

**Title 6**

**ANIMALS**

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## Chapter 6.04

### GENERAL PROVISIONS

#### Sections:

- 6.04.010 Definitions.  
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#### 6.04.010 Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning respectively ascribed to them by this section.

“Animal” means any living creature, domestic or wild, including but not limited to dogs and cats.

“Animal establishment” means any pet shop, grooming shop, auction, performing animal exhibition, kennel, or animal shelter operated by other than a government agency or veterinary medical facility.

“At large” means any dog when he is off the property of his owner and not under the control of a competent person.

“Bite” or “bitten” means an actual puncture or tear of the skin inflicted by the teeth of an animal.

“Dog officer” means the person or persons employed by the city as its enforcement officer for this chapter.

“Exposed to rabies” means an animal has been bitten by any animal known or believed to be infected with rabies.

“Inoculations, vaccination, vaccination for rabies” means the inoculation of a dog with a vaccine approved by the state Department of Public Health for use in the prevention of rabies.

“Kennel” means any person who:

1. Keeps or maintains five or more dogs and/or cats or combination of eight or more cats and dogs of any age for more than thirty days within any sixty-day period of time; or
2. Engages in the business of breeding, buying, selling or boarding dogs and/or cats, or other animals; or
3. Engages in the training of dogs for any purpose, including guard or sentry purposes.

“Owner” means a person, association, partnership or corporation owning, keeping or harboring animals.

“Person” means an individual, partnership, company or corporation, or any association or institution commonly recognized by law as a unit, or agent or employee of any of the above described.

Person Legally Authorized To Vaccinate Dogs. Dogs and other animals shall be vaccinated for rabies only by a licensed graduate veterinarian.

“Pet shop” means any person, as defined in this section, engaged in the business of buying or selling, at retail, dogs or cats for profit-making purposes.

“Pound” means an animal shelter or other establishment designated by the city administrative authority for the purpose of impounding and caring for animals held under the authority of this chapter.

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Restraint. An animal shall be deemed to be under restraint if on the premises of his owner and unable to run at large because of restrictions of its activities by means of an adequate fence, leash, chain or muzzle, or if accompanied by a responsible person and under that persons direct control.

"Spayed female dog" means a female dog which has been operated upon by a licensed veterinarian to prevent conception, as attested to by a signed certificate that the operation has been performed.

"Vicious animal" means any dog or cat or other animal that constitutes a physical threat to humans or other domestic animals. (Ord. 332 (part), 1985: prior code §§ 10-1-7\*, 10-3-1)

\* Editor's Note: Ords. 327 and 332 both added prior code sections numbered 10-1-7.

**6.04.020 Allowing animals to become a nuisance unlawful.**

It is unlawful for the owner or person having custody of any dog or other animal, either wilfully or through failure to exercise due care or control, to permit any animal to become a nuisance through:

A. Continuous, frequently recurring, or persistent howling, barking, whining, or other noise or disturbance; or

B. Molesting, attacking or interfering with persons in the public right-of-way; or

C. Chasing vehicles or attacking or fighting with other domestic animals; or

D. Animals kept or maintained in such a manner or in such number as to:

1. Disturb by noxious or offensive odor, or

2. Damage, soil, defile or defecate on private property other than the owner's, or upon public walks and recreation areas, or

3. Cause unsanitary, dangerous or offensive conditions upon owner's property;

E. Or otherwise disturb the comfort or repose or endanger the health and welfare of any of the inhabitants of, or visitors to, the affected area of the city. (Ord. 332 (part), 1985: prior code § 10-1-6)

**6.04.030 Keeping carcasses prohibited.**

It is unlawful for anyone to keep the carcass of any dead animal within the city. (Prior code § 10-1-5)

**6.04.040 Keeping wild or vicious animals prohibited.**

A. It is unlawful for any person to keep, or permit to be kept on his premises, any wild animal or any vicious animal, for any purpose whatsoever, including for display and for exhibition purposes, whether gratuitous or for a fee when he knows, or should have known, that such animal may attack and injure humans or attack and injure other domestic animals.

B. It shall be the duty of any person who is the owner or keeper of a vicious animal, to immediately cause such vicious animal to be killed, or to surrender the animal to the dog officer to be killed and failure to do so is unlawful.

C. In the event the court determines the animal to be vicious, regardless of whether the owner or person having custody of the vicious animal is found in violation of this section and whether any fine or imprisonment be imposed on the owner or person having custody of the vicious animal, the court shall order the dog officer to destroy the vicious animal. It shall be the duty of the dog officer to capture the vicious animal wherever found, including upon owner's

premises, and promptly destroy the animal. (Ord. 336 (part), 1985: Ord. 332 (part), 1985: prior code § 10-1-8)

**6.04.050 Animal bites—Report of attending physician or adult.**

A. Every physician shall, within twelve hours after his first professional attendance upon any person bitten by a dog, cat or other animal, report to the state Health Department and to the city clerk the name, age, sex and address of the person bitten and the type and location of the bite. If possible the physician shall also report the address where the bite occurred, the name and address of the owner of the dog and the description and immunization status of the dog.

B. The parent or guardian of a child bitten by a dog, cat or other animal, where no physician attends such child, shall within twelve hours after first having knowledge that the child was bitten, report to the state Health Department and to the city clerk the name, age, sex and address of the child so bitten and the type and location of the bite. If possible the parent or guardian shall also report the address where the bite occurred, the name and address of the owner of the dog and the description and immunization status of the dog.

C. If an adult is bitten by a dog, cat or other animal and no physician attends him, the adult or, if he is incapacitated, the person caring for him, shall report to the state health department and to the city clerk the name, age, sex and the address of the adult bitten and the type and location of the bite. If possible the adult shall also report the address where the bite occurred, the name and address of the owner of the dog and the description and immunization status of the dog. The report shall be made within twelve hours after the adult was bitten, or if he is inca-

pacitated, the report shall be made within twelve hours after the person caring for him shall first have knowledge that the adult was bitten. (Prior code §§ 10-3-13—10-3-15)

**6.04.060 Violation—Penalties.**

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars nor more than three hundred dollars. If any violation is continuing, each day's violation shall be deemed a separate violation. (Ord. 336 (part), 1985: Ord. 332 (part), 1985: prior code § 10-3-46)

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**Chapter 6.08**

**DOGS**

**Sections:**

- 6.08.010 Vaccination required annually.
- 6.08.020 Vaccination certificates and tags.
- 6.08.030 Vaccinations—Duties of person performing.
- 6.08.040 Tags.
- 6.08.050 Replacement of lost tags.
- 6.08.060 Change of ownership—Transfer of registration.
- 6.08.070 Official registry of all inoculated dogs.
- 6.08.080 Rabies symptoms and procedures listed on certificate.
- 6.08.090 Imported dogs—Requirements.
- 6.08.100 Exceptions to vaccination requirements.
- 6.08.110 Kennels—Licenses required—Regulations.
- 6.08.120 Pound facilities.
- 6.08.130 Impoundment—Emergency facilities.
- 6.08.140 Impoundment—Care of dogs.
- 6.08.150 Impoundment—Notification of owner.
- 6.08.160 Impoundment—Time period.
- 6.08.170 Release of impounded dogs—Proof of ownership.
- 6.08.180 Release of impounded dogs—Vaccination required.
- 6.08.190 Sale of unclaimed dogs.

- 6.08.200 Disposition of unclaimed dogs.
- 6.08.210 Unlawful disposition of impounded dogs.
- 6.08.220 Disposition of repeat offenders.
- 6.08.230 Running at large prohibited.
- 6.08.240 Confinement of certain dogs required.
- 6.08.250 Liability for damage.
- 6.08.260 Abandonment prohibited.
- 6.08.270 Dogs deemed vicious.
- 6.08.280 Concealing or removing a dog known to have bitten person.
- 6.08.290 Seeing-eye dogs.
- 6.08.300 Violations—Interfering with enforcement officer.

**6.08.010 Vaccination required annually.**

It shall be the duty of every person who owns or harbors any dog or dogs three months of age or over in the city to have such dog or dogs inoculated annually, if the vaccine is licensed only for one-year use, or tri-annually, if the vaccine is licensed for three-year use, and shall present evidence of such vaccination each year when applying for a license for such animal. (Ord. 455, 2004; amended during 1992 codification: prior code § 10-3-2)

**6.08.020 Vaccination certificates and tags.**

A. The city shall prepare certificates in triplicate form, together with corresponding tags, for distribution to persons legally authorized to vaccinate dogs, with space for the following information and for such other information as the city may require to be filled in by person legally authorized to vaccinate dogs:

1. The name and address of the owner or harbinger of the inoculated dog;
2. The date of the inoculation;
3. The year and series number of the dog tag;
4. The breed, age, color and sex of the inoculated dog;
5. The type and brand name of rabies vaccine used.

B. The tag shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall bear the name "City of Lovington" and shall state the year for which issued and the series number of the certificate and tag. The tag shall be a distinctive color and shape each year so that the city dog officer can readily ascertain that a dog bearing the tag is legally registered. Such tags and certificates shall be prepared and distributed by the city to persons legally authorized to vaccinate dogs for a fee of one dollar for each tag, of which such person shall retain twenty-five cents for his services in issuing such tags. This fee shall in turn be collected from the owner by the person administering the vaccination and shall be exclusive of the fee charged for the vaccine and its application. (Prior code § 10-3-3)

#### **6.08.030 Vaccinations—Duties of person performing.**

It shall be the duty of each person legally authorized to perform vaccination on dogs when inoculating any dog to fill out in triplicate the certificate obtained from the city with the information required by Section 6.08.020 and immediately present one copy to the owner or harbinger of the inoculated dog and to mail one copy to the office of the city clerk within five days from the date of the inoculation. The remaining copy of the certificate shall be retained by the person performing the vaccina-

tion. At the time of the inoculation of any dog, the person performing the vaccination shall also deliver to the owner or harbinger of such dog the tag obtained from the city as evidence of such inoculation. (Prior code § 10-3-4)

#### **6.08.040 Tags.**

A. Every owner or harbinger of a dog shall attach the tag evidencing registration and inoculation with anti-rabies vaccine to the collar or harness of the inoculated dog, and such collar or harness shall be worn by the dog at all times. Only those persons who own or harbor a dog duly registered and vaccinated in accordance with the provisions of this chapter shall be permitted to possess the certificates and tags provided in this chapter.

B. No person may affix a tag evidencing vaccination as provided in this chapter to the collar or harness of any dog except the tag issued for that dog at the time of vaccination. No tag or similar insignia shall be worn by unvaccinated dogs which are not clearly distinguishable from the official vaccination tag.

C. The copy of the registration vaccination certificate shall be retained by the owner or harbinger of the inoculated dog for inspection by the authorized representatives of the city. (Prior code § 10-3-5)

#### **6.08.050 Replacement of lost tags.**

In the event a vaccination-registration tag is lost or stolen, the owner of the dog may procure a duplicate tag from the police department on the payment of the sum of one dollar. (Amended during 1992 codification; prior code § 10-3-8)

#### **6.08.060 Change of ownership— Transfer of registration.**

A. If there is a change of ownership of a dog during the registration year, the new owner

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may have the current registration transferred to his name upon the payment of a transfer fee of one dollar.

B. No person shall use for any dog a certificate or a vaccination-registration tag issued for another dog. (Prior code § 10-3-9)

**6.08.070 Official registry of all inoculated dogs.**

The police department shall file and register copies of certificates received as provided in Section 6.08.020 and retain and file the same as the official registry of all dogs inoculated with anti-rabies vaccine in the city. Such vaccination-registration shall be valid for the period of the current calendar year and January and February of the following year. (Amended during 1992 codification; prior code § 10-3-6)

**6.08.080 Rabies symptoms and procedures listed on certificate.**

Every certificate issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon and the procedures to follow if the owner suspects that his dog has rabies. (Prior code § 10-3-7)

**6.08.090 Imported dogs—  
Requirements.**

All dogs which are brought into the city shall be in compliance with the laws and rules and regulations of the state regarding the handling of the animal and shall have been vaccinated not less than thirty days nor more than twelve months prior to importation. A metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog and shall be evidence of compliance with this section. If the imported dog remains in the city more than thirty days, the dog shall be registered in accordance with the provisions of this chapter.

Any legally acceptable certificate of vaccination by a licensed veterinarian, issued by a legally authorized person to the owner of the dog in any municipality, county or state, shall be exchanged for a current vaccination-registration tag of the city. (Prior code § 10-3-10)

**6.08.100 Exceptions to vaccination requirements.**

The vaccination-registration requirements of this chapter shall not apply to any dog belonging to a nonresident of the city and kept within the city for no longer than thirty days; provided, such dog shall at all times while in the city be kept within a building or vehicle or be under restraint by the owner. (Prior code § 10-3-11)

**6.08.110 Kennels—Licenses  
required—Regulations.**

A. Any person who keeps or operates or proposes to establish a kennel shall apply to the city clerk for a license entitling him to keep or operate such establishment.

B. The application shall describe the premises where the establishment is located or is proposed to be located, and the purpose or purposes for which it is to be maintained.

C. All kennels shall in addition to the other requirements of this chapter comply with the minimum standards by the dog officer or other person designated by city administrative authority. Failure to meet the standards shall be grounds for denial of a permit or revocation of a permit.

D. Every person owning or operating a kennel who does not individually register each dog therein shall be exempt from any individual dog vaccination-registration requirements, as provided in this chapter, if the dogs so kenneled are kept under proper confinement on the premises, and if such dogs are taken at large, they must be on a leash and under the control of a person who can reasonably be expected to retain such dogs in his custody and under his control.

E. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this section.

F. No person, group of persons, or business entity within the city may own, keep or harbor more than five dogs, more than five cats, or more than a total of eight dogs or cats in any combination more than three months in age or older without obtaining a kennel license and complying with these provisions with respect to establishing and operating a kennel.

G. Whether or not fees are charged to the public, persons operating a kennel must obtain a nontransferable kennel license, which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December 31st of each year and shall be renewed by February 1st of the following year. No kennel license may be issued without an inspection certificate issued by the city manager or his or her designated agent. The annual kennel license fee shall be five dollars. (Amended during 1992 codification: Ord. 332 (part), 1985: prior code § 10-3-12)

**6.08.120 Pound facilities.**

It shall be the duty of the city to maintain or provide for the maintenance of a municipal dog pound for the purpose of carrying out and enforcing the provisions of this chapter. Such a municipal pound shall include at least the following services and facilities:

A. Adequate pickup and impounding of all stray and ownerless dogs, and dogs otherwise in violation of the provisions of this chapter;

B. Group-holding facilities for stray, ownerless and unvaccinated dogs impounded for violation of the provisions of this chapter;

C. Individual isolation facilities for sick, biting, rabid and suspected rabid animals;

D. Facilities for the humane destruction of all unwanted and unclaimed animals. (Prior code § 10-3-27)

**6.08.130 Impoundment—  
Emergency facilities.**

All dogs impounded under the provisions of this chapter shall be housed and cared for at the municipal dog pound; provided, how-

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ever, that during an emergency period when pound facilities are inadequate, the dog officer is authorized to make provisions for additional housing and care elsewhere. (Prior code § 10-3-35)

**6.08.140 Impoundment—Care of dogs.**

All dogs impounded shall be properly housed, fed, watered and cared for and it shall be the duty of the city to make provision for all necessary facilities, food, water, vehicles and other equipment required to carry out the provisions of this chapter. (Prior code § 10-3-28)

**6.08.150 Impoundment—Notification of owner.**

Upon the impounding of any dog, it shall be the duty of the city dog officer or his authorized representatives to notify the owner of the dog impounded if the owner is known. If the owner is not known, there shall be posted at once in the municipal dog pound and police bulletin board at the city hall a notice containing a description of the dog impounded. (Prior code § 10-3-29)

**6.08.160 Impoundment—Time period.**

All dogs impounded shall be kept for a period of three days unless sooner redeemed by their respective owners, and a fraction of a day shall be computed as being a full day for the purposes of this section. (Prior code § 10-3-30)

**6.08.170 Release of impounded dogs—Proof of ownership.**

It is the duty of the dog officer or his authorized representative to release any dog from the municipal dog pound upon receipt

of satisfactory proof of ownership thereof, upon payment of a pound service fee of three dollars for each day that the dog has been impounded, and upon presentation of proof of vaccination for rabies and proper registration of the dog in accordance with the provisions of this chapter. (Amended during 1992 codification: prior code § 10-3-31)

**6.08.180 Release of impounded dogs—Vaccination required.**

It shall be the duty of the city to provide access to facilities for rabies vaccination and registration of impounded dogs at the municipal dog pound or at such other places as may be used for the care and shelter of impounded dogs so that all impounded dogs may be vaccinated against rabies prior to the release of the dogs by the city dog officer. (Prior code § 10-3-34)

**6.08.190 Sale of unclaimed dogs.**

After notice has been given and after three days of impounding has expired, then such dog may be released to any person upon payment of a pound service fee of three dollars and upon presentation of written proof of vaccination-registration of the dog in accordance with the provisions of this chapter. (Amended during 1992 codification: prior code § 10-3-32)

**6.08.200 Disposition of unclaimed dogs.**

Unclaimed and unadopted dogs shall be humanely destroyed by the dog officer or his duly authorized representatives. (Prior code § 10-3-33)

**6.08.210 Unlawful disposition of impounded dogs.**

It is unlawful for any person to release any dog impounded in the city dog pound. It is unlawful for the city poundkeeper to make any disposition of any dog impounded by him except through redemption, sale or destruction of such dog as provided in this chapter. (Prior code § 10-3-42)

**6.08.220 Disposition of repeat offenders.**

Upon the impounding of any dog in the city dog pound for the fifth time within any fiscal year of the city, the owner thereof shall forfeit all rights to such dog and it shall be subject to the disposition provided in this chapter for dogs impounded and not redeemed within seventy-two hours. (Prior code § 10-3-41)

**6.08.230 Running at large prohibited.**

A. It is unlawful for any person owning, harboring or having the custody, control or possession of any dog to cause or permit such dog to:

1. Be in or upon any street, alley or other public place, or in or upon any unenclosed premises unless such dog is continuously controlled by a competent person;
2. Commit any damage or nuisance upon the property of any other person or upon a public street, alley or other public place.

B. When dogs are found running at large and their ownership can be ascertained by the dog officer, such dogs need not be impounded, but the dog officer in his discretion can take the dogs to their owners and may cite such offending owners for violation of the provisions of this chapter.

C. When dogs are found running at large and their ownership cannot be ascertained by the dog officer, such dogs are to be impounded in the city pound and dealt with according to Sections 6.08.130 through 6.08.190. (Prior code § 10-3-36)

**6.08.240 Confinement of certain dogs required.**

The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled and restrained.

Every female dog in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female dog cannot come in contact with another animal, except for breeding purposes. It is mandatory for the dog officer to cite into court the owner of any female dog who permits such dog to be at large while in season. (Prior code § 10-3-37)

**6.08.250 Liability for damage.**

If any dog shall do any damage to either the body or property of any person, the owner or keeper or, if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage unless the damage was occasioned to the body or property of a person who, at the time the damage was sustained, was committing a trespass or other tort or was teasing, tormenting or abusing such dog. (Prior code § 10-3-38)

**6.08.260 Abandonment prohibited.**

Any person who wilfully abandons his

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dog within the city is guilty of a misdemeanor. (Prior code § 10-3-39)

**6.08.270 Dogs deemed vicious.**

Every dog shall be deemed fierce, dangerous and vicious that shall run after, chase, bite or attempt to bite any person. (Prior code § 10-3-44)

**6.08.280 Concealing or removing a dog known to have bitten person.**

It is unlawful for any person, the owner or custodian of a dog which has bitten a person, to remove such dog from the city prior to the termination of the period of two weeks after such dog has bitten a person. It is unlawful for any person to conceal the whereabouts of a dog which has bitten a person from the officers of the city authorized to take such dog into custody as provided in this chapter. (Prior code § 10-3-43)

**6.08.290 Seeing-eye dogs.**

A dog trained to aid or assist the blind, when accompanied by a blind person, shall be permitted in any public building and hotel or any public conveyance in the city. (Prior code § 10-3-45)

**6.08.300 Violations—Interfering with enforcement officer.**

It is unlawful for any person to interfere with, molest, hinder or prevent the dog officer or his duly authorized representatives in the discharge of their duties as prescribed in this chapter, or to violate any of the provisions of this chapter. (Prior code § 10-3-40)

**Chapter 6.12****CATS****Sections:**

- 6.12.010 Licenses.**
- 6.12.020 Vaccination required annually.**
- 6.12.030 Running at large prohibited.**
- 6.12.040 Abating a nuisance.**
- 6.12.050 Impoundment.**
- 6.12.060 Enforcement.**
- 6.12.070 Violation—Owner liable.**

**6.12.010 Licenses.**

A. No person shall own, keep, harbor or permit any cat within the city limits unless such cat has been licensed by the city as provided in this chapter.

B. The owner or person keeping or maintaining any cat in the city shall pay an annual license fee to the city for each cat. All cat licenses shall be issued for one year, ending on the 31st day of December of each year. Persons applying for a license from January 1st through June 30th of each year shall pay a fee of two dollars and fifty cents for the license.

C. With each cat license issued, the city clerk or the person issuing such license shall deliver to the owner a metallic stamp with the number of the license to be worn by the cat for which it is issued at all times attached to a collar or harness upon the animal. (Prior code § 10-4-1)

**6.12.020 Vaccination required annually.**

It shall be the duty of every person who owns or harbors any cat or cats three months of age or over in the city to have such cat or cats inoculated annually, if the vaccine is licensed

only for one-year use, or tri-annually, if the vaccine is licensed for three-year use, and shall present evidence of such vaccination each year when applying for a license for such animal. (Ord. 454, 2004; amended during 1992 codification: prior code § 10-4-3)

**6.12.030 Running at large prohibited.**

It is unlawful for any owner, possessor or keeper of any cat in the city to permit the same to run at large within the city. (Prior code § 10-4-2)

**6.12.040 Abating a nuisance.**

Upon complaint of any person residing upon premises adjacent to or in the vicinity of any premises where any cat is maintained which cat is creating a nuisance by excessive noise, it shall be the duty of the owner, keeper or possessor of such cat to confine the same, within an enclosure sufficient to abate such noise and nuisance. (Prior code § 10-4-4)

**6.12.050 Impoundment.**

Cats not licensed and/or not vaccinated for rabies and cats running at large may be caught and impounded in the dog and cat pound provided by the city and, if not redeemed by the owner within seventy-two hours, such dogs and cats may be destroyed by the city poundman or the humane officer. In order to redeem any cat impounded under the provisions of this chapter the owner or person keeping such cat must appear within seventy-two hours, pay the cost of the cat license, if the animal is not licensed, furnish satisfactory evidence of vaccination or pay to have the cat vaccinated, if the animal has not been vaccinated for rabies, pay the impoundment fee of five dollars and the costs of care and feeding in the amount of three dollars a day. (Prior code § 10-4-5)

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**6.12.060 Enforcement.**

For the purpose of enforcing this chapter, the city poundman and any police officer of the city with valid consent, a search warrant or adequate justification to proceed without a warrant is authorized to enter upon any premises in which a cat is kept or harbored. Such authorized officers may require the owner or person keeping or harboring any cat to exhibit to such officers the license and vaccination certificate for such cat. The poundman and any police officer of the city may impound any cat not licensed or vaccinated and any cat running at large. (Amended during 1992 codification: prior code § 10-4-6)

**6.12.070 Violation—Owner liable.**

In prosecutions for violations of this chapter it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner, possessor or keeper of the animal in question that such animal was in violation of the provisions of this chapter. It is the purpose and intent of this section to impose strict liability upon the owner, possessor or keeper of such animal to see that all provisions of this chapter are complied with. (Prior code § 10-4-7)

## Chapter 6.16

### LIVESTOCK AND FOWL

#### Sections:

- 6.16.010 Definitions.
- 6.16.020 Keeping livestock and fowl prohibited.
- 6.16.030 Keeping livestock prohibited—Exemptions.
- 6.16.040 Piggens prohibited.
- 6.16.050 Declaring nuisances.

#### 6.16.010 Definitions.

For the purpose of this chapter:

“Fowl” means any and all turkeys, geese, guineas, chickens, birds and all other fowl, domestic and wild, male and female, singular and plural, except pets confined in the residence proper.

“Livestock” means and includes all cattle, sheep, swine, horses, mules, asses and goats and all other domesticated and undomesticated animals including rabbits, with the exception of dogs and cats. (Ord. 327 (part), 1984; prior code §§ 10-1-9, 10-2-1)

#### 6.16.020 Keeping livestock and fowl prohibited.

The keeping, confining or maintaining of livestock or fowl within the city limits without prior authority to do so is declared a nuisance and unlawful. (Amended during 1992 codification: prior code § 10-1-7\*)

\* Editor's Note: Ords. 327 and 332 both added sections numbered 10-1-7.

#### 6.16.030 Keeping livestock prohibited—Exemptions.

A. It is unlawful for any person owning

any real estate within the city to permit any livestock to be or remain on such property for a period of more than twenty-four hours and it is likewise unlawful for any person owning, leasing or having possession of any real estate within the city to possess, keep, maintain or permit any livestock to remain upon any such real estate owned, leased or possessed by such person for a period of more than twenty-four hours.

B. Except as provided in Section 6.16-.040; there shall be excepted from the application of the provisions of this section the property owned, leased or possessed by any person under the following conditions and circumstances:

1. That the premises upon which such livestock is kept and maintained is more than three hundred feet from the nearest premises occupied for residential or commercial purposes by any other person residing within the city or if such livestock is maintained on pasture or other grazing land where the major portion of the acreage of such grazing tract be located more than three hundred feet from the nearest occupied premises;

2. That the premises upon which such livestock are kept or maintained are securely fenced so that such livestock will not escape therefrom;

3. That the premises is kept and maintained in a clean and wholesome manner as not to endanger the health of the inhabitants of the city and become noxious, offensive or a nuisance;

4. That Chinese or Vietnamese miniature potbellied pigs may be kept as pets, but only on the following conditions:

a. Potbellied pigs shall be annually licensed and shall pay the annual license fee required for cats and dogs within the city.

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b. No household shall have more than two potbellied pigs at any given time.

c. No breeding shall occur for sale, resale or for any other purposes.

d. No sale or resale of the potbellied pigs shall occur.

e. The pigs shall be kept in a clean and sanitary condition.

f. The pigs shall be kept indoors or in a well fenced area.

g. Each potbellied pig be registered with the potbellied pig registry or other appropriate registry.

C. In the event the city commission, by resolution, either upon its own motion or petition filed by any interested person, determines that any of the above conditions have not been fully complied with at all times, it shall thereafter be unlawful for any person to keep, maintain or possess any livestock upon such premises and the decision of the city commission shall be final. (Ord. 385, 1994; Ord. 382, 1994; prior code § 10-2-2)

**6.16.040 Piggens prohibited.**

It is unlawful for any person to maintain any piggens within the city. (Prior code § 10-2-3)

**6.16.050 Declaring nuisances.**

The city commission determines whether the keeping, possessing or maintaining of any livestock contrary to the provisions of this chapter is and shall constitute a nuisance and such nuisance may be abated summarily or by any of the remedies provided by law for the abatement of nuisances. (Prior code § 10-2-4)

## Chapter 6.20

## RABIES CONTROL

## Sections:

- 6.20.010** Veterinarian's duty to report.
- 6.20.020** Animal bitten by rabid animal—Duty to report.
- 6.20.030** Confinement of animals suspected of exposure.
- 6.20.040** Confinement of animal which has bitten person.
- 6.20.050** Examination of confined animals by agent of city.
- 6.20.060** Examination of animals suspected of infection by veterinarian.
- 6.20.070** Release of confined animals.
- 6.20.080** Quarantine order.
- 6.20.090** Quarantine—  
Duration—  
Modification—  
Restrictions.
- 6.20.100** Quarantine—Authority to kill dogs at large.
- 6.20.110** Quarantine—Exception for seeing-eye dogs.
- 6.20.010** Veterinarian's duty to report.
- It shall be the duty of every licensed veterinarian in the city to report to the state Health Department and to the city clerk his diagnosis of any animal observed by him as a rabies suspect. (Prior code § 10-3-16)
- 6.20.020** Animal bitten by rabid animal—Duty to report.
- Whenever a dog, cat or other animal is

affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the state health department and the city clerk, giving a description of the animal and stating precisely where the animal may be found. (Prior code § 10-3-17)

**6.20.030** Confinement of animals suspected of exposure.

The city within its jurisdiction shall serve a notice in writing upon the owner or person in charge of a dog, cat or other animal known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to kill it or confine it for a period of not less than six months. Any dog that has been vaccinated by some person legally authorized to do so at least one month before being bitten but not more than one year before shall be confined for ninety days. At the end of the respective periods of confinement such dogs shall be released if examined and declared free of rabies by a licensed graduate veterinarian or by the city dog officer if no veterinarian is available. (Prior code § 10-3-18)

**6.20.040** Confinement of animal which has bitten person.

The city within its jurisdiction shall serve notice upon the owner or person in charge of a dog, cat or other animal which has bitten a person so as to cause an abrasion of the skin, to confine the animal at the expense of the owner or person in charge of it at the city dog pound or at a veterinary hospital within Lea County, for at least ten

6.20.040

days after the animal has attacked or bitten a person. If the owner of or person in charge of a dog or cat or other animal which has bitten a person so as to cause an abrasion of the skin produces a valid and unexpired certificate of vaccination for the animal issued under Section 77-1-3, N.M.S.A., 1978 Comp., as amended, evidencing vaccination at least three weeks prior to the bite, then the owner of or person in charge of such animal shall be permitted to keep the animal at his own premises for the required period of ten days if the district health officer has declared the city a rabies-free area. No animal may be released from confinement except by a person designated by the district health officer. (Amended during 1992 codification: Ord. 265, 1977: prior code § 10-3-19)

**6.20.050 Examination of confined animals by agent of city.**

The dog officer or the duly authorized agent of the city within its jurisdiction shall be permitted by the owner or person in charge of a dog, cat or other animal which has bitten a person, to examine the animal at any time, and daily if desired, within a period of ten days after the animal has bitten a person to determine whether the animal shows signs of rabies. (Prior code § 10-3-20)

**6.20.060 Examination of animals suspected of infection by veterinarian.**

If the animal under observation shows any signs which might be an indication of an infection with rabies the animal shall be examined by a licensed veterinarian. If the animal is diagnosed as being rabid or suspected by the veterinarian as being rabid, it

shall be allowed to die and shall not be killed. Upon the death of the animal the dog officer shall immediately send the head of the animal, under suitable refrigeration, to the state Department of Public Health laboratory in Albuquerque for pathological examination and shall notify the state health department and the city clerk of the diagnosis made of the suspected animal. (Prior code § 10-3-21)

**6.20.070 Release of confined animals.**

An animal confined for observation under order of the city shall not be released until a certificate of release has been issued by the city dog officer. (Prior code § 10-3-22)

**6.20.080 Quarantine order.**

Whenever the city or any officer thereof has reason to believe or has been notified by the state Department of Public Health that there is danger that rabies exists and may spread within its jurisdiction, it shall publish a notice in the official newspaper or newspapers of the city that all persons within its jurisdiction owning or having charge of any dog be required to confine such dog. Other animals may be included in the order whenever, in the opinion of the officials of the city, this is thought to be necessary. (Prior code § 10-3-23)

**6.20.090 Quarantine—Duration—Modification—Restrictions.**

A. When such a quarantine is established, it shall be for a minimum of one hundred twenty days after the occurrence of the last known case of rabies in the quarantine area.

B. Following issuance of the quarantine order the city may authorize modification of the quarantine order with such provisions as may be deemed adequate or necessary for the control of the disease in the area found to be involved.

C. No animal subject to a quarantine order or a modified quarantine order shall be removed from the quarantine area during the duration of the quarantine without the written permission of the city. (Prior code § 10-3-24)

**6.20.100 Quarantine—Authority to kill dogs at large.**

When a quarantine order has been issued and dogs continue to run at large, uncontrolled by owners or persons responsible for their control, any law enforcement officer shall have the right, after reasonable effort has been made on the part of the dog officer or his agents to apprehend and impound such dogs running at large, to kill such dogs and properly dispose of their bodies. (Prior code § 10-3-25)

**6.20.110 Quarantine—Exception for seeing-eye dogs.**

Notwithstanding any other provision of this chapter a guide dog serving a blind master shall not be quarantined, in the absence of evidence that he has been exposed to rabies, unless his master fails to:

A. Keep him safely confined to the premises of his master, or under proper restraint;

B. Keep him available for examination at all reasonable times. (Prior code § 10-3-26)

6.24.010

**Chapter 6.24**

**CRUELTY TO ANIMALS**

**Sections:**

- 6.24.010**      **Failure to provide food and shelter—Carrying animal in cruel manner.**
- 6.24.020**      **Abandonment.**
- 6.24.030**      **Poisoning.**
- 6.24.040**      **Diseased or crippled animals.**

**6.24.010**      **Failure to provide food and shelter—Carrying animal in cruel manner.**

No person shall fail, refuse or neglect to provide any animal in his charge or custody as owner or otherwise with proper food, drink or shelter, nor shall any person carry any animal in or upon any vehicle or otherwise in a cruel or inhuman manner. (Prior code § 10-1-1)

**6.24.020**      **Abandonment.**

No person shall abandon any animal nor shall any person allow the same to be loaded or driven nor shall any person keep or treat any animal in a cruel manner. (Prior code § 10-1-2)

**6.24.030**      **Poisoning.**

No person shall place, leave or expose, in any place accessible to birds, fowl, domestic animals, dogs, cats, or other such animals, with the intent to kill or harm such birds, fowl, or animals, any poisonous or deleterious substance or ingredient, or any edible or any other substance or ingredient which has been in any manner treated or prepared with any poisonous substance or ingredient. (Prior code § 10-1-3)

**6.24.040**      **Diseased or crippled animals.**

No person shall have, keep, or harbor any animal which is known or believed by him to be infected with any dangerous or communicable disease or which is in an incurable, painful, crippled condition or which is afflicted with any painful disease which is believed by such person to be incurable, except as provided in this chapter. (Prior code § 10-1-4)

**Title 7**

**(RESERVED)**

