

## CITY OF LORDSBURG

### ORDINANCE No. 2003-05

AN ORDINANCE AMENDING CHAPTER FOUR (ANIMAL CONTROL ORDINANCE) BY ADDING ARTICLE 2 AND TITLED "DOMESTIC LIVESTOCK REGULATIONS" OF THE CITY CODE OF THE CITY OF LORDSBURG, NEW MEXICO.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LORDSBURG, NEW MEXICO that:

#### SECTION 1.

The Code of Ordinances, Lordsburg, New Mexico, is hereby amended by adding Article 2 to Chapter Four -Animal Control Ordinance - and titled "Domestic Livestock Regulations" and which reads as follows.

#### SECTION 2. INTENT.

It is the intent of the Governing Body of the City of Lordsburg to ensure its citizens an environment that preserves the property values of residential neighborhoods and protect the public's general welfare by assuring that certain minimum standards and regulations are met before any domestic livestock is moved into the municipality.

#### SECTION 3. TITLE. 4-2-1 DOMESTIC LIVESTOCK

##### A. Restrictions:

1. No person shall keep any domestic livestock including, but not limited to horses, cattle, mules, donkeys burros, swine, goats, sheep, or fowl, in an area not zoned agricultural within the municipality without first applying for and receiving from the City a permit to do so.
2. No person shall keep any equine (family of horses, asses, zebras) or bovine (family of ox or cow) over six months of age on any premise, the overall area of which is less than one-third (1/3) of an acre for each equine or bovine.
3. All domestic livestock shall be cared for according to accepted livestock management practice and in such manner as to not create a public nuisance.
4. All domestic livestock shall be kept in a secure pen or enclosure which shall not be less than one hundred (100) yards from any inhabited dwelling, excluding the home of the owner of such animals, or currently used food service establishment, church or school.
5. The person in possession or control of a pen or enclosure for domestic livestock shall keep it in such a manner as to control offensive odors, insect breeding, and any other conditions affecting the public health.

B. Permit Required. No person shall own or keep any domestic livestock in an area not zoned agricultural

without first applying for and receiving from the City a permit to do so. The City, or authorized representative, shall be permitted with twenty-four (24) hour written or oral notification enter the premises for the purpose of inspection or re-inspection to determine compliance with this ordinance. The fee for a permit shall be Fifty Dollars (\$50.00) annually and shall be renewed annually. Each species of domestic livestock shall require a separate permit. On any alleged violation by any person and after reasonable notice and opportunity to be heard by the Governing Body, the City may deny, suspend, or revoke any permit, and this will be in addition to any penalties imposed for violation of the provisions of this ordinance.

##### C. Running At Large Unlawful.

1. It is unlawful for any domestic livestock including, but not limited to, cattle, horses, mules, donkeys burros, swine, goats, sheep or fowl, or other animals, to be turned loose, abandoned or to run at large within the limits of the municipality, or for any such animal to be roped so it may roam across or into any street or public place in said municipality and it is unlawful for any person to herd or detain such animal in any street, avenue, alley or other public place in said municipality.
2. The Animal Control Officer shall take up and impound every animal found running at large in violation of this ordinance and shall provide proper care and sustenance for every such animal impounded at the expense of the owner.
3. Within twenty-four (24) hours after any animal has been impounded, the Animal Control Officer shall notify the owner, possessor or keeper of such animal, that the animal has been impounded. If the owner, possessor or keeper of such animal is not known, or his address cannot be determined, the Animal Control Officer shall cause to be posted in at least two (2) conspicuous public places in the municipality for five (5) consecutive days a notice of impoundment with a description of the animal.
4. Any owner, possessor or keeper of an animal desiring to redeem such animal from impoundment shall pay the municipality the sum of Twenty-Five Dollars (\$25 00) as an impoundment fee for each animal, together with the sum of Five Dollars (\$5.00) per day of impoundment plus the actual costs of feeding and watering each animal impounded.
5. Any person who shall break, or in any manner, directly or indirectly, aid in breaking into the enclosure in which any animal is impounded shall be guilty of a misdemeanor.
6. Any person who shall willfully or intentionally hinder, or obstruct, the Animal Control Officer in

the discharge of his official duty under the provisions of this ordinance, shall be guilty of a misdemeanor.

**D. Sale of Unredeemed Animals.**

1. If any animal impounded shall remain unredeemed for more than five (5) days after being impounded, the Animal Control Officer shall give five (5) days notice of the time and place when said animal will be sold. Said notice shall be posted in at least two (2) conspicuous public places in the municipality for five (5) consecutive days.
2. At any time before the sale thereof, any animal impounded may be redeemed upon the payment of the penalties and costs provided for in this ordinance.
3. The day fixed for the sale of any unredeemed animal shall be the sixth day after the posting of the notice of the sale, except when the same would fall on Sunday, election day or any legal holiday, in which case the day of the sale will be the next succeeding day. At said sale, the Animal Control Officer shall sell for cash to the highest bidder, the animal advertised, and shall furnish the purchaser a "Bill of Sale" signed by the Mayor and municipal clerk.
4. The Animal Control Officer shall keep records of all sale transactions, turn over all money received to the Office of the City Clerk, and furnish a monthly report to the Governing Body showing all animals impounded and all animals shall be listed individually showing the amount of money collected for each, as well as the disposition of each case.

**SECTION 4. PENALTY.**

Any person violating any section of this Ordinance shall, upon conviction, be fined not more than One Hundred Dollars (100.00).

**SECTION 5. SEVERABILITY.**

Should any section, paragraph, clause or provision of this ordinance for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

**SECTION 6.**

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, or part thereof, heretofore repealed.

**SECTION 7. EFFECTIVE DATE.**

This ordinance shall be in full force and effect five days after its adoption, approval, and publication as provided by law.

Passed, approved and adopted this 10th day of April, 2003 in regular session.

**ORDINANCE NO. 2003-12**

AN ORDINANCE AMENDING SECTION 2 IN CHAPTER 4, ARTICLE 1, TITLED "ANNUAL VACCINATIONS" OF THE ANIMAL CONTROL ORDINANCE OF THE CITY CODE OF ORDINANCES OF THE CITY OF LORDSBURG, NEW MEXICO

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LORDSBURG, NEW MEXICO:

That Section 4-1-2, titled "Annual Vaccinations" of the Animal Control Ordinance is hereby amended as follows:

**2-1-2 VACCINATIONS.**

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 1-year vaccine is administered, or within 36 months, if a 3-year vaccine is administered with a rabies vaccine licensed by the United States 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 route of inoculation and the type of vaccine. Copies are available upon request from the department. (7.4.2.8 NMAC)

**SECTION 2.**

Severability. If any action, subsection, paragraph, phrase, or other portion of this ordinance shall be declared invalid for any reason whatsoever by a court of competent jurisdiction, then such decision shall not affect the validity or enforceability of the remaining portions of this ordinance.

**SECTION 3.**

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, or part thereof, heretofore repealed.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall be in full force and effective on May 30, 2003 and after its adoption, approval and publication as provided by law.

PASSED, APPROVED AND ADOPTED this 22nd day of July, 2003 done in regular session.