

CHAPTER 91: ANIMALS

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GENERAL PROVISIONS

§ 91.01 ADDITIONAL CODE PROVISIONS APPLY.

The provisions of Ch. 130 of this Code, regarding the Criminal Code on General Offenses for the City, shall apply to this chapter.

LIVESTOCK AND FOWL**§ 91.15 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL or **ANIMALS.** Includes any cattle, horses, mules, ponies, rabbits, sheep, goats, burros, swine, or hard-hoofed or hard-footed animals. The word **ANIMAL** shall not include cats and dogs.

FOWL. Includes chickens, ducks, geese, turkeys, guineas, pigeons, and the like, and other fowl.

PERSON. Any person, firm, partnership, corporation, or association.
(1988 Code, § 6-8-1)

§ 91.16 LIVESTOCK ANIMALS RESTRICTED.

It shall be unlawful for any person to maintain, possess, keep, or allow any of the following animals within the City: sheep, billy goats, swine, and cattle, except as otherwise provided in this subchapter.
(1988 Code, § 6-8-2) (Ord. 93-04, passed - -) Penalty, see § 91.99

§ 91.17 RUNNING AT LARGE.

(A) It is unlawful for any person who is the owner, possessor, or in control of any animal or fowl to permit the same to run at large within the City.

(B) (1) A fowl shall be deemed to be running at large when not confined by a pen or other enclosure or when off or away from the premises of the owner, possessor, keeper, or permittee.

(2) An animal shall be deemed running at large when not confined by a pen or other enclosure or when off or away from the premises of the owner, and not restrained by a bridle or leash controlled by the owner, possessor, keeper, or permittee.
(1988 Code, § 6-8-3) Penalty, see § 91.99

§ 91.18 IMPOUNDMENT.

It is lawful for the Animal Control Officer or any Police Officer to impound any animal or fowl which is running at large as defined in this subchapter. It is lawful for the Animal Control Officer or any Police Officer to go upon private property for the purposes of impounding an animal or fowl running at large.
(1988 Code, § 6-8-4)

§ 91.19 POUND FEES; DISPOSITION OF ANIMALS.

(A) A pound fee for animals maintained in the pound shall be \$3 per day or any part thereof. An additional fee of \$15 shall be charged on the impounding of any animal in addition to the fees provided herein for maintenance. No animal shall be released to its owner until all these fees have been paid. The period of impoundment for any animal as defined in this subchapter shall not exceed ten days.

(1) The Chief of Police may sell such an animal at public auction after giving at least five-days' notice of the time and place of that sale to the owner or possessor of the animal if the same be known by leaving a copy of the same at his or her last known address, and by posting the same at an entrance to the Police Department. The animal may be redeemed at any time before the date of the sale by the Animal Control Officer or Chief of Police, upon the payment of any fees, expenses, and charges herein provided.

(2) In case an animal sold pursuant to the provisions of this section is sold for more than is sufficient to pay the fees and charges aforementioned, all of the balance shall be deposited with the Clerk/Treasurer, who shall pay this excess, upon order of the City Council, to the owner of the animal

or animals upon submission of the claim and proper proof to the City Council within 30 days from the date of the sale.

(3) In the event that any such animal is diseased or infirm or cannot be sold, it may be destroyed or placed with a suitable custodian.

(B) If fowl are to be impounded, the fowl may be kept for a period not to exceed three days. Reasonable efforts shall be made to notify the owner or person entitled to possession thereof. The fowl, upon payment of the same impoundment and maintenance fees provided for animals, shall be returned to the owner or person entitled to possession. Otherwise, the fowl shall be destroyed or otherwise disposed of.

(1988 Code, § 6-8-5) (Ord. 89-06, passed - -)

§ 91.20 MAINTENANCE OF ANIMALS AND FOWL IN THE CITY; CONDITIONS.

(A) It shall be unlawful to maintain any animal or fowl within the City unless the following conditions and requirements are complied with.

(1) The number of animals shall not exceed one animal per one-eighth acre of land, not including residential structures or other non-animal-related buildings.

(2) The number of rabbits or fowl shall not exceed one rabbit or fowl for each nine square feet of enclosed area exclusive of sheds, shelters, or coops; and any shed, shelter, or coop shall contain an area of not less than two square feet for each rabbit or fowl.

(3) Pastures and other large areas which allow each animal a minimum of one-eighth acre each on which to roam free do not have to be cleaned unless manure accumulates and becomes a public nuisance. Manure must be picked up daily from stalls or small areas of less than 500 square feet and every two weeks from larger areas less than 5,000 square feet. The manure should be placed in a closed container acceptable to the jurisdiction of the Municipality, or treated in such a manner as to not

attract flies or create a health hazard or public nuisance, in which case it shall be removed immediately. This provision shall not apply to cured dry manure that is being spread for the purpose of being incorporated into the soil by plow or other means so as to be used as a fertilizer or spread on lawns for the same purpose.

(4) Drinking facilities shall be provided with adequate overflow drainage to prevent saturation of surrounding soil.

(5) Spillage and leftovers from animal, rabbit, and fowl feedings must be removed or so disposed of as to prevent fly or rodent propagation or creation of odors.

(6) The shed, shelter, or housing for animals shall not be closer than five feet from the adjacent property line on any side other than the side that faces the road or street. The fence that borders the road or street may be on the owner's property line, provided that the fence does not impede or impair the flow of traffic on the street or road.

(7) All sheds, shelters, or coops for these animals, rabbits, or fowl shall be kept free of rodents and shall be thoroughly treated with insect spray and deodorant at weekly intervals during the months of June through October, inclusive, of each year, and shall be kept in good repair, and fresh bedding of a suitable nature shall be placed on the floors.

(8) The construction of the facilities, sheds, shelters, coops, and enclosed areas for these animals and fowl, along with the feeding, watering, and screening of these animals must be of a standard that is suitable to contain the animals or fowl and must also have complied with any health requirements set forth by all applicable authorities.

(9) All commercial farms and equine centers must be sprayed at least once a month during the racing seasons, and weekly from Labor Day through November 1 of each year.

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(B) The provisions of divisions (A)(1), (A)(3), and (A)(6) of this section pertain only to residential property.

(C) Notwithstanding the provisions of division (A)(1) of this section, any animal owner who had continuously kept these animals in a smaller area than allowed by this subchapter prior to July 11, 1977 shall be allowed to continue to do so, provided that the owner personally resides on the property and complies with all other provisions of this subchapter.

(D) Notwithstanding the provisions of division (A)(3), any manure that has been dumped on an owner's property for the purposes of building the soil prior to the adoption of this subchapter shall be allowed to remain, provided that it shall not create a nuisance by odor or drawing flies or in any way create a health hazard.

(1988 Code, § 6-8-6) Penalty, see § 91.99

§ 91.21 EXCLUSIONS.

(A) The area requirements or proximity of enclosures to residences, places of business, and streets of this subchapter shall not be applicable to animals used in riding stable businesses, shows, fairs, or sales that are authorized by this City, nor the temporary maintenance of animals by licensed veterinarians for the treatment of those animals.

(B) This subchapter shall not be applicable to any person engaged in the operation of a packing or slaughter house governed by Federal or State regulations and the keeping of animals for a temporary period of time not to exceed 72 hours in connection with the operation of that business.

(1988 Code, § 6-8-7)

§ 91.22 EXCLUSIONS FOR CHILDREN IN CERTIFIED AGRICULTURAL PROGRAMS.

(A) Persons under the age of 18 years who are enrolled or participating in an educational or vocational agriculture program involving the care and

maintenance of livestock animals may keep cattle, swine, or sheep within the City limits under the following conditions:

(1) The person is enrolled in a recognized educational or vocational agriculture program such as FFA, 4-H, or other similar program;

(2) The person is participating in a program which requires the raising of juvenile livestock for County fair, State fair, or other recognized agricultural competitions;

(3) Livestock kept on the premises within the City limits will only be allowed from March through October 31 of each year;

(4) Livestock cannot exceed the age of one year at the time of disposal; and

(5) Premises where the livestock are kept will be subject to all size and sanitation requirements set forth in this subchapter.

(B) Individuals applying under this exclusion must present verifiable certification to the City Clerk/Treasurer that the animal is being kept as part of a recognized educational or vocational agriculture program prior to placing the animal on the premises.

(1) The form of certification must contain, at a minimum:

(a) The name, address, and telephone number of the applicant;

(b) A description of the physical premises where the animal will be kept;

(c) The name of the program in which the individual is participating;

(d) The type and age of the animal; and

(e) The signature of a duly designated program representative or sponsor.

(2) The number of animals allowed for each individual is one.

(C) Each animal allowed under this exclusion must be physically removed from the premises on or before November 1 in the year in which the application is granted.

(1988 Code, § 6-8-7.1) (Ord. 93-04, passed - -) Penalty, see § 91.99

§ 91.23 ROOSTERS AND SWINE PROHIBITED.

No person shall maintain any male fowl capable of crowing or any species of swine or hog within the limits of the City.

(1988 Code, § 6-8-8) Penalty, see § 91.99

§ 91.24 GRAZING UPON PUBLIC THOROUGHFARES.

It is unlawful for any person to picket, lead, or hold any horse, cattle, or other livestock on or along the streets, sidewalks, or alleys in the City in such a manner that any animal may graze upon the grass, herbage, or trees growing upon or along any of those streets, sidewalks, or alleys, or for any person to picket, lead, or hold any horse, cattle, or other livestock in such a manner as to obstruct or impede the full use of the streets, sidewalks, or alleys.

(1988 Code, § 6-8-9) Penalty, see § 91.99

§ 91.25 HITCHING ANIMALS TO PUBLIC AND PRIVATE PROPERTY.

It is unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree, or bush, whether private or public, without the permission of the owner thereof. It is unlawful for any person to hitch an animal to any lamppost or fire hydrant of this City.

(1988 Code, § 6-8-10) Penalty, see § 91.99

§ 91.26 CRUELTY TO ANIMALS.

It is unlawful for any person to unnecessarily beat, injure, or mistreat any animal.

(1988 Code, § 6-8-11) Penalty, see § 91.99

ANIMAL CONTROL; DOGS AND CATS

§ 91.40 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***BITE* or *BITTEN*.** An actual puncture or tear of the skin inflicted by the teeth of an animal.

***CAT*.** Any male or female *Felidae* over three months of age.

***DOG*.** Any dog, bitch, or whelp over three months of age.

EXPOSED TO RABIES*.** A dog or cat is considered ***EXPOSED TO RABIES if it is known that the dog or cat has been in contact with an animal known or reasonably suspected to have rabies.

***IMMEDIATE CONTROL*.** The regulation and supervision of an animal by a person present with the animal so that the animal is unable to run off or get loose at will.

***NUISANCE*.** Includes, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offending the well-being of the inhabitants of the City.

***NEUTERED MALE*.** A male dog or cat which has been operated upon by a licensed veterinarian to prevent conception permanently, as attested to by a document signed by the veterinarian to the effect that such an operation has been performed.

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OWNER. Any person, group of persons, or corporation owning, keeping, or harboring an animal.

RUNNING AT LARGE. An animal will be deemed running at large when it is off the property of its owner and not under the immediate control of a competent person.

SPAYED FEMALE. A female dog or cat which has been operated upon by a licensed veterinarian to prevent conception permanently, as attested to by a document signed by the veterinarian to the effect that such an operation has been performed.

VACCINATION. An injection of vaccine, approved by the State Board of Public Health and administered by or under the supervision of a licensed veterinarian for the purpose of immunizing an animal against rabies.

(1988 Code, § 6-9-1) (Ord. 93-03, passed - -)

§ 91.41 VACCINATION.

(A) Dogs and cats over the age of three months shall be vaccinated against rabies. The animal shall receive a booster within the 12-month interval following the initial vaccination. Every domestic dog and cat shall be revaccinated against rabies within 12 months if a one-year vaccine is administered or within 36 months if a three-year vaccine is administered, with a rabies vaccine licensed by the U.S. Department of Agriculture and administered according to label recommendations. The Compendium of Animal Rabies Control (CARC), published by the National Association of Public Health Veterinarians, Inc., shall be the reference for the routine of inoculation and the type of vaccine. Copies are available upon request from the Department.

(B) All anti-rabies vaccines shall be administered by or under the supervision of a licensed veterinarian.

(1) The veterinarian who administers the anti-rabies vaccine shall furnish the owner or keeper with the certificate and tag as required by § 77-1-3

NMSA 1978. The tag shall be affixed by the owner to the collar or harness of the dog or cat and shall be worn by the dog or cat at all times.

(2) All persons applying for a license under the provisions of this subchapter shall, as a reasonable prerequisite to securing the same, present to the City the tag and vaccination certificate herein described, and no license for a dog or cat within the City shall be issued unless and until that dog or cat has been vaccinated with a current anti-rabies vaccine.

(1988 Code, § 6-9-2) (Ord. 93-03, passed - -; Ord. 2003-02, passed 7-10-2003) Penalty, see § 91.99

§ 91.42 LICENSING.

(A) The owner, possessor, or keeper of any dog or cat within the City shall secure a license for that dog or cat from the City Clerk/Treasurer on or before the first day of March of each year or within ten days after the dog or cat reaches the age of three months. Dogs or cats purchased, obtained, or otherwise acquired subsequent to the first day of March in any calendar year shall be licensed within ten days after that acquisition. New residents of the City shall have ten days after moving within corporate limits to secure a license hereunder.

(B) The owner or keeper of every dog within the City shall have the dog vaccinated against rabies between January 1 and March 1 of each calendar year. Dogs acquired or brought into the City subsequent to March 1 of any year shall be vaccinated within one week after their entry into the City. The vaccination required under this subchapter shall be administered by or under the supervision of a licensed veterinarian.

(C) The control of issuing licenses and tags shall be the responsibility of the City Clerk/Treasurer.

(1) He or she shall maintain a register, which shall contain the following information:

(a) The date and number of each tag and license issued;

(b) The name, breed, sex, and general description of the dog or cat;

(c) The name and address of the owner; and

(d) The type and date of vaccination.

(2) The City Clerk/Treasurer may designate a person or persons to assist in the issuance of tags and licenses, in which event he or she shall assign tags, licenses, and receipt books to the designated persons and shall require monthly reports from them showing the requisite information pertaining to tags and licenses sold and accounting for fees collected.

(D) The City Clerk/Treasurer, upon receiving proof of anti-rabies vaccination, shall issue to the owner a serially numbered license. The license shall contain the information required in division (C) above to be contained in the register. All licenses shall be issued for a period of one year from the date of issuance.

(E) The yearly fee scheduled for licenses shall be as set forth in Appendix A of this chapter.

(F) No person shall use for any dog or cat a license, vaccination certificate, or license tag issued for a different dog or cat.

(G) Any guide dog trained to lead a blind person and any hearing aid dog trained to aid a deaf person shall be exempt from the licensing requirement of this section.

(H) A veterinarian, at his or her option, may issue the license and tag required in this section and § 91.43 below. The veterinarian issuing these licenses and tags will be paid \$1 for this service. The \$1 is to be retained by the veterinarian from the fee collected pursuant to division (E) of this section and Appendix A of this chapter. The remainder of the fee collected by the veterinarian will be remitted to the City Clerk/Treasurer.

(I) Failure to comply with the licensing and vaccination provisions of this subchapter shall subject that owner to a penalty as provided in § 91.99 of this Code.

(J) Senior citizens shall pay annual license and tag fees as stated in division (E) of this section and Appendix A of this chapter for dogs and cats. To qualify as a senior citizen, the person must present proof of age to be 62 years of age or older. (1988 Code, § 6-9-3) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.43 TAG AND COLLAR.

(A) With the license there shall be issued to the owner a metallic or plastic tag stamped with the number of the license and the month and year for which issued. The shape or color may be changed each year.

(B) The owner shall see that the dog or cat wears at all times a collar or harness to which the tag shall be attached.

(C) If the tag is lost or destroyed, the owner may obtain a duplicate upon the presentation of the license and payment of a fee of \$1 for the duplicate tag. (1988 Code, § 6-9-4) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.44 PROHIBITED ACTS; ANIMAL NUISANCES.

(A) It shall be unlawful for any person owning, harboring, or having custody or possession of any animal to do the following.

(1) It is unlawful for any owner, possessor, or keeper of any dog in the City to permit the same to:

(a) Run at large within the City. A dog shall be deemed to be running at large when not under restraint; or

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(b) Be left unattended in any motor vehicle, truck bed, or trailer unless the animal is confined so that no portion of the animal's head can protrude beyond the outer boundaries of the motor vehicle, truck bed, or trailer.

(2) It shall be unlawful for any animal owner to willfully, or through failure to exercise reasonable care and control, permit an animal to defecate or urinate on any public or private premises other than the owner's premises. It shall be the owner's responsibility to sanitarily remove any solid excrement from any public or private premises.

(3) It shall be unlawful for any owner or keeper of an animal to allow his or her animal to make excessive noise and thereby disturb the peace of others.

(4) It shall be unlawful for any persons to keep or harbor a vicious animal within the City, unless the animal is confined within a building or within a secure enclosure.

(B) Any animal beyond the enclosed boundaries of the premises of the animal's owner or keeper shall be under immediate control. A leash of not more than six feet in length shall be used.

(1988 Code, § 6-9-5) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.45 IMPOUNDING OF ANIMALS.

(A) The Animal Control Officer or any other peace officer may impound any dog or cat which is not wearing a tag and any animal which he or she reasonably feels to be in violation of any provision of this subchapter, whether that animal is required to wear a tag or not. It is lawful for the Animal Control Officer or any other peace officer having probable cause to believe there has been a violation of this subchapter, to go upon private property for the purpose of catching any animal to be impounded.

(B) In the event an animal is impounded with an expired license, a new license and tag will be issued by the Animal Control Officer. In the event an animal

is impounded with an expired vaccination tag, the Animal Control Officer shall collect a fee from the owner or person adopting, as provided in division (C) hereof. The veterinarian subsequently administering the vaccination shall bill the Animal Control Officer therefor.

(C) If the owner is determined, the animal will be released to the owner or representative upon payment of a pick-up fee of \$15 plus a fee of \$5 for each day that the animal was confined. A fee will also be collected to cover the tag and license and vaccinations where either or both have expired.

(D) At the end of the minimum confinement period (three days for unlicensed and five days for licensed dogs), not counting the first day of confinement.

(E) Any person finding any animal upon his or her property to his or her injury or annoyance may take up the same and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he or she may hold the animal in his or her own possession, and as soon as possible notify the Police Department or Animal Control Officer of this custody, giving a description of the animal and the name of the owner, if known.

(1988 Code, § 6-9-6) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.46 ANIMALS WHICH HAVE BITTEN A PERSON TO BE CONFINED.

When any person is bitten by an animal, it is the duty of that person or his or her parent or guardian and the owner or keeper of the animal to notify the District Health Officer immediately. The owner or keeper of the animal, immediately and at his or her own expense, shall confine it securely for ten days at a place designated by the Animal Control Officer. Every physician shall, within 24 hours after his or her first professional attendance upon a person bitten by any animal having or suspected of having rabies,

report to the District Health Officer the name, age, sex, and address of the person bitten.

(1988 Code, § 6-9-7) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.47 FILING COMPLAINT IN MUNICIPAL COURT.

(A) If a dog is impounded, the Animal Control Officer or any other peace officer may institute proceedings in the Municipal Court on behalf of the City against the owner or keeper of the dog, if he or she is known, charging the owner or keeper with a violation of the appropriate Code section.

(B) Nothing herein contained shall be construed as preventing the Animal Control Officer, or any other peace officer, or any citizen from instituting a proceeding in the Municipal Court of the City for violation of this subchapter where there has been no impoundment.

(1988 Code, § 6-9-8) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.48 RELEASE OF IMPOUNDED DOG; DESTRUCTION OF DOG.

If a complaint has been filed in the Municipal Court of the City against the owner or keeper of any impounded dog for violation of this subchapter, the dog shall not be released from impoundment except by orders from the Municipal Judge. In addition to any penalties which may be provided for in this Code for a violation of this subchapter, the Municipal Judge shall require the owner or keeper to pay the fees provided for in this chapter, and may, upon finding that the dog constitutes a nuisance, or that the dog is vicious, or that the 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 Animal Control Officer or by other persons as are authorized to do so by the Mayor.

(1988 Code, § 6-9-9) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.49 DOG OF UNKNOWN OWNER OR KEEPER; DISPOSAL.

If a complaint has not been filed in the Municipal Court because the owner or keeper of an impounded animal is not known or cannot be located, and the dog has not been claimed within a minimum of three days for unlicensed and five days for licensed dogs, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by the Animal Control Officer or by other persons as are authorized to do so by the Mayor. Any impounded animal not claimed by its legal owner or his or her agent within the minimum confinement period designated above for impoundment may be adopted by another person upon payment of boarding fees and any other fees as required by the City.

(1988 Code, § 6-9-10) (Ord. 93-03, passed - -)

§ 91.50 DOGS TRAINED TO ASSIST THE BLIND ALLOWED IN PUBLIC PLACES.

It shall be 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 debar or exclude therefrom any dog which has been trained to assist the blind, provided that the dog is in the company of the blind person whom it was trained to assist, pursuant to § 28-7-3 NMSA 1978.

(1988 Code, § 6-9-11) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.51 CRUELTY TO ANIMALS PROHIBITED.

(A) It shall be unlawful for any person to torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly drive or kill any animal, or unnecessarily fail to provide the same with proper food, drink, or shelter, cruelly drive or work the same when unfit for labor or known to be diseased, or to abandon any animal within the City limits.

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(B) It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death to that animal or any other animal, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. This does not prohibit the humane destruction of animals.

(C) Whenever the Animal Control Officer finds any animal that is or will be without proper care because of injury, illness, incarceration, or other voluntary absence of the owner or person responsible for the care of the animal, the officer may take the animal into protective care; and in the event of illness or injury, upon advice of a licensed veterinarian, the Animal Control Officer may take action as necessary to prevent undue pain and suffering, including immediate destruction of the animal.
(1988 Code, § 6-9-12) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.52 CONFINEMENT OR MUZZLING OF DOGS DURING RABIES DANGER.

(A) Whenever the Mayor, or any person designated by him or her for the purpose, shall be of the opinion that any danger from hydrophobia in the City or other danger exists from dogs running at large within the City, he or she shall issue a proclamation requiring every owner or keeper within the City to confine and securely muzzle the same for such time as he or she 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 so as to prevent any dog from biting.

(B) It shall be the duty of the Animal Control Officer and all other peace officers of the City to impound any dog that may be found during the time so designated by the Mayor unless the dog is muzzled and confined as herein provided.
(1988 Code, § 6-9-13) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.53 FEMALE DOGS OR CATS IN HEAT; CONFINEMENT.

Any unspayed female dog or cat, while in heat, shall be securely confined during that period in the owner's yard, pen, or other enclosure. This yard, pen, or other enclosure shall be so constructed and situated so as to prevent other dogs or cats from gaining access to it.
(1988 Code, § 6-9-14) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.54 VICIOUS DOGS.

(A) No person shall own, keep, or harbor a vicious dog within the City.

(B) For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

VICIOUS DOG. A dog that bites or attacks human beings or other animals without provocation either on public or private property, or approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any other public ground or place.

(C) The Animal Control Officer and all other peace officers shall impound any dog which is a vicious dog. In the event that a vicious dog cannot be impounded without the Animal Control Officer or any other peace officer exposing himself or herself to danger or personal injury from the dog, the Animal Control Officer or any other peace officer may destroy the dog without notice to the owner or keeper thereof.
(1988 Code, § 6-9-15) (Ord. 93-03, passed - -) Penalty, see § 91.99

§ 91.55 DOG KILLING OR INJURING LIVESTOCK.

If any dog shall kill or injure any livestock, the owner or keeper of the dog shall be liable for all damages that may be sustained thereby, to be

recovered by the party so injured before the Municipal Court or any other court having competent jurisdiction, and it shall be unlawful to keep the dog after it is known that the dog is liable to kill livestock, and it shall be the duty of the owner or keeper to kill, or have killed, the dog upon the order of the Court after a finding that the dog has killed or injured livestock; and provided further, it shall be the right of any owner of livestock so killed or injured by the actions of any dog to kill the dog while it is upon the property controlled by the owner of the livestock.
(1988 Code, § 6-9-16) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.56 INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED.

It is unlawful for any person to interfere with, molest, hinder, or obstruct the Animal Control Officer or any police officer in the discharge of his or her official duties under this subchapter.
(1988 Code, § 6-9-17) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.57 INSTIGATING OR ENCOURAGING DOG FIGHTS PROHIBITED.

No person shall cause, instigate, or encourage any dog fight within the City.
(1988 Code, § 6-9-18) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.58 UNLAWFUL DOG; FAILURE TO KILL.

It is the duty of any person who is the owner or keeper of any dog, the keeping of which is unlawful, to cause that animal to be killed.
(1988 Code, § 6-9-19) (Ord. 93-03, passed - -)
Penalty, see § 91.99

§ 91.59 ESTABLISHMENT OF POUND.

The Mayor may establish a dog pound for the Municipality to be operated by the City personnel; or at his or her election, he or she 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.
(1988 Code, § 6-9-20) (Ord. 93-03, passed - -)

§ 91.99 PENALTY.

(A) Any person who shall violate any provision of this chapter for which no other penalty is provided shall be subject to penalties as provided in § 10.99 of this Code.

(B) Any person violating any of the provisions of §§ 91.15 *et seq.* of this Code shall be liable to a fine, upon conviction, of not more than \$300 or for imprisonment of not more than 90 days, or both.
(1988 Code, § 6-8-12)

(C) Any person failing to comply with the Code provisions as described in § 91.42(I) of this Code shall be subject to a fine of up to \$300.
(1988 Code, § 6-9-3)

(D) Failure to comply with § 91.58 of this Code shall subject the owner or keeper to a fine of \$10 and costs, and each day's failure to comply is a separate offense.
(1988 Code, § 6-9-19)
(Ord. 93-03, passed - -)

APPENDIX A: ANNUAL LICENSE FEES

The yearly fee schedule for licenses shall be as follows.

<i>Animal</i>	<i>Neutered or Spayed</i>	<i>Owner</i>	<i>Annual License Fee</i>
Cat	No	-	\$5
Cat	No	Senior citizen	\$2.50
Cat	Yes	-	\$3
Cat	Yes	Senior citizen	\$1.50
Dog	No	-	\$10
Dog	No	Senior citizen	\$5
Dog	Yes	-	\$5
Dog	Yes	Senior citizen	\$2.50

(1988 Code, § 6-9-3) (Ord. 93-03, passed - -)

Cross-reference:

Licensing, see § 91.42

