

CITY OF ALAMOGORDO

CHAPTER 7. ANIMALS AND FOWL

7-01-010. DEFINITIONS

Animal is any living creature (other than a human being) including any animal, bird, reptile, fish, livestock or poultry.

Exotic animal is any:

- (1) Carnivore weighing over fifteen (15) pounds other than a dog or cat;
- (2) Venomous reptile;
- (3) Hoofed mammal not defined as livestock; or
- (4) Other animal, the keeping of which may pose a danger to the animal, other animals, or humans.

Livestock is any horse, donkey, cow, sheep, goat, pig or any similar animal.

Poultry is any chicken, duck, goose, turkey or similar bird. (Ord. No. 682, § 2, 8-14-84)

7-01-020. KEEPING RESTRICTIONS

- (a) Except as otherwise provided in this section, it is unlawful to keep any livestock, poultry, bees or exotic animals in the city.
- (b) Subsection (a) shall not apply to:
 - (1) The keeping of livestock (other than swine) or poultry or the operation of pet stores, veterinary offices or hospitals, or kennels, in areas specifically zoned for such use.
 - (2) Public zoos, or carnivals and circuses licensed as such.
 - (3) The keeping of any animal at an approved research institution.

(Ord. No. 682, § 2, 8-14-84)

7-01-030. ANIMALS AT LARGE

No owner or person having control of any animal shall permit it to run at large in the city. Any animal outside the fenced yard of the owner or keeper must be under control of a leash or other device by which it may be led.

(Ord. No. 682, § 2, 8-14-84)

7-01-040. FREEING IMPOUNDED ANIMALS

It is unlawful to release any animal confined pursuant to this chapter, or break open, aid or assist in breaking open any pen, enclosure or animal control vehicle, with intent of releasing any animal confined pursuant to this chapter.

(Ord. No. 682, § 2, 8-14-84)

7-01-050. ANIMAL NUISANCES PROHIBITED

Any animal or animals, including dogs or cats, that habitually or continuously bark, howl or otherwise disturb the peace and quiet of the inhabitants of the city, or are kept or maintained in such a manner or in such numbers as to disturb by noxious or offensive odors or otherwise endanger the health and welfare of the inhabitants of the city are defined as an "animal nuisance." It is unlawful for any person to keep, har-

bor or maintain an animal nuisance.

(Ord. No. 682, § 2, 8-14-84)

7-01-060. CRUELTY TO ANIMALS

- (a) Cruelty to animals consists of:
 - (1) Torturing, tormenting, poisoning, depriving of necessary shelter, cruelly beating, mutilating, cruelly killing or overdriving any animal;
 - (2) Unnecessarily failing to provide any animal with proper food or drink;
 - (3) Abandoning an animal;
 - (4) Coloring, painting, staining or dyeing any fowl, rabbit or turtle; or
 - (5) Placing or leaving any animal in a condition whereby there is a substantial possibility the animal's life will be threatened.
- (b) It is unlawful for any person to commit the offense defined in this section.

(Ord. No. 682, § 2, 8-14-84)

7-01-070. BARKING DOGS

It is unlawful for any owner of a dog to allow his dog to bark excessively and thereby disturb the peace of others. Any person whose rest and peace has been disturbed by the uninhibited barking of any dog shall have the right to file a complaint against the owner of the dog.

(Ord. No. 682, § 2, 8-14-84)

ARTICLE 7-02: HEALTH AND LICENSING PROVISIONS

7-02-010. ADOPTION

The City of Alamogordo adopts by reference Sections 77-1-3 through 77-1-10 NMSA 1978, including any amendments thereto, together with the most recent regulations governing animal control adopted by the health services division of the New Mexico Health and Environment Department. (Ord. No. 682, § 2, 8-14-84)

7-02-020. LICENSING

- (a) No person shall own, keep or harbor any dog or cat within the city unless the dog or cat is licensed. Written application for the license shall be made to the animal shelter and shall state the name and address of the owner and the name, breed, color and sex of the dog or cat. The license fee shall be paid to the animal shelter upon the owner's furnishing a current certificate evidencing the rabies vaccination of the dog or cat.
- (b) The yearly license fee for each dog or cat which is neutered or spayed or under four (4) months of age is five dollars (\$5.00) and for any other dog or cat is six dollars (\$6.00).
- (c) All dog and cat licenses issued shall be effective for a

period of one year from date of issue.

- (d) If there is a change in ownership of a licensed dog or cat, the new owner may have the current license transferred to his name upon payment of a transfer fee of one dollar (\$1.00).

(Ord. No. 682, § 2, 8-14-84; Ord. No. 725, 12-8-87)

7-02-030. TAG AND COLLAR

- (a) With a license required by section 7-02-020, there shall be delivered to the owner a metallic tag stamped with number of the license and the year for which issued. The shape, color or both, of such tags shall be changed each year.
- (b) The owner shall see that the dog or cat wears at all times a collar or harness to which such tag shall be attached.
- (c) If such tag is lost or destroyed, the owner may obtain a duplicate upon the presentation of the license and payment of a fee of one dollar (\$100) for the duplicate tag.
- (d) No person shall use for any dog or cat a license, vaccination certificate or license tag issued for a different dog or cat.

(Ord. No. 682, § 2, 8-14-94)

7-02-040. EXEMPTIONS

- (a) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except the duty to report rabies cases and to comply with the provisions specifically naming duties and responsibilities of licensed veterinarians in relation to animal regulation and rabies control.
- (b) The licensing requirements of this article shall not apply to any dog or cat belonging to a nonresident of the city and kept within the city for not longer than thirty (30) days, if the dog or cat is at all times while in the city confined within a building, enclosure or vehicle, or under restraint by the owner.

(Ord. No. 692, § 2, 8-14-84)

ARTICLE 7-03: ANIMAL CONTROL OFFICERS

7-03-010. AUTHORITY

There are hereby appointed one or more animal control officers who shall be authorized and commissioned to enforce the provisions of this chapter. However, no person not employed by the city department of public safety shall be commissioned to make arrests as a peace officer. The city may, by contract, provide for the appointment, supervision or control of the animal control officers, and, unless the context requires otherwise, references in this chapter to "animal control officer" shall include the entity to whom this contract is let. (Ord. No. 682, § 2, 8-14-84)

7-03-020. IMPOUNDMENT

- (a) If any animal is found running at large contrary to the provisions of section 7-01-030, any animal control officer may take it up and confine it in a secure place or other place provided for that purpose.
- (b) Any animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animal in his keeping according to the fee schedule set out in section 7-03-050 of this chapter.
- (c) Any dog or cat seized and not redeemed by the owner within three (3) working days thereafter, may be humanely destroyed or placed in the custody of some person deemed suitable who will agree to become the responsible owner thereof and comply with the provisions of this article. If an impounded dog or cat is licensed, reasonable effort shall be made to promptly notify its owner if the dog is one as to which the respective rights of the owner and the person in possession or custody are determined by state law, such law shall be complied with.

(Ord. No. 682, § 2, 8-14-84)

7-03-030. AUCTIONS OF ANIMALS

- (a) If the owner or person entitled to the possession of a registered dog or cat, or an animal other than a dog or cat, does not pay the charges and take it away within three (3) working days from the time it is taken into custody pursuant to section 7-03-020, the animal control officer may sell the animal at public auction. Before the auction, at least three (3) days' notice of the time and place of the sale must be given by publishing or by posting notice in five (5) public places in the city as well as serving a copy of such notice upon the owner or possessor, if known, of such animal. The animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges provided in this article.
- (b) If the animal is not sold at the auction provided for in this section, it may be humanely destroyed or otherwise disposed of.

(Ord. No. 682, § 2, 8-14-84)

7-03-040. DISPOSITION OF REVENUE FROM SALE OF IMPOUNDED ANIMALS

In case any animal sold pursuant to the provisions of section 7-03-030 is sold for more than is sufficient to pay the fees and charges, and a claim is made for the excess, the officer shall pay the excess to the owner of such animal or animals or to the person entitled to the possession of the same within one year from the date of sale. If no claim is made, the funds shall be disposed of as provided in section 7-03-090. (Ord. No. 682, § 2, 9-14-84)

7-03-050. FEES

The following fees shall be collected by the animal control officer:

Neutered dogs or cats with rabies vaccination,



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| first day or portion | \$6.00 |
| Dogs or cats with rabies vaccination, first day or portion | \$10.00 |
| Dogs or cats without rabies vaccination, first day or portion. | \$15.00 |
| Other animals, larger than thirty (30) pounds, first day or portion | \$15.00 |
| Other animals smaller than thirty (30) pounds, first day or portion | \$10.00 |
| All animals thirty (30) pounds or less, subsequent day or portion | \$3.00 |
| All animals over thirty (30) pounds, subsequent day or portion | \$6.00 |
| Additional charge, second or subsequent impoundment in thirty (30) days | \$20.00 |
| Additional charge, second or subsequent impoundment in thirty (30) days for dogs without rabies vaccination | \$40.00 |
| Charge for giving animal to shelter (including refusal to redeem) over twenty (20) pounds . . | \$10.00 |
| Charge for giving animal to shelter (including refusal to redeem) up to twenty (20) pounds . . | \$5.00 |
| Adoption fee | \$5.00 |

Reasonable fees for other services, including vaccinations, may be recommended by the animal control officer for approval by the city commission.
(Ord. No. 682, § 2, 8-14-84)

7-03-060. INVESTIGATION

If there is reasonable cause to believe a violation of this chapter has occurred, any animal control officer may require the owner of an animal to exhibit any required license, vaccination certificate or other required documentation. Failure to exhibit any such documentation is a misdemeanor. (Ord. No. 682, § 2, 8-14-84)

7-03-070. ENTRY OF PENS, VEHICLES, ETC.

Where it is necessary to protect the life of an animal from imminent danger, any animal control officer may enter any pen, enclosure, yard or vehicle and remove any animal so endangered. The means used shall be the least drastic possible. Nothing in this section or in section 7-03-060 shall authorize the warrantless entry into any dwelling or any building used for business purposes.
(Ord. No. 682, § 2, 8-14-84)

7-03-080. INTERFERENCE

No person shall interfere with, hinder or molest any animal control officer in the performance of any duty required by this article. (Ord. No. 682, § 2, 8-14-84)

7-03-090. RECORDS AND FEE DISPOSITIONS

- (a) It shall be the duty of the animal control officer to keep or cause to be kept accurate and detailed records of the vaccination, licensing and impoundment of dogs and cats.
- (b) It shall be the duty of the animal control officer to keep

or cause to be kept accurate and detailed records of all bite cases reported to him, and of his investigation of the same. The report of a bite involving a rabid animal shall be immediately transmitted to the district health officer.

- (c) The records required by this section shall be audited annually in the same manner as other city records are audited, and shall be open to inspection as public records at all reasonable times.
 - (d) All fees received by the animal control officer shall be turned over to the city daily, except as otherwise provided by contract.
- (Ord. No. 682, § 2, 8-14-94)

Article 7-99. Footnotes to Chapter 7

7-99-010. Footnotes to Chapter 7

1. (Footnote to Chapter 7) Cross reference-Animals prohibited in airport § 4-45; zoo board, § 19-43 et seq.

ALAMOGORDO ORDINANCE OUTSIDE OF THE AC ORDINANCE:

4-03-040. ANIMALS PROHIBITED; EXCEPTIONS

No person shall enter the terminal building or landing area of the airport with a dog or other animal, except that seeing eye dogs may be permitted in the terminal building. This does not apply where dogs or other animals are being shipped on air carriers and are restrained by leash or properly contained. (Code 1960, § 9-6-3-4; Ord. No. 450, 10-27-70; Ord. No. 611-80, § 1, 6-10-80)