

EUNICE ANIMAL CONTROL ORDINANCE

SECTION 4-101 DEFINITIONS: The following words and phrases, when used in this chapter, shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

ANIMAL means any vertebrate, excluding humans, and including but not limited to any horse, mule, donkey, pony, cow, sheep, goat, hog, pig, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;

ANIMAL CONTROL OFFICER means the person nominated by the mayor with the approval of council to enforce this chapter and operate the city's animal shelter;

ANIMAL SHELTER means, any establishment authorized by the city for the care and custody of impounded animals;

AT LARGE means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not;

OWNER means any person, firm or corporation owning, harboring, or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal; and

VICIOUS ANIMAL means an animal which has bitten, or attempted to bite any person without undue provocation, or which attacks, or barks, or growls at and acts as if it intended to attack or bite, or bites a person or persons, when not unduly provoked.

State Law Reference: City authority to regulate animals, 3-18-3, NMSA 1978.

SECTION 4-102 KEEPING IN ANNOYING MANNER, NUISANCE: The keeping of, or permitting the keeping of, any animal within the corporate limits of the city in such a manner that it annoys or bothers a person or persons by:

1. Barking, howling, cackling, or crowing;
2. Noxious or offensive odors;
3. Endangering the health and welfare of inhabitants of the city; or
4. Otherwise disturbing the peace and quiet of a person. Is hereby declared to be a nuisance and is unlawful in the city. (Ord. No. 204, 1/13/69)

SECTION 4-103 ANIMALS RUNNING AT LARGE PROHIBITED: It is unlawful for the owner or keeper of any animal to permit the same to run at large in the city or trespass upon the premises of another. (Ord. No. 149, 6/9/58)

SECTION 4-104 IMPOUNDMENT AND DISPOSITION OF ANIMALS RUNNING AT LARGE, FEES:

A. It is the duty of the animal control officer to pick up any

animal that may be in violation of this chapter or running at large upon the streets, curbing, alleys, public places or trespassing upon the lands of any person within the corporate limits of the city, and impound such animal. An animal impounded by virtue of this chapter shall be released to the owner or person entitled to the possession thereof upon payment of the cost of impoundment fees for such animal a sum as set by the governing body.

- B. The animal control officer shall post a description of all impounded animals in the city clerk's office, which description shall give the color, sex and description of the animal impounded and shall state that the animal will be sold, or otherwise disposed of in a humane manner unless it is released from impoundment on a date not less than seventy-two (72) hours from the date the notice or description is posted in the clerk's office.
- C. If the owner or person entitled to the possession of any animal impounded under this section is known or can with reasonable diligence be found, the city shall send notice to the owner in writing or call the owner by telephone to inform the owner that the animal will be destroyed unless the owner or other person releases such animal from impoundment within the time period stated in this section. If such animal is not released from impoundment by the owner or person entitled to the possession thereof prior to such date, the city may sell the animal to the highest bidder for cash, and the buyer shall thereafter have complete title to such animal.
- D. From the proceeds of the sale of animals sold under this section, there shall be first paid the cost of feeding the animals and the cost of publishing the notice of sale. The residue shall be paid into the office of the city clerk and placed to the credit of the city.
- E. Fees for impounding any animal shall be as set by the governing body from time to time by motion or resolution.
- F. No dog or cat may be released from impoundment without first being inoculated against rabies or until the owner produces a certificate of inoculation for the current year, or until the owner posts a bond in such sum as set by the city, returnable within ten (10) days for inoculation purposes. (Ord. No. 149, 6/9/58; Ord. No. 204, 1/13/69)

SECTION 4-105 REGISTRATION AND LICENSING OF DOGS:

- A. It is the duty of every person owning, keeping or harboring within the city any dog three (3) months of age or older to cause such dog to be registered with the city clerk, by giving the clerk a description of the dog, including its name, breed and sex, and the owner's or keeper's name and address, and applying for and obtaining a license for such dog. The license shall be obtained:



1. Within thirty (30) days after such dog reaches the age of three (3) months;
 2. Within thirty (30) days after the dog is brought into the city; or
 3. Annually on or before the first of January.
- B. The registration and license tax provided in this chapter shall not apply to a dog only temporarily brought and kept within the city, nor to a dog brought within the city to participate in a dog show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs being kept in kennels or pet shops for sale.

SECTION 4-106 LICENSE FEE AND TAG:

- A. There is hereby imposed a license fee in such sum per annum as set by the council on each dog. Such fee may be paid at the time the annual license required by Section 4-1065 is obtained. Upon the payment of such fee to city clerk, the clerk shall receipt therefor and furnish the applicant a duplicate thereof which duplicate receipt shall contain a description of the dog upon which the fee was paid. The clerk may also issue an appropriate tag to the applicant. The tag shall constitute a license for the dog.
- B. The owner shall cause the tag received from the city clerk to be affixed to the collar of the dog upon which the fee has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog at all times.
- C. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog by applying to the city clerk, showing to him the original receipt, and paying a fee as set by the governing body.
- D. All monies collected from dog fees by the city clerk shall be paid into the city treasury.
- E. No license shall be issued for any dog until a certificate of rabies vaccination, as required by this chapter, for the current year is exhibited to the city clerk. (Ord. No. 204, 1/13/69)

SECTION 4-107 RABIES VACCINATION: It is the duty of the owner, keeper, or harbinger of every dog or cat in the city, once each calendar year before the first day of May thereof and, in the case of a pup or kitten, before it is three (3) months old, to cause such dog or cat to be vaccinated against rabies, secure a certificate of vaccination from the appropriate officer, indicating the owner or keeper of the animal, description of the animal, date of vaccination and type of vaccine used. (Ord. No. 204, 1/13/69)

SECTION 4-108 CRUELTY TO ANIMALS:

- A. It is unlawful for any person wilfully and maliciously to pour on, or apply to, an animal, any drug or other thing which inflicts pain on any animal; or, knowingly to treat an animal in a cruel or inhumane manner; or knowingly to kill, maim, disfigure, torture, beat, mutilate, scald,

overdrive an animal; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner. Exempted from the provisions of this section are acts of reasonable force employed to drive off a vicious or trespassing animal.

- B. It is unlawful for any person to fail, refuse, or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade or shelter, to carry any animal in or upon any vehicle in a cruel or inhumane manner. (Ord. No. 204, 1/13/69)

SECTION 4-109 CONCEALMENT: It is unlawful for any person to conceal any animal from an animal control or police officer or to interfere with such officers in the discharge of the duties herein imposed. (Ord. No. 204, 1/13/69)

SECTION 4-110 HARBORING OR CONCEALING: It is unlawful for any person to steal, harbor, or permit the harboring or concealing any animal, upon his premises, or to keep or use without the consent of the owner. (Ord. No. 204, 1/13/69)

SECTION 4-111 POISONING ANIMAL: It is unlawful for a person wilfully to poison any animal except a noxious, nondomesticated animal. It is unlawful to knowingly expose poison so that the same may be taken by any animal other than a noxious or nondomesticated animal or person.

SECTION 4-112 ENCOURAGING ANIMALS TO FIGHT: It is unlawful for, any person to instigate or encourage a fight between animals; or, to encourage one animal to attack, pursue, or annoy another animal, or to keep a house, pit, or other place used for fights between animals. (Ord. No. 39, 8/9/37, as amended)

SECTION 4-113 SEEING EYE ANIMALS NOT TO BE PROHIBITED: It is unlawful for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to exclude therefrom any animal which has been trained to assist the blind or deaf, provided that such animal be in the company of the blind or deaf person whom it was trained to assist. (Ord. No. 204, 1/13/69)

SECTION 4-114 DOGS MUZZLED AND CATS CONFINED:

- A. When the district health officer or animal control officer determines and certifies that a dog, cat, or other animals in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the governing body, by resolution, may order all dogs to be muzzled when at large within the city, and if deemed desirable, all cats to be confined, during a period of time to be determined by the governing body. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the



date following such publication unless the resolution prescribes a later time.

- B. While such resolution is in effect, it is unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such resolution, or for any such dog or cat to be at large in violation thereof.

SECTION 4-115 VICIOUS ANIMAL MAY BE KILLED:

Any person may kill an animal in self-defense or in defense of another when the animal, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack, him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the animal are directed is about to be bitten or otherwise physically harmed.

SECTION 4-116 ANIMAL THAT BITES TO BE REPORTED AND CONFINED.

- A. Any owner or custodian of an animal having any reason to believe that such animal has bitten any person in the city shall immediately report such incident to the local district health office of the Health Services Division of the Health and Environmental Department. Such animal shall immediately be confined at the veterinary clinic or an approved kennel chosen by the owner or custodian, under observation of a licensed doctor of veterinary medicine, for a period of ten (10) days to determine if such animal be rabid. The animal control officer may permit quarantine of such animal at the owner's home after inspection and approval by the animal control officer only if the animal has a current vaccination for rabies. The cost of confinement shall be borne by the owner or keeper of the animal.
- B. 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.

SECTION 4-117 KENNELS MUST BE LICENSED:

- A. Any person owning or operating a kennel must first secure a license from the city clerk and pay a sum as set by the governing body per year for the license. The location of the kennel shall be subject to any planning or zoning guidelines or decisions of the governing body or city planning commission. In any case, no kennel may be kept in any residential area of the city.
- B. For the purposes of this section, a kennel is defined as keeping of more than three (3) animals on the same premises over six (6) months of age.

SECTION 4-118 BUILDINGS FOR ANIMALS.

- A. Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.
- B. Every stable or building, if located within two hundred

(200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, such size as to hold all accumulations in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

- C. No stable, kennel, chicken coop, dovecote, rabbit warren, yard or other establishment herein animals are kept, shall be maintained closer than forty (40) feet to any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept.
- D. Every stable, structure, pen, coop or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors.
- E. Manure shall be hauled outside the city in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.
- F. The district health officer or animal control officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause such animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order: but this shall not abridge the right of others to make such complaint.

SECTION 4-119 CITY MAY ENTER INTO CONTRACT FOR OPERATION OF SHELTER: The governing body is authorized to join into a cooperative effort with the county or any other community in the county for the purpose of establishing, operating and maintaining the animal shelter for animals running at large or in violation of this chapter.

SECTION 4-120 PENALTY: Any person who violates any provision of this chapter, or who violates, refuses or neglects to carry out any reasonable order made by the district health officer or animal control officer pursuant to this chapter, shall upon conviction thereof be punished as provided in Section 1-108 of this code.

