



CITY OF MORIARTY

ANIMAL WELFARE ORDINANCE O-2015-04

MORIARTY, NEW MEXICO

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CITY OF MORIARTY, NEW MEXICO

ORDINANCE NO. O-2015-04

AN ORDINANCE ESTABLISHING REGULATIONS, REQUIREMENTS, AND PROCEDURES FOR THE CARE AND CONTROL OF ANIMALS IN THE CITY OF MORIARTY, TORRANCE COUNTY, NEW MEXICO; ESTABLISHING FEES AND PROVIDING FOR PENALTIES FOR ANY VIOLATION THEREOF; REPEALING AND REPLACING ORDINANCES 119 AND 506.

BE IT ORDAINED BY THE Governing Body of the City of Moriarty:

Article 1 General Provisions

Section 1 -1 Title, Legislative Intent and Applicability

(a) The Council for the City of Moriarty, New Mexico is authorized by NMSA 1978 § 3-18-3, NMSA 1978 §§ 77-1-1 through 77-1-17 concerning Dogs and Domesticated Animals, the Pet Sterilization Act (NMSA 1978 §§ 77-1-18 to 77-1-20), the Dangerous Dog Act (NMSA 1978 §§ 77-1A-1 to 77-1A-6), and the Animal Sheltering Act (NMSA 1978 §§ 77-1B-1 to 77-1B-12) to provide for the regulation and control of animals within the boundaries of the City of Moriarty.

(b) This Ordinance shall be known and may be cited as the "City of Moriarty Animal Control Ordinance". The short title to this Ordinance shall be "Animal Control Ordinance".

(c) It is the intent of the City of Moriarty Council that enactment of this Ordinance will regulate animals in the boundaries of the City of Moriarty, protect animals from neglect and abuse, protect residents from annoyance and injury, promote the health, safety and welfare of the residents and animals and assist in providing control and recovery of animals.

(d) The provisions of the Ordinance shall apply throughout the City of Moriarty, including on privately owned land and land owned by the City of Moriarty.

Section 1 -2 Definitions

(a) For the purpose of this Ordinance, the following terms, phrases, words and derivations shall have the meaning given herein. "Shall" is always mandatory and not merely directory. The masculine includes the feminine. The singular includes the plural, where appropriate.

- (b) ABANDON or ABANDONMENT: To desert deliberately and/or to relinquish the supervision or care of an animal.
- (c) ANIMAL: Any dog, cat, or vertebrate, excluding humans.
- (d) ANIMAL CONTROL DEPARTMENT: That department of the City and/or the City's designated contract agent, City of Moriarty Law Enforcement Officer(s), or City of Moriarty Animal Control Officer(s) who are specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.
- (e) ANIMAL CONTROL OFFICER: Any person duly appointed to carry out the requirements of this Ordinance by the City of Moriarty or the City's Chief of Police, including a person carrying the title of animal control officer, or a City of Moriarty Law Enforcement Officer.
- (f) ANIMAL SERVICES FACILITY: Any pound, shelter, lot premises, kennel or building maintained, utilized or contracted by the City for the care and custody of animals.
- (g) BITE: To puncture or tear skin, inflicted by the teeth of an animal.
- (h) DANGEROUS ANIMAL: Any animal that caused a serious injury to a person or domestic animal. An animal shall not be declared dangerous or potentially dangerous if:
- (1) the animal was used by a law enforcement official for legitimate law enforcement purposes;
 - (2) the threat, injury or damage was sustained by a person or domestic animal who was:
 - a. trespassing upon premises occupied by the owner or the animal;
 - b. provoking, tormenting, abusing or assaulting the animal or had repeatedly, in the past, provoked, tormented, abused or assaulted the animal; or
 - c. committing or attempting to commit a crime; or
 - (3) the animal was:
 - a. responding to pain or injury;
 - b. protecting itself or its offspring; or

- c. protecting or defending a human being or domestic animal from attack or assault.
- (i) DOMESTIC LIVESTOCK: Any of the large or small livestock, including, but not limited to, horses, cattle, mules, donkeys, burros, swine, goats, sheep, rabbits, and fowl, including, but not limited to, chickens, guinea hens, ducks, turkeys, geese, quail, or pigeons.
- (j) ENCLOSED LOT: Any parcel of land or portion thereof in private ownership, around the perimeter of which a wall or fence has been erected of such height and surety so as to retain the species of an animal within the bounds for which the fence was erected.
- (k) ESTRAY or STRAY: Any animal which is off and away from its home and unattended and running at large within the City of Moriarty, except domestic livestock that are otherwise permitted to roam, are defined as estray under New Mexico Statutes Annotated, 1978, 77-13-1 and 77-2-1.1(N).
- (l) IMPOUND or IMPOUNDMENT: The act, by an Animal Control Officer, livestock inspector, or Law Enforcement Officer of the City of Moriarty of taking up and confining an animal within an animal services facility used by the City for the confinement of said animal.
- (m) IMPOUNDMENT FEES or BOARDING FEES: Fees charged by the City for the impoundment, feeding and housing of an animal.
- (n) KENNEL: Any establishment or premises where dogs, cats or other animals are boarded, bred, kept, bought, sold, traded, let for hire, groomed, or trained for a fee.
- (o) LABORATORY: The Scientific Laboratory Division (SLD) of the New Mexico Department of Health.
- (p) OWNER: Any person who owns, harbors, keeps, or has control or custody of any animal for more than six days, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.
- (q) PERSON: An individual, firm, partnership, corporation, society, association, or other legal entity and every agent and employee thereof.
- (r) PREMISES: A parcel of land owned, leased, rented, or controlled by any person, legal or natural. Such parcel of land may include a structure, including but

is not limited to kennels, houses, mobile homes, apartments, condominiums, and townhouses that are located on a parcel of land.

(s) **POTENTIALLY DANGEROUS ANIMAL:** An animal that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors:

(1) causing an injury to a person or domestic animal that is less severe than a serious injury;

(2) chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or

(3) acting in a highly aggressive manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure;

(t) **RABIES VACCINATION/VACCINATE:** The injection of a rabies vaccine approved by New Mexico Department of Health and administered by or under the supervision of a licensed veterinarian.

(u) **RUN AT LARGE/RUNNING AT LARGE:** To be free of physical restraint beyond an enclosed lot, the premises or vehicle of the owner.

(v) **SERVICE DOG:** A dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service dog must be directly related to the individual's disability. The crime deterrent effects of a dog's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition. Other species of animals, whether wild or domestic, trained or untrained, or dogs in training to become service dogs are not considered service dogs under this Ordinance.

(w) **STERILIZE or STERILIZATION:** To render an animal permanently sterile and incapable of reproduction, either by the spaying of a female animal or by the neutering of a male animal.

(x) **VERMIN:** Wild rodents and various insects including flies, mosquitoes, ants and wasps.

(y) **WILD ANIMAL:** Any animal found naturally in a wild state, whether or not indigenous to the state of New Mexico, and whether or not it is raised in captivity.

Such animals, though they may be trained and domesticated include, but are not limited to:

- (1) Wolves, foxes, coyotes, and other members of the non-domestic canine families.
- (2) Lions, pumas, panthers, mountain lions, bobcats, ocelots, and other members of the non-domestic feline families.
- (3) All bears including grizzly bears, black bears, and brown bears.
- (4) Weasels, marten, mink, wolverine, badger, otter, ermine and mongoose, but not including domesticated ferrets.
- (5) Raccoons, including eastern raccoon, desert raccoon and ringtailed cat.
- (6) Primates, including all non-human great apes other than qualified service animals.
- (7) Porcupines.
- (8) Skunks.
- (9) Venomous snakes.
- (10) Venomous lizards, alligators and crocodiles.
- (11) Venomous fish and piranha.

Article 2 Administration of Ordinance

Section 2 -1 Animal Control Officer

- (a) An Animal Control Officer of the City of Moriarty, operating under the supervision of the Moriarty Chief of Police, is responsible for the administration of this Ordinance.
- (b) The Chief of Police shall make recommendations to the Mayor and the City Council to appoint Animal Control Officers. Animal Control Officers shall be concerned primarily with the health and safety of the citizens of the City as affected by animals and with the health and safety of animals within the City limits.

Section 2 -2 Authority of Animal Control Officers

(a) Animal Control Officers shall have the authority, and are directed to, investigate upon reasonable suspicion, including verbal or written complaints, any alleged violation of this Ordinance or any law of the State of New Mexico that relates to the care, treatment, and control of animals, and the prevention of cruelty to animals.

(b) With the consent of the owner/occupant or as otherwise provided for by law, Animal Control Officers are authorized to enter onto and inspect premises and any animals thereon within the City as necessary to perform their duties. If an Animal Control Officer is unable to obtain the permission of the owner/occupant, the Animal Control Officer may seek a court order or a warrant to enter the premises, unless there appears to the Animal Control Officer that probable cause exists of an emergency requiring such inspection, including in cases of imminent danger to either the public or animal(s). In cases where entry is mandated by either court order or warrant, the order or warrant must be executed in the company of an authorized law enforcement officer of the City, county, or state. An Animal Control Officer shall not enter onto the premises of the known owner for the sole purpose of taking up an animal which has been alleged to be running at large by a person who is not an Animal Control Officer, Police Officer, or other law enforcement officer authorized to investigate violations of law within an applicable jurisdiction.

(c) Animal Control Officers shall work cooperatively and jointly with local, county, state and federal officials as necessary and appropriate concerning any alleged violation of state law and/or this Ordinance that involves domestic livestock.

(d) An Animal Control Officer shall have no personal liability for acts carried out in the lawful execution of his or her duties hereunder, except as provided by State or Federal law.

Section 2 -3 Complaints

(a) A person who has personal knowledge of a violation of this chapter and who can identify the owner of the animal involved or the premises where the animal is located, may file a complaint alleging any violation of this chapter with an Animal Control Officer.

(b) The Animal Control Officer may require the complainant to provide his name and address and swear to and affirm the complaint.

Section 2 -4 Enforcement and Penalties

(a) **Violations.** Animal Control Officers shall have the authority to issue citations whenever there is probable cause to believe there exists a violation of this Ordinance or animal care and control statutes, and to perform such other duties as prescribed by the Chief of Police.

(b) **Penalties.** Every violation of this Ordinance shall be a petty misdemeanor, punishable as outlined in the Animal Control Schedule of Fees and Penalties or, if not shown in the schedule, punishable by a fine of not more than five hundred dollars (\$500) or imprisonment for not more than ninety days or both. Upon conviction of a violation listed in the Animal Control Schedule of Fees and Penalties the specified fine shall be imposed and may not be suspended, deferred or taken under advisement.

(c) **Use of Revenues Collected.** Excluding court fees which shall be remitted as required by state law, all of the money collected as a result of fines and fees imposed by this Ordinance shall be applied as follows:

(1) All of the funds shall be placed in a fund to be utilized exclusively for the operation of the Animal Control Department; and

(2) At the end of any fiscal year, any funds not used by the Animal Control Department may revert to the general fund.

Section 2 -5 Establishment of Fees and Penalties; Amendments by Resolution

(a) Fees, costs, deposits and specific penalties for violations of this Ordinance are established in the Animal Control Schedule of Fees and Penalties attached to this Ordinance as Appendix A.

(b) The City of Moriarty governing body may amend by resolution the Animal Control Schedule of Fees and Penalties established by this Ordinance.

Section 2 -6 Owner's Liability

The Owner shall be liable for any acts committed by an animal owned by them, regardless of whether such animal was under physical restraint at the time the act was committed.

Article 3 Animal Control and Impounding

Section 3 -1 Impounding of Animals, Notice Required

(a) The Animal Control Officer may take up and impound or cause to be impounded any stray animal found in the City, and any other animal found in

violation of this Ordinance or state statute. An Animal Control Officer is specifically authorized to impound any animal:

- (1) Determined to be running-at-large;
- (2) In plain view on its own private premises whose condition threatens imminent death or serious injury to the animal itself;
- (3) In plain view on its own private premises whose action(s) threatens imminent death or serious injury to any person or to another animal within the same premises; or
- (4) When so ordered by a court of competent jurisdiction.

(b) In the event the owner of the animal impounded may be identified, notice of the impounding shall be provided to the owner immediately. If the owner of the animal is not known, a notice of the impoundment shall be posted in a conspicuous place at the office of the Animal Control Officer and at the City office.

(c) All stray impounded animals shall be held for a minimum of three (3) business days, and notice of impoundment shall be posted. In computing any period of time under this section, the day that the animal is impounded shall not be included. The last day of impoundment shall be included, unless it is a Saturday, Sunday, Holiday, or when the shelter is unexpectedly closed, in which case the period of time continues until the end of the next day which is not one of these days.

(d) Except for animals held on complaint, for quarantine, in protective care, or impounded under similar circumstances, an owner of any impounded animal shall have a limited right to reclaim the animal within the required holding period, provided that the owner pays all fees, deposits and charges due, signs a statement of ownership/responsibility, and complies with all other provisions of this Ordinance prior to reclaiming the animal.

(e) Any animal not reclaimed within the required holding period shall become the property of the City, and may be placed for adoption, transferred to the ownership of any animal shelter or certified rescue group, or euthanized in a humane manner by an authorized person.

Section 3 -2 Number of Dogs and Cats Allowed

(a) **Small Lots.** No person or any one household located on a lot size smaller than one quarter acre shall own, harbor, maintain or keep more than a combined

total of four (4) dogs and/or cats in any combination thereof over the age of three (3) months without a valid permit.

(b) **Large Lots.** No person or any one household shall own, harbor, maintain or keep more than a combined total of ten (10) dogs and/or cats in any combination thereof over the age of three (3) months without a valid permit, regardless of lot size.

(c) Any person or household who, at the time this Ordinance is enacted, owns, harbors, maintains or keeps more than the number of dogs and/or cats allowed pursuant hereto shall be permitted to continue owning, harboring, maintaining, or keeping those animals for the life of such animal(s) without first obtaining a permit. No new or additional animals will be permitted while the maximum allowable dogs and cats is exceeded except upon the issuance of a valid permit. Upon the death or relinquishment of any animal(s) in excess of those allowed herein, a valid permit must be obtained if the person or household wishes to replenish the number of animals in excess of these limits.

Section 3 -3 Microchipping

(a) **Existing Licensed Animals.** Any animals originally licensed prior to the enactment of this Ordinance shall not be required to have a microchip implanted unless the animal is impounded by the Animal Control Officer as authorized by this Ordinance. In addition to impounding and boarding fees, the owner shall pay the cost of microchipping the animal and the animal shall be microchipped prior to release of the animal from impound to the owner.

(b) **Existing Unlicensed Animals.** An owner of an animal that is unlicensed at the time enactment of this Ordinance shall be required to have a microchip implanted as a condition of licensing.

(c) **Newly Acquired Animals.** A resident of the City of Moriarty who acquires an animal subject to this Ordinance shall have a microchip implanted in each such animal that is over the age of three (3) months.

Section 3 -4 Collars

(a) Any animal outside of the owner's property shall wear a collar or a harness at all times.

(b) A current identification tag which provides contact information for the owner must be attached to the collar or harness at all times that the animal is outside of the owner's property.

(c) The current anti-rabies vaccination tag issued for that animal must be attached to the collar or harness at all times that the animal is outside of the owner's property.

(d) A collar or harness with the required tags attached may be removed from the animal temporarily for medical care, training, grooming, or other similar activities.

Section 3 -5 Spay or Neuter Required, Exceptions

(a) All residents of the City of Moriarty who own an animal subject to this Ordinance are required to have each animal they own that is over the age of six (6) months spayed or neutered, unless the owner obtains a valid and current Intact Animal Permit.

(b) If an intact animal is found to be running at large on two (2) separate occasions, any applicable intact animal permit shall be deemed void and the animal shall be spayed or neutered.

Section 3 -6 Responsible Ownership

(a) Any dog not deemed dangerous or potentially dangerous on its owner's property shall be:

(1) Placed in a secure run or kennel free of debris with access to shade, shelter, food and potable water;

(2) Kept within a secure enclosed lot, as defined in this Ordinance, surrounding the owner's premises or portion thereof;

(3) Kept under the immediate physical control of a person capable of restraining the dog;

(4) Confined through means of a buried electronic barrier/collar system if the dog is properly trained, and the electronic system is functioning properly; or

(5) Dogs not within a secure enclosed lot may be restrained by means of a trolley system, only if the following conditions are met:

a. Only one (1) dog may be tethered to each cable run; the device must be attached to a pulley on a cable run or trolley; there must be swivels on both ends of the tether to minimize tangling of the tether.

- b. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive as determined by the Animal Control Officer, considering the size, weight and health of the dog.
- c. The cable run must be at least ten (10) feet in length and mounted either at ground level or at least four (4) feet above ground level.
- d. The tether must be a minimum of ten (10) feet in length and must not allow the dog to move beyond the legal boundary of the property.
- e. The device must be affixed to a dog by use of a non-abrasive, comfortably fitted collar or harness.
- f. The device must be fastened so that the dog can sit, walk, and lie down comfortably and must be unobstructed by objects that may cause the device to become entangled or the dog to be strangled.
- g. The dog must have easy access to adequate shade, shelter, food and potable water.
- h. The area where the dog is confined must be kept free of garbage and other debris that might endanger the dog's health or safety.
- i. The area where the dog is confined must be kept free of insect infestation, such as ant hills, wasp nests, and flea, tick and/or maggot infestations.
- j. The dog may not be tethered and left unattended for longer than twelve (12) hours in any twenty-four (24) hour period.

(b) Violations of these requirements will constitute an act of neglect or cruelty, and will subject the dog to impoundment and penalties to the owner as set forth in the Animal Control Animal Control Schedule of Fees and Penalties.

Section 3 -7 Rabies Control

- (a) A person owning a cat or dog that is over the age of three (3) months shall have the animal vaccinated against rabies. The rabies vaccination shall be given in

amounts sufficient to provide immunity from rabies for a minimum of one (1) year and be administered by a licensed veterinarian. The serially numbered certificate and tag issued by a licensed veterinarian shall be evidence of a vaccination. A copy of this certificate shall be provided to the City of Moriarty within five working days of the rabies vaccination being administered. Rabies tags are not transferable from one animal to another.

(b) Any veterinarian who makes a clinical diagnosis of rabies and any person who suspects rabies in any animal, shall immediately report the same to the appropriate State health agency providing information about where and when such animal was seen and, if possible, where it may be found.

(c) To ensure protection of the public health and welfare and control the spread of the rabies virus:

(1) When any person is bitten by an animal, it is the duty of such person or his parent or guardian, or any person having knowledge of the whereabouts of the animal, to immediately notify the Animal Control Officer or the field office of the New Mexico public health division.

(2) Any dog, cat or ferret which bites or otherwise exposes a person to rabies shall be either destroyed and the head sent to the Laboratory for rabies testing or confined immediately at the owner's expense at a place and in a manner designated by the Animal Control Officer and approved by the field health office of the New Mexico public health division. If the dog, cat or ferret shows signs or symptoms of rabies during the ten (10) day confinement and observation period, it shall be destroyed and the head sent to the laboratory for rabies testing. If the animal does not show signs of infection with the rabies virus at the conclusion of the observation period, the animal shall be released in accordance with all other applicable provisions of this Ordinance.

(3) No person may remove or release an animal from a required quarantine location, or frustrate the quarantine of an animal during the observation period including allowing other animals into the quarantine location, during the observation period without the written consent of the Animal Control Officer.

(4) Pick-up and disposal of rabid animals or animals suspected of infection with the rabies virus shall be handled by the Animal Control Officer in a manner consistent with State law.

Section 3 -8 Livestock Prohibited, Exceptions

(a) It shall be unlawful for any person to keep or harbor any fowl, game bird or livestock on premises located within the City limits, except as follows:

(1) In an A-R Agricultural Residential Zone as permitted under by the Moriarty Comprehensive Zoning Ordinance;

(2) Veterinarian hospitals where a duly licensed veterinarian is actively engaged in, and in charge of operations;

(3) Duly licensed wholesale or retail pet shops operated in areas where such businesses are permitted by the Moriarty Comprehensive Zoning Ordinance; and

(4) Small domestic animals, fish or birds other than those defined as fowl and game birds, which are customarily kept in the dwelling for non-commercial purposes and do not constitute an animal nuisance. Notwithstanding any other provision of this Ordinance, the keeping of swine of any description and roosters shall not be permitted within the City limits.

(b) The prohibition against keeping fowl or game birds shall not apply to the keeping of chickens, which shall be allowed by permit, subject to the following conditions:

(1) A household may be permitted to keep up to fifteen (15) female chickens within the City limits;

(2) No roosters shall be permitted;

(3) Chickens and their products must be for household and non-commercial use;

(4) Chickens shall be kept in a predator-proof enclosure which shall be no less than four square feet per chicken and designed to be easily accessed, cleaned and maintained by the owners. The enclosure must contain a "chicken house" or coop so that each chicken shall have a location to roost;

(5) No outdoor chicken enclosure shall be located closer than 20 feet to any neighboring property line, including a City right-of-way;

(6) The owner of the chickens shall provide screening so that the enclosure is not visible to adjoining property owners;

(7) Chickens shall be given adequate care and shall not be treated cruelly or inhumanely; and

(8) With due regard for neighboring properties, chickens shall be given clean water and fed dry feed or kitchen scraps in a feed container kept free of garbage and rotten scraps;

(9) Areas devoted to chickens shall be maintained to discourage odors, the concentration and breeding of insects, and vermin;

(10) Chickens shall be kept on a lot containing single-family dwellings. Chickens may be kept on a lot under one ownership with multiple-family dwellings if all residents and the owner consent in writing, the consent is provided at the time of the permit request, and a copy of the written consent is kept by the owner of the chickens to be presented for inspection upon the request of the Animal Control Officer;

(11) The limitation on the number of chickens permitted to be kept shall not apply to school or agricultural extension sponsored programs on their owned or leased property, as long as such keeping is in accordance with state law. A permit will still be required and compliance with the conditions for keeping chickens as described herein shall apply;

(12) Before issuing Chicken permits, the Animal Control Officer shall determine that the keeping of chickens is done in such a manner that the standards of this section are complied with; and, the keeping of chickens shall not likely constitute a nuisance to adjoining neighbors; and, the Animal Control Officer may make such permits subject to restrictions as to sanitary conditions, number of chickens up to a total of 15 female chickens, location of the same, availability and condition of enclosures or shelters, availability of food and water, and other conditions as the Animal Control Officer may deem necessary;

(13) Permits for the keeping of chickens shall be renewed annually and can be revoked at any time by the Animal Control Officer for failure to comply with the conditions of a Chicken permit or of this Ordinance.

Article 4 Restricted Activities

Section 4 -1 Dogs Running at Large

It is a violation of this Ordinance for any owner to allow or permit any dog to run at large. Any dog permitted to run at large in violation of this Section is declared to be a nuisance, a menace to the public health and safety, and may be taken up and impounded by a Police Officer or Animal Control Officer or other duly authorized personnel as provided in Section 3-1, *et seq.* In addition, the owner of any dog permitted to run at large shall be subject to the penalties set forth in the Animal Control Schedule of Fees and Penalties.

Section 4 -2 Defecation

No person shall allow a dog or cat to defecate upon public property or upon any private property other than the property of the animal's owner without immediately thoroughly removing and disposing of the feces.

Section 4 -3 Sale or Gift of an Animal.

- (a) Public Property. No person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of an animal upon a street, sidewalk, public park, public right-of-way or other public property. Adoption events approved by the Chief of Police, or any adoption events held by a rescue group are exempt.
- (b) Commercial Property. No person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of any animal upon commercial property including parking lots, with or without the property owner's permission. Kennel permit holders are limited to the property for which the permit was issued. Adoption events approved by the Chief of Police are exempt.
- (c) Residential Property. No Person shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise dispose of any animals upon residential property without a Breeder Permit.
- (d) Sales Incentives. No Person shall offer a live animal as an incentive to purchase merchandise or as a premium, prize, award, or novelty.
- (e) Advertising. No person shall advertise puppies or kittens for sale in any local periodical without a valid Breeder Permit number conspicuously listed in the advertisement. No Person shall advertise any animal for sale in the City of Moriarty using any roadside signs, flyers, handbills or billboards.
- (f) Prohibited Wild Animals.

(1) No person shall display, sell, offer for sale, barter, auction, give away, or otherwise dispose of wild animals.

(2) It shall be unlawful for any person to own, possess, keep, display, harbor, bring into the city, sell, have in one's possession, act as a custodian, or have custody or control of a wild animal.

(3) It shall be unlawful for a person to breed a wild animal.

(4) The provisions of this section shall not apply to:

a. Institutions accredited by the American Zoo and Aquarium Association (AZA) or under mentorship through the AZA;

b. Duly incorporated non-profit Animal Protection Organizations housing a wild animal at the written request of the Animal Control Department;

c. Animal control or law enforcement agencies or officers acting under the authority of this article;

d. Licensed Veterinary hospitals or clinics;

e. Any wildlife sanctuary;

f. Any licensed or accredited research or medical institution;

g. Any licensed or accredited educational institution; or

h. Any lawfully operated rodeo.

Section 4 -4 Animal Noise

No person shall allow an animal to persistently or continuously bark, howl or make noise common to its species to the extent that it causes a nuisance or as otherwise prohibited by this Ordinance without provocation.

Section 4 -5 Dangerous Animals

(a) It is unlawful for an owner of a dangerous or potentially dangerous dog to:

(1) keep the dog without a valid certificate of registration;

(2) violate the registration and handling requirements for the dog;

(3) fail to notify the Animal Control Department immediately upon:

- a. the escape of the dog; or
- b. an attack by the dog upon a human being or a domestic animal;

(4) fail to notify the Animal Control Department of the dog's death within five business days;

(5) fail to notify the Animal Control Department within twenty-four hours if the dog has been sold or given away and provide the name, address and telephone number of the new owner of the dog;

(6) fail to surrender the dog to the Animal Control Department for safe confinement pending a determination of the case when there is reason to believe that the dog poses an imminent threat to public safety; or

(7) fail to comply with special handling or care requirements for the dog that a court has ordered.

(b) This section does not limit the application of 1978 NMSA § 77-1A-1 et. seq., the "Dangerous Dog Act". If the action or inaction of an owner violates both this Section and the Dangerous Dog Act, the Animal Control Officer shall pursue prosecution of the Dangerous Dog Act violation.

(c) If an Animal Control Officer has probable cause to believe that a dog is (1) a dangerous dog and poses an imminent threat to public safety or (2) a potentially dangerous dog and poses a threat to public safety, the Animal Control Officer may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

(d) After seizure, the Animal Control Officer shall impound the dog pending disposition of the case or until the owner has fulfilled the requirements for a certificate of registration pursuant to the provisions of Section 5-6 below.

(e) After seizure:

(1) the owner may admit that the dog is dangerous or potentially dangerous and comply with the requirements for a certificate of registration pursuant to the provisions of Section 5-6 below; or

(2) the Animal Control Officer may, within fourteen days after seizure of the dog, bring a petition in court seeking a determination of whether the dog is dangerous or potentially dangerous. If the court finds, by clear and convincing evidence, that the dog is dangerous and poses an imminent threat to public safety or potentially dangerous and poses a threat to public safety, the court shall order the owner to comply with the registration and handling requirements for the dog and obtain a certificate of registration within thirty days or have the dog humanely destroyed. If the court does not make the required findings pursuant to this paragraph, the court shall immediately order the release of the dog to its owner.

(f) If the owner does not admit that the dog is dangerous or potentially dangerous and the Animal Control Officer does not bring a petition in court within fourteen days of seizure of the dog, the court shall immediately order the release of the dog to its owner.

(g) If the owner admits that the dog is dangerous and transfers ownership of the dog to the City, the City may humanely destroy the dog.

(h) A determination that a dog is not dangerous or potentially dangerous shall not prevent an Animal Control Officer from making a subsequent application for seizure based on the dog's subsequent behavior.

(i) Any animal which cannot be brought to an animal services facility because of the inability of an Animal Control Officer to extricate or capture an animal which is, in the opinion of the Animal Control Officer dangerous or infected with any dangerous or incurable disease or in any painfully crippled condition, shall be destroyed as humanely and painlessly as possible without risk of injury to the Animal Control Officer, which may include by shooting, by a certified law enforcement officer.

(j) Nothing herein shall be construed as limiting the types and/or breeds of dogs which may be owned, kept, harbored or maintained by any person.

Article 5 Licenses, Permits and Registrations

Section 5 -1 Annual License

(a) Every keeper of any dog or cat three months of age or older shall procure a license from the City of Moriarty.

(b) License fees shall be paid upon application for a license and annually thereafter not later than the anniversary. The license fees shall be set in the in the Animal Control Schedule of Fees and Penalties. Seniors 65 years of age and over and owners of service dogs must obtain an annual license for their animals but are exempt from the annual license fee.

(c) Unaltered animals over the age of six (6) months also require an Intact Animal Permit as noted in Section 5-2 below.

(d) Upon collection of the required license fees by the municipality, a dated and numbered tag shall be issued. A record shall be maintained by the City stating the name and address of the owner, rabies tag number, the animal's description and the expiration date of the license. A combination license tag and rabies tag is permitted.

Section 5 -2 Intact Animal Permit

(a) Owners of dogs and cats over the age of six (6) months that have not been spayed or neutered shall obtain a one-time Intact Animal Permit for each of those animals.

(b) Owners shall pay the fee for the permit as set in the Animal Control Schedule of Fees and Penalties. However, if alteration of the animal would endanger the health of the animal due to age or illness, a veterinarian may complete a Medical Waiver Certificate stating the reasons why the animal should not be altered, and in such instance the Intact Animal Permit shall be issued free of charge. Medical Waiver Certificates must be provided annually.

(c) No Person shall have more than four (4) intact animals in any household.

(d) The premises must be secured from egress by the intact animals as well as ingress by animals of the same species.

(e) If an intact animal covered by a permit is impounded twice by the Animal Control Officer, the permit for that animal will be automatically revoked and the animal will be required to be altered.

(f) If an Intact Animal Permit holder wishes to breed an Intact Animal (male or female) or if a female Intact Animal has been impregnated, the Intact Animal Permit holder must obtain a Breeder Permit.

Section 5 -3 Breeder Permit

- (a) Any person intending to breed an Intact Animal must obtain a Breeder Permit.
- (b) All owners of intact animals shall obtain a Breeder Permit prior to breeding or studing of the animal. A Breeder Permit shall be obtained as soon as possible in the event of an accidental pregnancy.
- (c) To apply for a Breeder Permit the owner must provide:
 - (1) Payment of the fee for the permit as set in the Animal Control Schedule of Fees and Penalties;
 - (2) The animal's Intact Animal Permit; and
 - (3) Proof of the animal's current rabies vaccination.
- (d) Breeder Permits shall be valid for one (1) year from the date of issue, and owners should renew Breeder Permits before the expiration date.
- (e) Breeder Permits shall be nontransferable. A Breeder Permit may not be transferred to another owner nor to another animal.
- (f) Any animals in heat / season shall be confined by the owner to the owner's property.
- (g) Each intact animal shall be limited to one (1) litter per year. A maximum of two litters are allowed per site without obtaining a Kennel Permit.

Section 5 -4 Excess Animals Permit.

- (a) Any Person intending to exceed the maximum limit of animals authorized in this Ordinance shall first obtain an Excess Animals Permit. The Animal Control Officer shall not issue the permit unless payment of the fee for the permit as set in the Animal Control Schedule of Fees and Penalties is received by the City.
- (b) All animals located on the premises covered by the permit must be in compliance with the terms of this Ordinance.
- (c) All other provisions of this Ordinance shall apply, including the limit on intact animals.

- (d) No more than twelve (12) animals shall be authorized at any residential location.

Section 5 -5 Kennel Permit

- (a) No person may own, keep or harbor more than twelve (12) animals in any combination or breed more than two (2) litters per year without obtaining a kennel permit.
- (b) To apply for a Kennel Permit the owner must:
 - (1) Comply with the requirements of the Moriarty Comprehensive Zoning Ordinance;
 - (2) Provide payment of the fee for the permit as set in the Animal Control Schedule of Fees and Penalties; and
 - (3) Schedule a site inspection by the Animal Control Officer. No kennel permit shall be issued without an inspection certificate issued by the Animal Control Officer which approves the site.
- (c) A Kennel Permit holder shall maintain on site:
 - (1) Proof of current rabies vaccinations for any animal over the age of three (3) months;
 - (2) Proof of Intact Animal Permits for any unaltered animals over the age of six (6) months; and
 - (3) A posted copy of the Kennel Permit in a conspicuous place.
- (d) Kennel Permits shall be valid for one (1) year from the date of issue, and owners should renew Kennel Permits before the expiration date.
- (e) Kennel Permits shall be nontransferable. A Kennel Permit may not be transferred to another owner nor to another site.
- (f) Kennel facilities shall conform to the requirements established or recommended by the New Mexico Animal Sheltering Board.
- (g) Kennel permit holders shall ensure the care and maintenance of the animals housed in the kennel under the standard established under Article 6

below. Every animal kept in a kennel must be observed daily. Diseased or injured animals must be provided with veterinary care.

(h) Kennel permit holders shall permit an Animal Control Officer to enter, at any reasonable time, for the purpose of inspecting or re-inspecting any kennel to determine compliance with this Ordinance.

(i) This section shall not apply to and shall not be construed to require a kennel permit for:

- (1) A veterinary hospital or clinic operated by a licensed veterinarian;
- (2) A bona fide research institution using animals for scientific research;
or
- (3) A publicly owned animal control center or shelter.

Section 5 -6 Guard Dog Site Permit.

(a) Any person intending to keep a guard dog at any business location must first obtain a Guard Dog Site Permit. The Animal Control Officer shall not issue the permit unless payment of the fee for the permit as set in the Animal Control Schedule of Fees and Penalties is received by the City.

(b) Any person wishing to operate a guard dog site must first have a Tax ID number and be operating as a business.

(c) The Guard Dog Site Permit attaches to the real property and the permit holder may not transfer any guard dogs to a site that is not also permitted.

(d) A Guard Dog Site Permit will not be granted for property in a residential zone or within 250 feet of a school.

(e) The guard dog must be properly secured, whether inside of a building or by a secure fence, to prevent its escape from the site.

(f) Warning signs in both English and Spanish that are no smaller than 12" x 12" must be posted at the property notifying the public that a guard dog is on duty, including showing 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 to the site.

(g) The escape of a guard dog from a guard dog site is a violation of this article and may result in revocation of the permit and seizure of the dog.

(h) If the Animal Control Officer determines that it is necessary to control noise at the guard dog site, the Animal Control Officer may require that a barrier be constructed which breaks the dog's line of sight to the exterior and adequately buffers the noise.

(i) Vehicles used to transport guard dogs must be secure and capable of transporting the animal in a safe and humane manner in compliance with state law, and must have warning signs posted on each side of the vehicle.

(j) No breeding of animals shall be allowed at any guard dog site, and a Breeder Permit or Excess Animals Permit shall not be issued for any guard dog site.

(k) All other requirements of this Ordinance must be met, including limitations on intact animals.

Section 5 -7 Dangerous or Potentially Dangerous Dog Registration

(a) **Potentially Dangerous Dog Certificate of Registration.** An Animal Control Officer shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes that:

- (1) the owner is able to keep the dog under control at all times;
- (2) a license, if applicable, has been issued pursuant to the requirements of this Ordinance;
- (3) the dog has a current rabies vaccination;
- (4) the owner has a proper enclosure for the dog;
- (5) the owner has paid the annual fee to register a potentially dangerous dog;
- (6) the dog has been spayed or neutered;
- (7) the dog has been implanted with a microchip containing owner identification information that is also provided to the Animal Control Officer; and
- (8) the owner has entered the dog in a socialization and behavior program approved or offered by the Animal Control Department.

(b) If a dog previously determined to be potentially dangerous has not exhibited any of the behaviors specified in the definition of Potentially Dangerous Animals for thirty-six consecutive months, the owner may request the Animal Control Officer to lift the requirements for registration pursuant to this section. If the Animal Control Officer has no reasonable basis to believe that the dog has exhibited the behaviors specified, it shall relieve the owner of the requirements of this section.

(c) **Dangerous Dog Certificate of Registration.** An Animal Control Officer shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to the requirements of Subsection (a) of this section, establishes that:

(1) the owner has paid an annual fee to register a dangerous dog;

(2) the owner has written permission of the property owner or homeowner's association where the dangerous dog will be kept, if applicable;

(3) the dangerous dog will be maintained exclusively on the owner's property except for medical treatment or examination;

(4) when the dangerous dog is removed from the owner's property, the dog shall be caged or muzzled and restrained with a lead no longer than four feet, and the dog shall be under complete control at all times;

(5) the dangerous dog will not be transported in a vehicle that might allow the dog to escape or gain access to any person or animal outside the vehicle; and

(6) a clearly visible warning sign with a conspicuous warning symbol indicating that there is a dangerous dog on the premises is posted where the dog is kept and is visible from a public roadway or from fifty feet, whichever is less.

(d) An Animal Control Officer may order the immediate impoundment or humane destruction of a dog previously determined to be a dangerous dog if the owner fails to abide by the conditions for registration, confinement or handling set forth in this section.

Section 5 -8 General Provisions

(a) A permit is not a property right. The Animal Control Officer may deny, revoke, suspend or modify permits and impose conditions or limits upon the

issuance of permits, including the declaration of moratoria regarding issuance of permits.

(1) Upon a determination that a permit holder or permit applicant is in violation of this Ordinance, the Animal Control Officer may deny, revoke, suspend or modify a permit. An opportunity for a hearing before the City Council shall be provided within thirty (30) days of any such action. Based upon the record of such hearing, the City Council shall make a finding and shall either sustain, modify, or rescind the action considered at the hearing.

(b) Permits expire one (1) year from the date of issue, unless otherwise specifically provided in this Ordinance. An application to renew a permit shall be filed with City not less than thirty (30) days before the date the permit expires. Permit holders are solely responsible for timely filing an application to renew a permit.

(c) Applications for permits shall be made on those forms designated by the City for such purposes. Permits shall be processed under those procedures established by the City.

(d) Permits are not transferable or refundable. It shall be unlawful for any person to transfer any license, certificate, permit or rabies tag from one animal or site to another or to make use of a stolen, counterfeit, or forged license, certificate, permit or rabies.

(e) A late fee as set in the in the Animal Control Schedule of Fees and Penalties shall be charged for any license or permit obtained after the expiration of the prior year's license or permit.

Section 5 -9 Permit Holder Duties

(a) Permit holders must comply with all requirements of federal and state law, and the following duties and requirements of this Ordinance. Any violation by a permit holder may result in revocation, suspension or modification of the permit.

(b) Permit holders must meet all of the following requirements:

(1) Be at least eighteen (18) years old;

(2) Never been convicted of any type of animal cruelty under any law or in any jurisdiction;

(3) Never been convicted of child abuse under any law or in any jurisdiction;

(4) Has not had a permit granted pursuant to this Ordinance revoked or suspended;

(5) Has not surrendered an animal to any animal control department within one (1) year of the application;

(6) Has not failed to reclaim any animal impounded by an animal control department; and

(7) Is not jointly interested in the permit with any person who does not meet the above qualifications.

(c) Permit holders shall comply with all special requirements pertaining to the type of permit held, as well as all laws, regulations, or ordinances applicable to their property or animal.

(d) Any premises subject to a permit issued pursuant to this Ordinance, other than a residence, shall allow entry and inspection of the Permit Holder's premises by the Animal Control Officer for the purpose of proving compliance with permit conditions, including determining the existence or nonexistence of conditions dangerous to health or safety or otherwise relevant to the public interest. The permit holder and/or the property owner have the right to accompany the Animal Control Officer during the inspection. An inspection report shall be completed by the Animal Control Ordinance and made available to the permit holder following the inspection.

(e) Owners of residential premises subject to a permit may consent to an inspection or must prove compliance with permit requirements to the satisfaction of the Animal Control Ordinance through other means. Nothing herein shall be construed as limiting the authority of the City or other law enforcement authorities to seek or obtain a search warrant if there is probable cause of crime on private property or an inspectorial order for the purpose of ascertaining the existence or nonexistence of conditions dangerous to health or safety or otherwise relevant to the public interest.

(f) The permit holder shall notify the City of any changes which may affect the status of the permit and shall keep the City informed of any changes to names, addresses, home and business telephone numbers, location, emergency contacts, and activities covered by the permit.

Article 6 Cruelty to Animals Prohibited

Section 6 -1 Cruelty to Animals Prohibited by State Law

Cruelty to animals is prohibited by law and may be adjudicated in any court of competent jurisdiction as a fourth degree felony, subject to the penalties imposed by the State of New Mexico for such felony offenses. When an Animal Control Officer has probable cause to believe that an animal has been cruelly treated, whether for violations of this Article or any other applicable law, the Animal Control Officer may impound the animal for its protection pending appropriate court proceedings.

Section 6 -2 Physical Abuse

(a) It is unlawful for a person to recklessly, willfully, or maliciously kill, maim, disfigure, or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance; overwork, torment, harass; poison or otherwise cruelly harm any animal, except that reasonable force may be used to drive off vicious, dangerous, or trespassing animals. Nothing herein shall be construed as prohibiting any pest control permitted under state law.

(b) It is unlawful for any person to tease, harass, annoy, disturb, molest, threaten, or hit any animal which is on the property of its owner, or under the control of its owner.

(c) Notwithstanding the foregoing prohibition, it shall not be violation of this ordinance:

(1) To use reasonable force to protect a person or animal from death or injury due to an attack by another trespassing animal or vermin;

(2) To eradicate or destroy vermin;

(3) For the owner of an animal to have the animal humanely destroyed;

(4) For law enforcement officer or veterinarian to humanely destroy an animal in an emergency situation when such destruction is reasonably required to protect public health and safety, to relieve the suffering of a mortally wounded or injured animal, and under the where destruction is allowed by state law. There shall be no liability of the law enforcement officer or the veterinarian for such acts;

(5) To engage in legal hunting practices as allowed by state wildlife authorities;

(6) To place poisonous substances so as to control vermin which are a threat to the public health, or the use of such substances for the humane destruction of animals in accordance with this Ordinance.

Section 6 -3 Care and Maintenance

(a) It is a violation of this Ordinance for any owner of an animal to fail, refuse, or neglect to provide said animal with proper and adequate food, potable water, shelter, shade, and ventilation. Any dog or cat habitually kept outside shall be provided, by its owner, with a structurally sound, weatherproof enclosure large enough to accommodate the animal in a manner suitable for the species, including allowing the animal sufficient room to move and exercise. Requirements for adequate provisions are as follows:

(1) **Food.** An animal shall be provided with uncontaminated, edible, nutritious food, which is of adequate quantity as to maintain the normal weight and condition of the animal.

(2) **Water.** An animal shall be provided with constant access to a supply of potable water in sufficient amount as to maintain good health.

(3) **Shelter and Shade.** Outside housing shall protect an animal from weather that may be detrimental to the animal's health. The shelter must be kept clean, sanitary, and provide for the general health and welfare of the animal. The animal must also be provided with access to shade separate from the shelter.

(4) **Area.** The animal must have access to sufficient area to freely stand up, move around, and exercise.

(5) Ventilation must be sufficient to provide for the health and safety of the animal and prevent strong odors from forming.

(b) It is a violation of this Ordinance for any person to leave an animal in an enclosed vehicle or upon a vehicle for any length of time which could result in danger to or death of the animal. Animals also may not be kept in or upon any vehicle without the ability to seek shelter from any natural elements, including but not limited to the direct rays of the sun when temperatures exceed 90 degrees Fahrenheit, from wind, and from freezing precipitation. If an Animal Control Officer determines that an animal in an enclosed vehicle is in immediate danger, the Animal Control Officer may enter the vehicle by reasonably necessary means necessary for the sole purpose of rescuing the animal in danger without being liable to the owner of the vehicle. The Animal Control Officer may take any animal rescued in this manner into protective care.

(c) An owner must keep the premises where an animal is kept free of garbage, hazardous materials, feces, insect infestation, and other debris that may endanger the animal's health and safety. No owner of any animal shall allow the feces or urine of the animal to accumulate on any property so as to become a public nuisance and/or a danger to the animal or the public health, safety, or welfare. Basic cleaning and grooming of the animal shall also be provided as necessary for the health and general welfare of the animal.

(d) An owner must provide an injured or sick animal with adequate veterinary care.

Section 6 -4 Protective Care; Abandonment

(a) Whenever an Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, and/or incarceration, or as a result of the absence of the owner or person responsible for the care of such animal, the Animal Control Officer may enter onto the property or premises where said animal is located and may take up such animal and place it in protective care for a period not to exceed fifteen (15) days.

(b) In the event of sickness or injury of the animal while it is in protective care, and upon the instruction of a licensed veterinarian, the Animal Control Officer may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal.

(c) Within the fifteen (15) day period, the owner may petition the Animal Control Officer to reclaim the animal placed in protective care by paying all related costs incurred by the City, including Boarding Fees, and showing that the reason(s) warranting protective care have been remedied. Animals not reclaimed by the owner at the expiration of the period of protective care shall be deemed to be the property of the City following written notice to the Owner, and the Animal Control Officer may place the animal for adoption or otherwise dispose of it in accordance with the provisions of this Ordinance.

(d) It is unlawful for any person to abandon any animal in the City of Moriarty.

Section 6 -5 Animal Fighting

(a) No person shall promote, stage, hold, manage, conduct, carry on, train for or attend a game, exhibition, contest or fight in which one or more animals is injuring, killing, maiming or destroying itself or other animals. Without limitation on the foregoing, cockfighting and dog fighting are specifically included under this section.

(b) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.

Article 7 Dead Animals

Section 7 -1 Disposal

(a) Within twenty four (24) hours of the death of an animal, the owner shall dispose of the carcass by burial at least three (3) feet underground in a suitable location, cremation, or by other means authorized under state law or approved by an Animal Control Officer. It is unlawful to dispose of the body of any animal by dumping the carcass on public or private property, roads or rights of way.

(b) The Animal Control Officer is authorized to, but is not responsible for pick up or disposal of domestic animals, domestic livestock or wild animals, or animals killed on interstate highways, state, or county roads.

(c) At the request of the owner or holder, an Animal Control Officer may, at his own discretion, given the constraints of City resources, pick up the carcass of dogs and cats weighing less than twenty (20) pounds from the homes of the owners who are residents of the City. The City is authorized to collect a reasonable fee for the disposal of such carcass.

(d) An animal carcass picked up under this section shall be disposed of by the City in whatever way is determined to be the most feasible to protect the health, safety, and welfare of the residents of the City and in such a manner as to minimize expenses to the City.

Article 8 Grace Period; Restitution; Saving Clause; Effective Date

Section 8 -1 Grace Period

Any violation of this Ordinance existing upon the effective date hereof shall have a grace period of up to ten (10) days, as determined by the Animal Control Officer in his or her sole discretion, for the sole purpose of allowing the person(s) sufficient time to correct the violation and comply with all provisions herein. Upon expiration of the grace period, all persons found to be in violation of this Ordinance shall be subject to the penalty provisions provided herein.

Section 8 -2 Restitution

Notwithstanding any of the foregoing, in the event any animal damages property, whether public or private, or causes injury to any person or animal, and such damage or injury is found to have been an element of the violation of any provision of this Ordinance, the Municipal Court or the Magistrate Court may, at its discretion, require the defendant to make restitution, within a reasonable time, to the victim of said damage or injury.

Section 8 -3 Saving Clause and Repeal Provision


(a) If any of these Articles, sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not thereby be affected since it is the express intent of the City of Moriarty to pass each section, phrase, paragraph and word separately.

(b) The City's prior Animal Control Ordinance, Ordinance No. 119, the City's Pet Sterilization Act, Ordinance No. 506, and any ordinance or resolution, or part thereof, which conflicts with ordinance are hereby repealed.

Section 8 -4 Effective Date

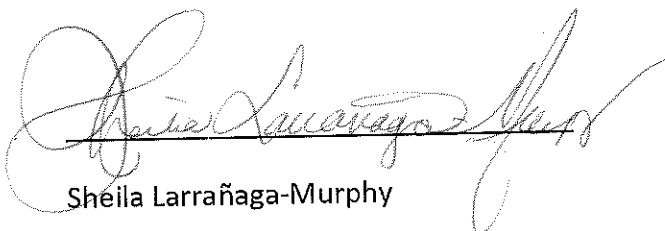
Immediately upon its final passage and approval, this Ordinance shall be recorded in the ordinance book of the City, kept for that purpose, and shall be there authenticated by the signature of the Mayor or Mayor Pro Tem and the City Clerk or her designee. This Ordinance or its title and a general summary of its subject matter shall be published pursuant to the requirements of Section 3-17-5, NMSA 1978 and Subsection 3-1-2(J), NMSA 1978, and this Ordinance shall be in full force and effect five (5) days following such publication.

Passed, Approved, Signed and Adopted this 23rd day of Sept., 2015.



Mayor Ted A. Hart

ATTEST:



Sheila Larrañaga-Murphy

City Clerk

APPENDIX A: Animal Control Schedule of Fees and Penalties

Licensing and Permit fees shall be established as follows. Note, the City of Moriarty governing body may amend this schedule by resolution.

License/Permit Type	Fee
Breeder Permit (per litter)	\$100.00
Annual Certificate of Registration – Dangerous Animal	\$200.00
Annual Certificate of Registration – Potentially Dangerous Animal	\$100.00
Annual Chicken Permit	\$10.00
Annual Excess Animals Permit (per animal)	\$10.00
Annual Guard Dog Permit (per site)	\$100.00
Annual Kennel Permit (per site)	\$100.00
Annual License* *Seniors 65 years of age and over and owners of service dogs are exempt from fee.	\$6.00
Annual License Replacement Tag	\$3.00
Intact Animal Permit (one time)	\$100.00
Late Fee	\$10.00

Impoundment fees, boarding fees, animal care costs and deposits shall be established as follows:

Fee Type	Fee
Boarding and Food (per animal per day)	\$10.00
Dead Animal Disposal Fee	\$35.00
Impoundment Fee (per animal)	\$25.00
Sterilization Deposit (per animal)	\$40.00

Veterinary care	Actual cost to City
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Fines for Violations:

Violation Type	Fine	Court Fees	Total
Animal Attacking or Biting Another Animal	\$121.00	\$29.00	\$150.00
Animal Biting a Person	\$171.00	\$29.00	\$200.00
Neglect	\$71.00	\$29.00	\$100.00
No License	\$25.00	\$29.00	\$54.00
No Microchip	\$25.00	\$29.00	\$54.00
No Rabies Vaccination Certificate	\$25.00	\$29.00	\$54.00
Nuisance or Disturbing the Peace	\$71.00	\$29.00	\$100.00
Running at Large	\$71.00	\$29.00	\$100.00