

ORDINANCE NO. 13-06

AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING THAT ORDINANCE 13-06, ADDS SECTIONS 4-42, 4-43, 4-44, 4-45, AND AMENDS SECTION 4-48 IN THE ROSWELL CITY CODE WHICH ADDRESS VARIOUS ISSUES RELATING TO DOGS OR CATS AND PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS: The Roswell City Council has determined that the proliferation of unwanted dogs and cats constitutes an undesirable drain on City funds; and

WHEREAS: The Roswell City Council has determined that in order to place reasonable controls on unwanted dogs and cats thereby reducing that aspect of the dog and cat population;

WHEREAS: The City of Roswell believes the breeding of dogs or cats for profit without a business license is not in the best interest of the public, and;

WHEREAS: The Roswell City Council has determined that the public interest will best be served by enacting this ordinance.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL, OF ROSWELL, NEW MEXICO, that:

Section 1. The Roswell City Code sections listed below are added or amended to read as follows:

Section 4-42 Litter Permit:

- (a) An owner who intentionally or unintentionally breeds a dog or cat and who does not have a current breeder permit shall obtain a litter permit for each litter. A female dog or cat shall have no more than one (1) litter and each household shall be limited to no more than two (2) litters in any calendar year. A litter permit will not be issued and owner will be in violation of this section if the owner is found to have had a female dog or cat with more than one (1) litter or more than two (2) litters in the household in a calendar year.
- (b) The litter permit application shall contain the following information at a minimum, additional information can be requested by the City management or administrators.
 - (1) Name of applicant.
 - (2) Address if applicant.
 - (3) Telephone number of applicant.
 - (4) Description and picture of female dog or cat.

The City Manager may require such other information as is deemed necessary in order to determine whether to approve or deny a permit under this section.

- (c) A litter permit is valid for six (6) months from date of issue and must be obtained no later than one (1) week after the birth of the litter.
- (d) The owner shall not advertise, barter for, sell, or give away any puppy or kitten unless the applicable litter permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number to any potential recipient upon request. Failure to list permit number or advertising without obtaining a permit is a violation of this section.
- (e) Owners can only barter, sell, give away or otherwise transfer or convey puppies or kittens from the applicant's address as listed on the litter permit. An owner is in violation of this title if puppies or kittens being bartered for, sold, given away

or other transfer or conveyance on any other property, even with the property owner's permission.

- (f) Every dog or cat offered for sale, barter, given away, adopted or otherwise transferred or conveyed will have been given age appropriate rabies vaccinations by a veterinarian. A certificate providing the name of the veterinarian and the date of the last rabies vaccination must be provided to the recipient at the time of transfer.
- (g) There will be no fee charged for a litter permit.

Section 4-43 Number of dogs and cats allowed.

No person or household shall own, possess, harbor or keep more than a combined total of five (5) dogs or cats or any combination thereof over the age of three (3) months without a valid breeder permit or a multiple dog and cat permit. Persons applying for a breeder permit must first obtain a business license from the business license clerk.

Section 4-44 Multiple dog and cat permit.

- (a) Any person intending to exceed the maximum limit of dogs and cats in a household as defined in Section 4-43 shall obtain a multiple dog and cat permit.
- (b) All dogs and cats over the number allowed in Section 4-43 at a multiple dog and cat permit site shall be spayed or neutered. The only exception is any dog or cat which is unable to be sterilized due to medical reasons, is owned by a breeder with a breeder permit or is a dog or cat that is registered by the American Kennel Club or a similar nationally recognized organization. The owner must present a valid veterinary certificate stating the medical reason(s) why a dog or cat may not be sterilized.
- (c) Fostering a pregnant dog or cat and the offspring of the fostered dog or cat will be considered a temporary exception to this Section.
- (d) No person shall keep or maintain more than ten (10) dogs or cats or any combination thereof at any multiple dog and cat permit site location.
- (e) The area provided for dogs and cats whether in secure runs, kennels or security perimeter fence must be as follows:
 - (1) Eighty (80) square feet of area shall be provided per each dog weighing less than thirty (30) pounds;
 - (2) One hundred (100) square feet of area shall be provided per each dog weighing between thirty (30) pounds and fifty-nine (59) pounds;
 - (3) One hundred twenty (120) square feet of area shall be provided per each dog weighing over sixty (60) pounds;
 - (4) Twenty-five (25) square feet of area shall be provided per each cat, excluding the area occupied by the litter box.
- (f) Permits may be suspended for failure to comply with the requirements of this title, as well as for violation of other applicable laws, regulations and ordinances.
- (g) Rescue organizations and owners who have the custody and care of a rescue dog or cat shall be exempt from the requirements for multiple dogs and cats while the rescue dog or cat is in the custody and care of the organization or owner. Accurate records shall be kept and maintained by the rescue organization and the organization shall permit the City of Roswell Animal Control personnel or other City Officials to inspect such records upon reasonable notice and shall permit the

inspection of the rescue dog's or cat's living conditions at the rescue organization facility.

- (h) Multiple dog and cat permits are valid for a period of twelve (12) months from the date issued and must be renewed annually.
- (i) The fee for a multiple dog and cat permit shall be as follows for the total number of dogs and cats:
 - (1) Six (6) dog and cats.....\$31.00
 - (2) Seven (7) dog and cats.....\$37.20
 - (3) Eight (8) dog and cats.....\$44.64
 - (4) Nine (9) dog and cats.....\$53.57
 - (5) Ten (10) dog and cats.....\$64.28
- (j) Exemptions:
 - (1) The following individuals or groups are exempt from the requirements of the multiple dog and cat permit requirements:
 - (i) Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit;
 - (ii) Events sponsored by a municipal zoo or aquarium facility, and;
 - (iii) Competitive sporting events.
 - (2) Persons involved in any exempt activity shall comply with all other applicable requirements of this Chapter.
 - (3) Qualified service dogs or cats shall be exempt from the requirements of the multiple dog and cat requirements.

Section 4-45 Sale and display of puppies or kittens.

- (a) No person shall sell, offer for sale, barter, give away or otherwise dispose of a puppy or kitten without an appropriate litter permit issued by Animal Control.
- (b) A person shall only sell, offer for sale, barter, give away or otherwise dispose of a puppy or kitten at the physical address listed on the litter permit issued by Animal Control.
- (c) The permit number of the applicable litter permit issued by Animal Control shall be displayed legibly on or in all advertisement and furnished to any potential recipient upon requests.
- (d) Rescue organizations, rescue owners and shelters, which are establishments, especially ones supported by charitable contributions, that provide temporary homes for dogs and cats that are offered for adoption, may conduct off-site adoption events, with the permission of the property owner, and with the appropriate care and maintenance of the dog and cats during the event.
- (e) No person shall offer a puppy or kitten as a prize, gift, give-away, or award for a contest, game, sport or as an incentive to purchase merchandise.

Section 4-48. Schedule of Fees, Fines and Charges.

- (d) Fines or Violations:
 - (8) No litter or multi-dog and cat permit:
 - (a) First Offense – no less than.....\$15.00
 - (b) Second Offense – no less than.....\$50.00
 - (c) Third Offense or more – no less than.....\$150.00

- (9) Advertising puppy or kitten for sale without a permit:
 - (a) First Offense – no less than.....\$15.00
 - (b) Second Offense – no less than.....\$50.00
 - (c) Third Offense or more – no less than.....\$150.00

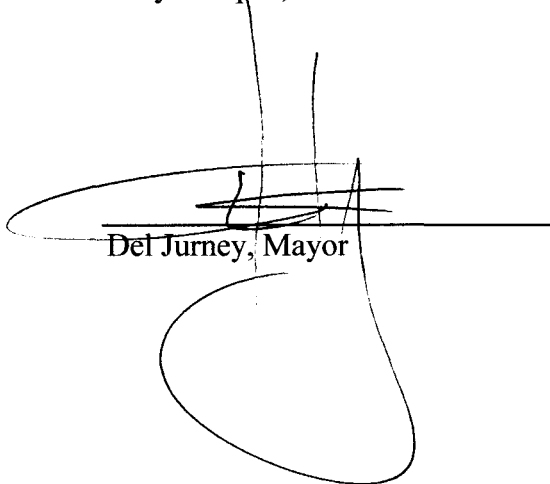
Section 2. Repealer. All Ordinances or parts of Ordinances in conflict or inconsistent herewith are hereby repealed to the extent only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

Section 3. Severability. If any section, paragraph, clause or provision of this Ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not be affected any other part of this Ordinance.

Section 4. This Ordinance shall be effective five (5) days following its publication.

PASSED, ADOPTED, SIGNED AND APPROVED the 11th day of April, 2013.




Del Jurney, Mayor

ATTEST:


Sharon Coll, City Clerk



Chapter 4

ANIMALS AND FOWL

- Article I** **In General §§ 4-1—4-5**
Article II **Livestock §§ 4-6—4-30**
 Division 1. Generally §§ 4-6—4-10
 Division 2. Keeping §§ 4-11—4-20
 Division 3. Impoundment §§ 4-21—4-30
Article III **Dogs and Cats §§ 4-31—4-65**
 Division 1. Generally §§ 4-31—4-45
 Division 2. Dog License §§ 4-46—4-55
 Division 3. Impoundment §§ 4-56—4-65
Article IV **Rabies Control §§ 4-66—4-77**

ARTICLE I. IN GENERAL

Sec. 4-1. Cruelty to animals

1. Cruelty to animals consists of:
 - a. *Working cruelly.* It is unlawful for any person to drive or work any animal cruelly or work any animal when such animal is unfit for labor.
 - b. *Neglect.* It is unlawful for any person to fail, refuse or neglect to provide an animal in his charge or custody with proper food, drink, shade, shelter, ventilation, necessary medical care, and basic grooming.
 - i. The area where the animal is confined must be kept free of garbage and other debris that might endanger the animal's health or safety. The area where the animal is confined must be kept free of insect infestation, such as ant hills, wasp nests, flea, tick and maggot infestations. Feces must be cleaned up regularly but no less than once a week unless the accumulation becomes a nuisance.
 - ii. The shelter shall be designed or positioned to protect the animal from the elements. Any animal habitually kept outside shall be provided with a structurally sound enclosure, consisting of a minimum of a three-sided enclosure, the top of such enclosure shall be covered with materials to provide the animal with shade and protection from the elements and large enough or appropriate for the animal maintained.

c. *Confining Animals in Motor Vehicles.*

- i. No person shall place or confine the animal or allow the animal to be placed or confined or to remain in or upon a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of the animal due to heat/cold, lack of food or drink, or other circumstances as may reasonably be expected to cause suffering, disability or death.
- ii. Removal of Animals from Motor Vehicles by Animal Control
 - (1) An animal control officer or peace officer who finds an animal who appears to be in distress in or upon a motor vehicle may enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take or cause to be taken the animal to an animal control shelter or designated place of safe keeping.
 - (2) In the event the person having custody cannot be contacted, the officer shall leave in a prominent place in the motor vehicle a written notice bearing his name and office address and telephone number where the animal may be claimed by the owner.
 - (3) The animal will be retained until the matter is resolved. The owner or person in custody of the animal shall pay all reasonable charges which shall be included with any penalties from the court. Reasonable charges will include but not be limited to: 1) locksmith fees, 2) veterinarian fees, 3) shelter fees that have been accrued for the maintenance of the animal.
 - (4) The animal control officer will make reasonable effort to contact the owner and give notice (i.e., certified return receipt) that the animal is in their custody. In the event the owner expresses no interest in reclaiming the animal, when a minimum of ten (10) days has passed, the animal control shelter may assume ownership of the animal.

d. *Abandonment.* It is unlawful for any person to abandon any animal within the City of Roswell.

- i. If it is necessary to have an animal at a residence that is unoccupied, the owner of the animal must acquire a permit.
- ii. Whenever an animal control officer (ACO) finds that any animal is or will be without proper care as a result of the absence of the owner or person responsible for the care of such animal, the ACO may enter onto the property or premises where said animal is located and may take such animal for protective care. In the event of sickness or injury of the animal, either upon

the ACO's own volition or upon the instruction of a licensed veterinarian, the ACO may take such action as called for to prevent undue pain and suffering, including immediate euthanasia of the animal.

- iii. If the animal has not been injured and the abandonment of the animal is not clear to the ACO he will have the option of leaving a notice giving the owner of the premises 24 hours to respond before taking the animal into protective custody.
- e. *Restraint Devices:* A rope, chain, or other device may be used to restrain an animal on the property, provided the following criteria are met:
 - i. The rope, chain, or other device must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.
 - ii. The rope, chain, or other device must be at least 12' long. In no event will the devices be of such length to allow the animal to encroach on neighboring property. The device must be fastened so the animal can sit, walk and lie down comfortably; and must be unobstructed by objects that may cause the device or animal to become entangled or strangled. Any chain or tether shall have swivels on both sides and the fixed point for the chain must be stationary.
 - iii. The animal must have easy access to adequate shade, shelter, food and potable water.
 - iv. An animal may be restrained by a fixed point chain or tether but must be released from the chain or tether at least once during a 24-hour period. The chain or tether shall be appropriate to the animal's weight and size.
- f. *Injury by motor vehicle.* Any motor vehicle operator who strikes or runs down any animal shall immediately notify the animal control officer. The operator, or a passenger, shall immediately notify the animal's owner or the animal control officer, furnishing the facts surrounding the accident and the injuries sustained by the animal. The operator shall remain at or near the scene until such time as the owner or the animal control officer arrives. In the case of a severe injury or emergency to the animal, a person may give aid by taking the animal to a veterinary hospital or to the animal control center. Emergency vehicles are excluded from this provision.
- g. *Hobbling.* It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to the animal.
- h. *Keeping sick or diseased animals.* It is unlawful for any person to own any animal which is seriously sick or injured and not provide proper veterinary care for said animal. The city animal control officer may impound and humanely euthanize sick

or injured animals without giving notice, as provided in the impoundment sections of this chapter. This section shall not be construed to include veterinary hospitals or animals under veterinary care.

- i. *Animal Fights:* No person shall train an animal, promote, stage, hold, manage, conduct, carry on, or attend a game, exhibition, contest or fight in which one or more animals are injuring, killing, maiming, or destroying themselves or other animals. No person shall provoke or entice an animal on or from the property of its owner or under the control of its owner for the purpose of engaging the animal in an animal fight.
 - j. *Molesting Animals:* It is unlawful for any person to tease, annoy, disturb or molest any animal.
 - k. *Physical abuse.* It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, burn, scald or otherwise injure any animal; except that reasonable force may be employed to drive off vicious or trespassing animals.
 - l. *Poisoning and trapping.* It is unlawful for any person to make accessible to any animal a substance which has been treated or prepared with harmful or poisonous material with the intent of harming or killing an animal. No person shall use or set a steel leg-hold trap within the city. This section shall not prohibit the eradication of vermin which are a threat to public health. This shall not preclude the ACO from using the tranquilizer gun, snares or traps to humanely trap such animals as may prove to be necessary for the control of animals within the city limits.
2. *Penalty.* Except as herein otherwise provided, any person who willfully or maliciously and unlawfully commits any of the acts described herein as cruelty to animals shall be guilty of a misdemeanor.
 3. (a) *Definitions.* Except as otherwise provided, these definitions shall apply to this entire chapter.

Abandonment means to desert deliberately and/or to relinquish the supervision or care of an animal.

Altered (alter, alteration) means animal that is spayed or neutered.

Animal means a vertebrate member of the animal kingdom other than humans.

Animal Control Division means that division of the City which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.

Animal Control Officer or ACO means that person duly appointed to the position by the City. The officer's duties are defined in the job description for such position, which is on file with the City personnel director.

Animal Control Shelter/Facility/Center means any premises designated by the City for the purpose of impounding and caring for animals coming into the City's custody.

Animal Control Supervisor means the person or agency-designated supervisor of the animal control shelter/facility.

Bite means any abrasion, scratch, puncture, tear or piercing of the skin actually or suspected of being caused by an animal's mouth.

Cat means any member of the family *Felis domestica*.

City means the City of Roswell.

City tag means tags supplied by Animal Control when an animal is licensed and proof of rabies vaccination has been provided.

Collar means a band, harness or other suitable device worn around the neck of an animal to which current rabies vaccination and registration tags can be affixed.

Commercial animal establishment means any pet shop, grooming shop, auction, zoological park, kennel or small animal facility. This term shall not include animal shelters or veterinary hospitals.

County means Chaves County.

Dangerous dog means any dog that caused a serious injury to a person or domestic animal.

Dog means any member of the family *Canis familiaris*.

Enclosure Size means space adequate to prevent overcrowding and to maintain normal exercise according to the size of the animal.

Exotic animal means any animal that is not native to New Mexico or not typically identified as a domestic pet.

Feces means excrement and other waste matter discharged from the bowels of an animal.

Fowl means chickens, turkeys, ostriches, emus, rheas, pheasants, ducks, geese, pigeons, and all similar domestic birds and poultry, whether kept for use or pleasure.

Guard Dog means a dog that is used to protect commercial property.

Health Officer or authority means the district health officer or Department of Health officer having jurisdiction.

Harbor means any animal fed, sheltered or maintained for three (3) consecutive days or more.

Heat or Season means a regularly recurring state of estrus during which the female animal is capable of attracting and accepting the male for breeding or is capable of conceiving.

Humane Society means any organization for the prevention of cruelty to animals incorporated under the laws of the state.

Hybrid means animals bred between domestic and wild animals.

Kennel means any building, premise, or portion thereof in which more than three (3) animals over six (6) months of age are kept, maintained, boarded, bred, or cared for in return for remuneration or are kept for the purpose of sale.

Licensed Veterinarian or Veterinarian means a Doctor of Veterinary Medicine licensed to practice in the State of New Mexico.

Livestock includes horses, mules, donkeys, cattle, sheep, goats, hogs, and all similar domestic animals, whether kept for use or pleasure.

Microchip means a passive transponder which can be implanted in an animal by injection.

Owner means a person who owns or has responsibility for the care and control of an animal or who permits an animal to remain on or about his premises.

Pet means any animal kept for pleasure rather than utility.

Pet shop means any place or facility used for the business of buying, selling, or trading pets.

Public nuisance animal means any animal determined to constitute a public nuisance in accordance with this chapter.

Refuge means an establishment owned or operated by a New Mexico incorporated non-profit organization whose sole function is to aid and comfort more than four but no more than 12 animals.

Releasing agency means any public or private animal pound, shelter, or humane organization. The term does not include an individual who occasionally renders humane assistance or shelter in the individual's home to a dog or cat.

Restraint means the securing of an animal by a leash or lead, or by physical confinement within the real property limits of its owners or confined within a motor vehicle.

Serious injury means a physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.

Stray means an animal which is not physically restrained or controlled and is beyond the boundaries of the premises of the owner.

Unaltered means an animal that has not been spayed or neutered.

Vicious animal means any animal that constitutes a physical threat to persons or to other animals.

Wild animal means any animal normally found in the wild state and all reptiles (including snakes) that are poisonous or exceed eight (8) feet in length.

(Code 1984 § 5-1; Ord 1327 10/99; Ord. 00-7 § 3, 9/00; Ord. 03-08, 08/2003; Ord. 03-14, 12/2003; Ord. 05-12, 03/2006)
♦ State law references—Cruelty to animals, NMSA 1978, § 30-18-1; dog fights, NMSA 1978, § 30.18-9; municipal authority to prohibit cruelty to animals, NMSA 1978, § 3-18-3(A)(1)
Cross reference—Nuisances, Ch. 16.

Section 4-2. Keeping venomous reptiles

a) As used in this section the term "venomous reptile and amphibian" shall mean any snake, serpent or Reptilia and amphibious species of a variety known to be deadly or poisonous to humans or animals, if bitten or otherwise attacked.

b) Keeping of venomous reptiles and amphibians consists of knowingly keeping, harboring or maintaining any venomous reptile and/or amphibian in a live state within the City and shall be unlawful, except:

(1) In an established zoo, museum or licensed establishment open to the public, or

(2) In any place or manner as the governing body shall otherwise permit.

(Code 1984 § 5-2; Ord 1327, 10/99; Ord 05-03, 06/2005)

Section 4-3. Disposition of animals for individuals (dead and owner release)

The animal control facility, upon request of the owner, shall provide for pickup and disposition of any dead or live animal lawfully in the possession of such owner within the City as its capabilities may permit. When the animal control facility is unable to provide for the disposition of the animal, its owner or other person in charge of the animal shall do so. If the animal is dead, the owner shall dispose of the animal as directed by the animal control officer. The animal shall be disposed of within twelve (12) hours after its death. A citation may be issued for dead animals on private property after 12 hours of death if not reported to animal control. (Code 1984 § 5-3; Ord 05-03, 06/05)

Section 4-4 - Bee keeping

Bee keeping within the City limits is prohibited except in areas zoned as Rural Suburban. (Ord. 05-03, 06/05)

Section 4-5 Reserved

ARTICLE II. LIVESTOCK

DIVISION 1. GENERALLY

Section 4-6. Running at large

(a) It shall be unlawful for any horses, cattle, burros, swine, sheep or goats to run at large or be loose within the city.

(b) It shall be unlawful for any owner or any person in charge of the same to permit chickens, turkeys, ducks, geese, guineas or other fowl to run at large in the city. All owners of or persons in charge of such fowl shall keep such fowl safely within a secure enclosure, so as to prevent destruction of lawns, gardens, flower beds or any other like improvements within the city.

(c) Any person who shall find any animal running at large contrary to the provisions of this section may take up and deliver such animal to the city.

(Code 1984 § 5-16)

◆ State law references—Livestock at large, NMSA 1978, § 77-13-1 et seq.; municipal authority to prohibit running at large of animals, NMSA 1978, § 3-18-3(A)(2).

Section 4-7. Leading, driving, etc., through streets, etc.

It shall be unlawful for any person to ride, drive or lead any horse, mule, cattle, burro, hog, sheep, or goat through or over any street or alley in the city without having such animal under complete control and securely fastened with a rope or halter. If any person shall ride, drive or lead any such animal as aforesaid without having the animal securely fastened or if any such animal while being so ridden, driven or lead shall break any tree or shrub or go

upon or injure the property of another or shall injure any person, the person so riding, driving or leading such animal shall be guilty of a violation of this section, and the owner of such animal shall be liable to the person injured or to the owner of the property injured for all such damages.

(Code 1984 § 5-17)

Sections 4-8—4-10. Reserved.

DIVISION 2. KEEPING

Section 4-11. Definitions

For the purposes of this division the following words and phrases shall have the meanings respectively ascribed to them by this section:

Fowl: Turkeys, geese, guineas, chickens, pigeons and all other domestic fowl, except pets confined to the proper residence.

Livestock: Horses, mules, burros, cows, goats, sheep, swine, and all other animals, domesticated or undomesticated excepting dogs and cats.

(Code 1984 § 5-31)

Section 4-12. Civil remedies unaffected

Nothing in this division shall prohibit an action against a person keeping animals for a nuisance in fact.

(Code 1984 § 5-32)

Section 4-13. Prohibited; nuisance declared

The keeping, harboring, confining or maintaining of any animals classified as livestock *or* fowl within the city is hereby declared to be a nuisance and unlawful, except in areas classified as Rural-Suburban (R-S) under the zoning ordinance.

Exception: Rabbits may be kept within those areas that are zoned R-1 R-2, R-3 providing there are no more than three (3) rabbits, which must be of the same sex, and are permanently housed in cage that prevents their escape. The residence where the rabbits are housed is subject to applicable provisions of the Roswell Municipal Code Chapter 4 and specifically:

- (1) No person shall offer this animal as a prize, award, novelty, or incentive.
- (2) It shall be unlawful for anyone to willfully allow rabbits to run at large upon their premises or within the city limits.

(3) Cages or secure enclosures shall be located ten (10) feet from the nearest property line, and must also conform to zoning and building requirements.

(4) All housing, pens, cages or facilities shall be structurally sound, maintained in good repair, adequately spaced, weatherproof, ventilated, sufficiently shaded, easy to be kept clean, sanitary and of nontoxic materials.

(5) Animals shall be provided with clean, fresh, and sufficient amount of water, wholesome and adequate food.

(6) This exception applies only to domesticated rabbits and excludes all other rabbits commonly referred to as wild rabbits (i.e Cottontail rabbits and jackrabbits).

(Code 1984 5-33; Ord. 1253, § 1, 8/94)

Cross reference-Nuisances generally, Ch. 16.

Section 4-14. Pigeons

(a) Nothing in this division shall be construed as prohibiting the keeping of homing pigeons, defined as antwerp messenger or homing pigeons, also commonly called "carrier pigeons" and bearing upon a leg a seamless band or ring with the name or initials of the owner or an identification or registration number stamped thereon.

(b) The keeping of homing pigeons shall be subject to the following regulations:

(1) No more than forty (40) homing pigeons shall be kept or harbored on any lot or tract of land within the limits of the city.

(2) Homing pigeons shall at all times be kept confined in proper cages or lofts except when released for necessary exercise and training under restraint and control of their owner. Such pigeons shall not be permitted to alight upon buildings and property of others.

(3) Cages or lofts for homing pigeons shall be located at least ten (10) feet from the nearest property line and shall be in conformity with applicable zoning and building requirements.

(Code 1984 § 5-34)

Section 4-15. Vietnamese pigs; exception to prohibited nuisances

Swine commonly referred to as Vietnamese pigs, or Asian potbellied pig, or potbellied pigs are viewed as pets. A person may maintain within the city limits such animals subject to the following restrictions.

(1) There cannot be more than one (1) animal of this classification on the property at one time

(2) The weight of the pig cannot exceed one hundred (100) pounds;

(3) Owner is required to obtain and maintain current license (dog licenses will be used) for the pig. The owner shall present at the time of licensing the registration papers, an annual certificate of health (indicating the absence of pseudorabies, brucellosis, and leptospirosis), and proof of current inoculation against leptospirosis;

(4) Be subject to applicable provisions of the Roswell Municipal Code Chapter Five.
(Code 1984 § 5-35; Ord. 1235 § 1, 3/93)

Sections 4-16—4-20. Reserved

DIVISION 3. IMPOUNDMENT

Section 4-21. Disposition of impounded animals

When any animal found running at large is impounded, its disposition shall be determined using the provisions of sections 4-56 through 4-65 of this Code, the same as if the animal were a dog or cat.

(Code 1984 § 5-46)

◆ State law reference—Municipal authority to impound animals, NMSA 1978, § 3-18-3(A)(3).

Sec 4-22. Redemption generally

The owner of an animal that has been impounded by the City may redeem it by presenting proof of ownership, together with rabies vaccination certificate and payment of the City required impoundment fees. If the owner does not have the vaccination certificate it shall be provided within 4 days of redemption of the animal.

(Code 1984 § 5-47; Ord. 05-03, 06/2005)

Section 4-23. Fees (Deleted Ord. 05-12, 03/06, See Section 4-48 for fee schedule)

(Code 1984 § 5-48; Ord. 05-12, 03/2006)

Section 4-24. Sale and redemption after sale [Deleted Ord 05-03, 06/05]

Section 4-25. Breaking into impoundment facility, etc.

No person shall break open any kennel or facility wherein any animals are impounded, or remove or aid in the removal of any animals so impounded.

(Code 1984 § 5-50; Ord 05-03, 06/05)

Sections 4-26—4-30. Reserved.

ARTICLE III. DOGS AND CATS

DIVISION 1. GENERALLY

Section 4-31. Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Cat. Any domesticated feline of the house cat variety over three (3) months of age.

Dog. Any dog, bitch or whelp over three (3) months of age.

Impoundment. An animal is taken into custody by the animal warden, his agents or representatives or a police officer by reason of a violation of city ordinances.

Kennel. Any premises providing accommodations for four (4) or more dogs boarded and maintained as a licensed commercial enterprise for board and keep, sale, raising or breeding, except veterinary hospitals.

Owner. Any person owning, keeping, possessing or harboring a dog or cat within the city, except licensed kennels or veterinary hospitals.

Unlicensed dog. Any dog found without current paid license and tag as required in this article.

(Code 1984 § 5-61)

Section 4-32. Liability for violations

For the purpose of prosecution for violations of this article, proof of notice or knowledge on the part of any owner, possessor or keeper of a dog that such dog was violating any of the provisions hereof at the time and place charged, shall not be required to support a conviction, it being the purpose and intent of this article to impose strict liability upon any such owner, possessor or keeper of any dog for its actions, conduct and condition.

(Code 1984 § 5-62)

Section 4-33. Animal control facility

The city manager is authorized to establish an animal control facility on behalf of the city, to be operated by city personnel or, the manager may, subject to the approval of the governing body, contract with a public or private person or organization for operation of the facility for and on behalf of the city.

(Code 1984 § 5-63)

Section 4-34. Interference with enforcement

It shall be unlawful for any person to interfere with, hinder, molest or obstruct any animal control officer or police officer in the discharge of official duties under this article.

(Code 1984 § 5-64)

Section 4-35. Rabies vaccination

The owner, possessor or keeper of every dog or every cat within the City shall have such animal inoculated against rabies by a licensed veterinarian as specified in New Mexico statutes.

(Code 1984 § 5-65; Ord. 1320, 4/99; Ord 05-03, 06/2005)

◆ State law reference—Rabies inoculations, NMSA 1978, § 77-1-3.

Section 4-36. Running at large

(a) It shall be unlawful for any owner, possessor or keeper of any dog in the City to permit the dog 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 a member of his immediate family. The dog shall be controlled either by leash, cord or chain, not more than ten (10) feet in length. A citation may be issued to the owner whether or not the animal is impounded.

Exception: Unless dog is inside the fenced area of the City of Roswell dog park.

(b) It is unlawful for any owner, possessor or keeper of any cat in the City to permit it to run at large within the City. Any violation of this section, 4-36(b), shall be a fine of not greater than \$150 plus court costs.

(c) Any dog shall be secured on the owner's premises by a restraint device as described under Section 4-1(5), or by a fence or secured enclosure to prevent the animal from leaving the owner's premises.

(Code 1984 § 4-66; Ord 05-03, 06/05)

◆ State law reference—Municipal authority to prohibit the running at large of animals, NMSA 1978, § 3-18-3(A)(2).

Section 4-37. Confinement of female dogs and cats in heat

(a) Any female dog or cat while in heat shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or enclosure shall be so constructed or situated as will prevent other dogs or cats gaining access thereto.

(b) The owner or keeper of a female dog or cat in heat shall be prima facie presumed to be in violation of this section where:

(1) Such female dog or cat is found running at large, or

(2) Such female dog or cat shall be not securely confined as will prevent other dogs and cats gaining access thereto.

(Code 1984 § 5-67)

Section 4-38. Public nuisances

(a) With respect to the owning, harboring or maintaining of animals, a public nuisance shall consist of knowingly creating, performing or maintaining anything affecting any number of citizens without lawful authority which either:

- (1) Is injurious to public health, safety, morals or welfare; or
- (2) Interferes with the exercise and enjoyment of public rights.

(b) Without limitation on the foregoing criteria, public nuisances shall include the owner or custodian of animals:

- (1) Permitting, creating or maintaining unsanitary conditions due to animal excrement, diseased animals or the bodies of dead animals, which conditions affect the public health and welfare.
- (2) Permitting or causing barking, howling, whining, mewling or other animal noises to the extent that the public peace and quiet is regularly or continuously disturbed.
- (3) Permitting or causing the destruction of public property or the destruction of private property when the property rights of a large segment of the neighboring community are affected, whether such public or private property is real, personal or mixed.
- (4) Permitting defecation, urination, or the emitting noxious or offensive odors that disturbs the peace.
- (5) The owner or custodian, harboring or maintaining a dog or cat which has not been inoculated against rabies or for which an appropriate license has not been acquired pursuant to the provisions of this article,
- (6) Owning, harboring or maintaining a vicious dog, as defined in this chapter,
- (7) Maintaining a kennel in a residentially zoned district;

Exception: A dog or cat breeder may obtain a "Breeder's Permit" which will allow the breeder to maintain, board, breed or care for in return for remuneration or kept for the purpose of sale up to but not exceed eight (8) animals over six (6) months of age. The location will be inspected by an Animal Control Officer to ensure at a minimum that: there is adequate space for the animals; adequate security to prevent the animals from running loose in violation of this chapter and

ensure the applicant is aware of the various sections within this chapter regarding the care and upkeep of the animals. The "Breeder's Permit" will be issued without charge, however if more than three violations of this chapter are substantiated by court action within a twelve month period, the permit will be forfeited. The "Breeder's Permit" is valid only for the calendar year it is issued. This permit is only valid for animals that are American Kennel Club registered or similar nationally recognized organization.

- (8) Selling or offering for sale animals at any location not belonging to the seller or offeror.
- (c) Whoever commits a public nuisance in violation of this section with regard to the owning, harboring or maintaining of a dog or cat shall be guilty of a misdemeanor.
- (d) For the purposes of this section, prior warning of violation of any subsection or paragraph hereof shall raise a rebuttable presumption of knowledge on the part of any person owning, harboring or maintaining a dog or cat with respect to any and all subsequent violations of that particular subsection or paragraph, when such warning has been issued, orally or in writing, by an animal control officer, a police officer, the city attorney, the city manager or any other person designated by the city manager.

(Code 1984 § 5-68; Ord. 05-12, 03/2006)

State law reference—Municipal authority to define, abate and prohibit nuisances. NMSA 1978, §3-18-17(A Cross reference—Nuisances generally, Ch. 16.

Section 4-39. Vicious Animals

- (a) It shall be unlawful for any person, owning, possessing or keeping any animal within the City which is known to be vicious or dangerous to persons, to permit it to run loose in such manner as to endanger life or limb of any person lawfully upon public or private property.
- (b) For the purposes of this section a vicious animal is a dog that without provocation bites or attacks human beings or other animals or, in a vicious or terrorizing manner approaches any person in apparent readiness and attitude of attack.
- (c) Animal control officers or police officers shall cause vicious animals to be impounded. In the event a vicious animal cannot be impounded without danger of personal injury from such animal, the impounding officer may destroy the animal without notice to the owner, possessor or keeper thereof.
- (d) Vicious Animals shall be released only upon the order of the Court. The court may order the owner to pay for the animal's impoundment in addition to any fines, penalties or fees imposed. All fines, penalties and fees shall be paid by the owner prior to the time the animal is released. The court may order the owner to pay for the animal to be tattooed by a licensed veterinarian at owner's expense within three (3) days of release.
- (e) Whoever commits a public nuisance in violation of this section with regard to the owning, harboring or maintaining of a dog or cat shall be guilty of a misdemeanor.

(Code 1984 § 5-69; Ord. 1320, 4/99; Ord. 05-12, 03/2006)

◆ State law reference—Vicious dogs, NMSA 1978, § 77-1-10.

Section 4-40. Right of entry

An animal control officer is authorized to pursue a vicious dog, dog running at large or any animal exhibiting symptoms of rabies onto private premises unless permission to make such pursuit is explicitly refused by the occupant.

(Ord. 1320, 4/99; Ord. 00-7 § 3, 7/00)

Sections 4-41 Unlawful Retention of Stray Animals.

No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than twenty-four (24) hours without first reporting the possession of the animal to Animal Control in person or by telephone.

- (a) The report shall contain the person's name and address, a true and complete statement of the circumstances under which the animal was obtained, and the precise location where the animal is confined.
 - (b) No person having such an animal in his possession shall refuse to immediately surrender the animal to an animal control officer upon demand.
- (Ord. 05-12, 03/2006)

Sections 4-42—4-45. Reserved

DIVISION 2. DOG LICENSE

Section 4-46. Required

- (a) The owner, possessor or keeper of any dog within the City shall procure a license for such dog from locations authorized by the City of Roswell within thirty (30) days after the dog reaches the age of three (3) months. New residents of the City shall have thirty (30) days after becoming residents to procure licenses for their dogs.
- (b) If an adopted or reclaimed animal does not have either a City license or rabies vaccination certificate and is already altered, the owner of the animal shall obtain the City license and rabies vaccination within ninety-six (96) hours of release of the animal from the City of Roswell Animal Shelter. If the animal is not altered at the time of the adoption or reclaim, the rabies vaccination will be obtained at the time the animal is altered.
- (c) If the owner of a reclaimed or adopted animal fails to procure a vaccination certificate within ninety-six (96) hours, is guilty of a misdemeanor.
- (d) Exemptions:
 - (1) Dogs belonging to non-residents, who keep dogs and cats within the confines of the boundaries of the City for less than ninety (90) consecutive days shall be exempt from this Section, provided, however, that all other provisions of this Ordinance are complied with by the owner.
 - (2) Service animals as specified in Federal and State statutes shall be licensed by the City at no charge.

(Code 1984 § 5-86; Ord 05-12, 03/2006)

Section 4-47. Application

Upon making application for a dog license, the applicant shall exhibit to the animal control officer a certificate from a licensed veterinarian that the dog for which the license is sought has been inoculated against rabies in accordance with law or that a rabies

inoculation is not needed. Forms for the application for a license shall be provided by the clerk-treasurer.

(Code 1984 § 5-87; Ord. 1320, 4/99)

◆ State law reference—Rabies vaccinations, NMSA 1978, § 77-1-3.

Section 4-48. Schedule of Fees, Fines and Charges

(a)	<u>Licensing</u>	<u>Amount</u>
(1)	Unaltered:	\$ 10.00
(2)	Altered:	\$ 5.00
(3)	Duplicate or Replacement Tags:	\$ 5.00

(b) Euthanasia at the request of owner None*
 * An evaluation shall be made to determine if the animal's condition is due to cruelty or neglect. If either is the case, appropriate action shall be taken.

(c) Impoundment Fees

(1)	Dogs	
	(a) Per occurrence	\$ 10.00
	(b) Custody fees	\$ 40.00
(2)	Cats	
	(a) Per occurrence	\$ 10.00
	(b) Custody fees	\$ 30.00
(3)	Other Animals	
	(a) Per offense	\$ 10.00
	(b) Custody fees	\$ 40.00

(d) Fines or Violations:

(1)	Dogs: Running at Large, Trespassing, Nuisance, Non-Restraint, Disturbing the Peace:	
	(a)First Offense (in calendar year)-no less than	\$ 25.00
	(b)Second Offense (in a calendar year)-no less than	\$ 50.00
	(c)Third Offense or more (in calendar year) - no less than	\$100.00
(2)	Cats: Running at Large, Trespassing, Nuisance, Non-Restraint, Disturbing the Peace (see 4-36(b)); not greater than	\$150.00
(3)	Neglect, Care and Maintenance:	
	(a)First Offense - no less than	\$ 50.00
	(b)Second Offense - no less than	\$100.00
	(c)Third Offense or more - no less than	\$200.00
(4)	Cruelty:	
	(a)First Offense - no less than	\$100.00

	(b)Second Offense - no less than	.....	\$200.00
	(c)Third Offense or more - no less than	.....	\$400.00
(5)	No License:	.....	\$ 25.00
(6)	No Rabies Vaccine:	.....	\$ 25.00
(7)	Vicious Animal - no less than	.....	\$100.00

(Code 1984 § 5-88; Ord 05-12, 03/2006)

Section 4-49. Tags

- (a) It shall be the duty of the animal control officer to deliver or cause to be delivered to each person making application for a dog a dog tag for each dog licensed and inoculated upon payment of the license fee and presentation of a valid certificate of inoculation as required.
- (b) Only those persons who own, possess or keep a dog duly licensed and inoculated as required by ordinance shall be permitted to possess a dog tag.
- (c) Dog tags shall be of such size, shape, color and material as may be deemed suitable by the City; provided, that the color of the tag shall be changed each year. Each tag shall bear a number engraved thereon in successive numerical order, commencing with number one, together with the year of issue in bold and legible figures and the name of the City spelled out thereon.
- (d) Every owner, possessor or keeper of a dog within the City shall place upon such dog a collar or harness of durable material to which the tag shall be attached.
- (e) No person shall affix to the collar or harness of any dog or permit to remain so affixed any tag evidencing licensing and rabies inoculation, except the bona fide tag issued to the particular dog at the time of issuance of its license.
- (f) It shall be the duty of the animal control officer to maintain or cause to be maintained accurate records reflecting the date of issuance of all dog tags; the name and address of the person to whom such tag is issued, the number thereof and approximate age, color and breed of dog for which license is issued. If the dog tag is lost or destroyed a duplicate tag may be had from the animal control officer upon payment of fees designated by the City. In the event ownership or possession of a licensed dog shall be changed, a new dog tag must be obtained from the animal control officer upon proof of compliance with the licensing requirements of this article and payment of the fees designated by the City.

(Code 1984 § 5-89; Ord. 05-12, 03/2006)

Sections 4-50—4-55. Reserved

DIVISION 3. IMPOUNDMENT

Section 4-56. Authorized

Animal control officers or police officers may impound any dog or cat reasonably believed to be in violation of any city ordinance.

(Code 1984 § 5-101)

Section 4-57. Proceedings against owner or keeper

When a dog or cat is impounded the animal impounding officer or his authorized representative shall institute proceedings in the municipal court on behalf of the city against the owner, possessor or keeper of impounded animal, if known, charging such owner, possessor or keeper with a violation of the appropriate ordinance. This section shall not prevent institution of proceeding in the municipal court for any violation where there has been no impoundment

(Code 1984 § 5-102)

Section 4-58. Notice to owner

As soon as practical after impoundment of a dog or cat, the animal control officer shall cause to be posted in a conspicuous place in the office of the animal control facility for three (3) consecutive days a notice of impoundment, which notice shall set forth a general description of the dog or cat impounded, the location where the animal was taken, the date of impoundment and disposition.

(Code 1984 § 5-103; Ord. 05-12, 03/2006)

- ◆ State law reference—Municipal ordinance on impoundment of dogs and cats running at large required, NMSA 1978, § 77-1-12.

Section 4-59. Redemption

Any owner, possessor or keeper of a dog or cat, desiring to redeem it from the custody of the animal control facility, shall pay to the animal control officer the specified assessed fees, plus any unpaid license or inoculation fees therein.

(Code 1984 § 5-104; Ord. 05-12, 03-2006)

Section 4-60. Adoption

- (g) Any dog or cat which has not been redeemed by its owner within four (4) days of its impoundment may be adopted by another person upon payment to the City the redemption fees for the animal.
- (b) The animal control officer shall execute and deliver in the name of the City a bill of sale to the person adopting any dog or cat under this section.
- (c) No person shall adopt an animal, or knowingly allow an animal to be adopted for the purpose of research, experimentation, breeding or fighting. No person shall adopt an

animal from Animal Control for the purpose of selling or auctioning the animal to another party.

- (d) The Animal Control Officer shall have the right to deny adoption to any party deemed to be unfit or unable to take possession of any animal in the shelter based upon the following guidelines.
- (1) The adopting party or any person residing with the adopting party has been convicted on a charge of animal cruelty, abuse to an animal, or domestic violence in any court in the United States.
 - (2) The adopting party is either adopting the animal for another party or the animal is being adopted but shall not remain on the premises of the adopting party.
 - (3) The adopting party is intoxicated or under the influence of drugs based upon the reasonable belief of the Animal Control Officer.
- (e) Every dog or cat adopted or reclaimed from Animal Control shall be altered by a licensed veterinarian at the expense of the adopting or reclaiming party. Animal Control will deliver the animal to a City licensed veterinarian, as designated by the owner or custodian, and the adopting or reclaiming party will be responsible for pickup of the animal upon release by the veterinarian. Any additional fees assessed by the veterinarian shall be paid by the adopting or reclaiming party.
- (f) Exceptions:
- (1) A statement from a licensed veterinarian that it would be detrimental to the animal's health to be spayed or neutered.
 - (2) Proof of registration from a nationally or internationally recognized association such as the American Kennel Club.
 - (3) The adopting or reclaiming party may petition the Municipal Court to waive altering of the animal.

(Code 1984 § 5-105; Ord. 1320, 4/99; Ord. 05-12, 03/2006)

Section 4-61. Intentionally left blank

(Code 1984 § 5-106; Ord. 05-12, 03/2006)

Section 4-62. Unclaimed animals

Any dog or cat impounded by the City which is not redeemed or adopted within seven (7) days of its impoundment shall be disposed of in any humane manner as shall be prescribed by the American Veterinary Medical Association.

(Code 1984 § 5-107; Ord. 05-12, 03/2006)

Section 4-63. Records

The animal control officer shall maintain, or cause to be maintained, accurate records of the disposition, release or redemption of any dog or cat impounded by the city, reflecting a general description of the animal, the date of redemption, the name and address of the person to whom released, the dog tag number and the fees paid.

(Code 1984 § 5-108)

Sections 4-64—4-65. Reserved

ARTICLE IV. RABIES CONTROL

Section 4-66. Possession, etc., of rabid animals

It shall be unlawful for any person to have, keep or harbor any animal which is known or believed by him to be infected with rabies, except as provided in this article.

(Code 1984 § 5-121)

Section 4-67. Animals biting persons

- (a) If an animal bites a person, or is reported to have bitten a person, or is suspected of having bitten a person, the owner or the person having the care, custody or possession of the same shall immediately notify the police department, the animal control officer or the county health officer, and deliver and surrender the animal to a police officer of the City or to any representative of the animal control officer or the county health officer for observation for rabies.
- (b) A person injured by an animal shall report such injury to the animal control officer, who shall forthwith render a full and complete report of the investigation therein.
- (c) Any officer taking any animal pursuant to this section shall cause such animal to be confined in the animal control facility or at any other safe and suitable place as the owner or keeper thereof shall direct at his own expense, which place of confinement shall be approved by a licensed veterinarian or the county health officer. In no event shall the animal be placed in any enclosure with animals of any kind. Confinement of the animal shall be continued for a period of fourteen (14) days or such other time, not less than ten (10) days, as the county health officer shall direct or deem necessary, so as to avoid all danger to life or health of the public, during which time the animal shall be observed by a licensed veterinarian or county health officer to determine whether or not it is afflicted with rabies. The animal shall not be released from confinement except upon the authorization of the county health officer and upon payment by the owner or custodian thereof of the charges for its care and feeding, together with all other expenses and costs incident to custody and observation.

(d) It shall be unlawful for any person owning or having custody of an animal which has bitten a person within the City to remove it from the City within fourteen (14) days after it has bitten a person.

(e) Repeat offense: If the Roswell Animal Control has substantiated reports indicating the animal has bit a person(s) on more than one occasion, the City may confine the animal at the animal control facility. The animal shall not be released to the owner without a court order. If the court order releasing the animal is not issued within fourteen days, it will be disposed of as specified within this chapter.

(Code 1984 § 5-122; Ord. 05-12, 03/2006)

◆ State law reference—Notice to health officer of animal bites and confinement of animal, NMSA 1978, § 77-1-6.

Section 4-68. Carcass of animal dying of rabies

The carcass of any animal which has died of rabies or has been suspected of having such disease shall be surrendered immediately to the county health officer for disposition.

(Code 1984 § 5-123)

Section 4-69. Procedure when dogs suspected of rabies

(a) The animal control officer shall take into custody and confine for observation, by a licensed veterinarian or the county health officer, in the manner provided for in section 4-67 any dogs at large on the public streets or property suspected of or showing any symptom of rabies. In the event the dog is infected with rabies or madness, the animal control officer or police officer, before destroying or disposing of the dog, shall first obtain authorization from the county health officer. No dog confined for observation for rabies shall be destroyed or disposed of except after the required observation and upon authorization of the county health officer.

(b) In no event shall an officer of the City go upon private property for the purpose of taking a dog suspected of or showing symptoms of madness or rabies without first having obtained the consent (*see Sec. 4-40 Right of Entry*) of the property owner or having obtained, upon showing of good and probable cause therefor, a proper search warrant issued for that purpose.

(Code 1984 §5-124; Ord. 05-12, 03/2006)

◆ State law reference—Dogs or cats bitten by rabid animals, NMSA 1978, § 77-1-7.

Section 4-70. Authority of mayor to order dogs to be muzzled or confined

The mayor or, in his absence, the acting mayor, is hereby authorized, at his discretion and upon sufficient apprehension of danger to the public health and safety from mad dogs or when there may be rabies in the city, to issue a proclamation ordering that all dogs in the city shall, within twenty-four (24) hours after publication of such proclamation in a newspaper of

the city, be safely and securely muzzled to prevent biting and be securely confined upon the premises of the owners, custodians or persons having possession of such dogs, unless such dogs shall be continuously controlled on a leash by a person over fourteen (14) years of age. Every unmuzzled dog running at large within the city during such period of quarantine shall be impounded in the animal control facility. When no case of rabies remains in the city or when the danger occasioned from the spread of rabies has passed, the mayor shall publish a notice in like manner terminating the order of quarantine.

(Code 1984 § 5-125)

◆ State law reference—Quarantines, NMSA 1978, § 77-1-10.

Section 4-71. Resisting enforcement

It shall be unlawful for any person to hinder, resist or oppose the humane officer or his duly appointed assistants or members of the city police department in the performance of their duties under this article or to conceal or secrete any dog or animal coming under the provisions of this article from the officers authorized by this article to take the same into custody.

(Code 1984 § 5-126)

Section 4-72. Unsecured Animals in Vehicles

Enforcement of this section shall be with the Roswell Police Department or the Roswell Animal Control Officers.

In order to ensure the health, safety and welfare of the pedestrian public, an animal(s) shall be secured so as to prevent it from protruding beyond the confines of a parked vehicle.

(Ord. 05-12, 03/2006)

Section 4-73 Court Disposition

If an animal is being held at the animal control facility while awaiting a review before the court, the court shall schedule a hearing within thirty (30) days of impoundment.

(Ord. 05-12, 03/2006)

Section 4-74. Exotic and Wild Animals

- (a) Exotic and wild animals shall be legal in the City of Roswell if allowed to be sold in the pet trade in the State of New Mexico with the exception of animals identified as high incident rabies carriers by the State of New Mexico's Department of Health. Anyone selling or breeding exotic or wild animals must have a valid license as required by the U.S. Fish and Wildlife Services and New Mexico State Game and Fish Department to trade, transport and sell exotic and wild animals in the State of New Mexico except as noted in Section "Keeping Venomous Reptiles and Amphibians."

- (b) No person shall own, harbor or keep any species of exotic and wild animals in violation of Federal or New Mexico law, except those that may be qualified for use as a service animal for disabled persons.
- (c) Exotic animal owners must submit a health certificate from a veterinarian to Animal Control within fourteen (14) working days from acquisition of the animal. The health certificate must certify that the animal is in good health and has been vaccinated as appropriate for the species.
 - (1) In addition to the facilities and care standard requirements for permitted premises required by this article, exotic animals shall be kept and cared for in a manner which does not constitute a nuisance or endanger the safety of any person or property, or animal.
 - (2) The City may impound an exotic animal for its owner's failure to comply with this article and shall use the impound procedure set out in this article or, if the exotic animal may be a danger to the public, use a procedure which protects the public.
 - (3) Notwithstanding the above, zoological parks, veterinary hospitals, humane societies, shelters, research facilities and educational and scientific facilities are excluded from the provisions of this section, provided that the excluded facilities use protective devices adequate to prevent the exotic and wild animals from escaping or injuring the public, or animals.

(Ord. 05-12, 03/2006)

Section 4-76. Guard Dog Premises

Commercial premises with guard dogs shall be posted with warning signs that are at least twelve (12) inches long on each side. The warning signs shall state "Guard Dog" and "Guardia" and shall show a picture of an aggressive dog. The warning signs shall be posted not more than 50 feet apart on the exterior of the fences or walls surrounding the site and shall be posted at all exterior corners of the site and at every entrance indoor and outdoor to the site.

(Ord. 05-12, 03/2006)

Section 4-77. Penalty

Except as herein otherwise provided, it is unlawful for any person to willfully or maliciously commit any of the acts described herein or in Section 4-1 of the Roswell City Code as cruelty to animals.

(Ord. 05-12, 03/2006)



Chapter 5

AVIATION

- Article I In General §§ 5-1—5-15**
- Article II Municipal Airport Generally §§ 5-16—5-50**
- Article III Commercial Aeronautical Services and Activities at Roswell Industrial
Air Center §§ 5-51—5-80**
 - Division 1. Generally §§ 5-51—5-70
 - Division 2. Minimum Standards and Requirements §§ 5-71—5-80

ARTICLE I. IN GENERAL

Sections 5-1—5-15. Reserved

ARTICLE II. MUNICIPAL AIRPORT GENERALLY