7) days during which time the owner shall be notified. If an estray exotic animal is not wearing a license or other identification, the animal shall be impounded at the animal control center for at least three (3) days. The supervisor of the animal control center may dispose of estray animals impounded under this section one day after the required impoundment period and may either place the animal in an adoptive home, sell the animal, or may destroy the animal in a humane fashion, as the supervisor of the animal control center may deem proper.

- (b) Any estray exotic animal not redeemed by its owner or placed with a new owner, may be disposed of by the mayor at his discretion.
- (c) The mayor is hereby authorized to sell any animal that has come into the custody of the animal control center under the provisions of this division and to execute a bill of sale to the purchaser. The execution of a bill of sale shall be sufficient to vest title to the animal in the purchaser. (Ord. No. 92, § 12, 8-9-76)

**SEC. 4-139. RESPONSIBILITY FOR FEES.**

It shall be the responsibility of an exotic animal owner redeeming an animal legally impounded under the provisions of this division, or a person adopting an animal through the animal control center to reimburse the city for animal boarding or other costs. The superintendent of the animal control center shall establish appropriate procedures for collecting such fees. (Ord. No. 92, § 12, 8-9-76)

**SEC. 4-140. RECORDS.**

The supervisor of the animal control center shall maintain a record of all exotic animals in the control of the center for a reasonable period of time. The record shall contain at least the following information:

- (1) A complete description of the animal;
- (2) The manner and date of its acquisition by the center;
- (3) The date and manner of its disposal;
- (4) The name and address of the purchaser of any animal;
- (5) All fees received. (Ord. No. 92, § 12, 8-9-76)