

ORDINANCE 18-07

AN ORDINANCE AMENDING SECT. 4-39 OF THE ROSWELL CITY CODE RELATING TO VICIOUS ANIMALS

Whereas, the City has responsibility to pass laws to protect the health, safety, and welfare of the public; and

Whereas, the vicious or animals have the potential to pose a grave risk to public health, safety, and welfare; and

Whereas, New Mexico State Statutes provide for the humane destruction of dog determined to be a dangerous animal under NMSA 1978, Sections 77-1A-1 to -6; and

Whereas, the City Council as the Governing Body for the City of Roswell finds it is in the best interest of the public to explicitly set out the authority of the municipal courts to handle vicious animals in the City of Roswell.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. The Roswell City Code, Section 4-39 shall be amended, by adding the following underlined language, to read as follows:

Sec. 4-39. - Vicious animals.

- (a) It shall be unlawful for any person, owning, possessing or keeping any animal within the city which is known to be vicious or dangerous to persons, to permit it to run loose in such manner as to endanger life or limb of any person lawfully upon public or private property.
- (b) For the purposes of this section a vicious animal is a dog that without provocation bites or attacks human beings or other animals or, in a vicious or terrorizing manner approaches any person in apparent readiness and attitude of attack.
- (c) Animal control officers or police officers shall cause vicious animals to be impounded. In the event a vicious animal cannot be impounded without danger of personal injury from such animal, the impounding officer may destroy the animal without notice to the owner, possessor or keeper thereof.
- (d) Vicious animals shall be released only upon the order of the court. The court may order the owner to pay for the animal's impoundment in addition to any fines, penalties or fees imposed. All fines, penalties and fees shall be paid by the owner prior to the time the animal is released. The court may order the owner to pay for the animal to be tattooed by a licensed veterinarian at owner's expense within three days of release. If the court finds, by clear and convincing evidence, that the (i) dog has caused serious injury to a person or domestic animal and poses an imminent threat to public safety or (ii) will potentially cause serious injury to a person or domestic animal and poses a threat to public safety, the Court may order the dog to be humanely destroyed by Animal Control.

(e) Whoever commits a public nuisance in violation of this section with regard to the owning, harboring or maintaining of a dog or cat shall be guilty of a misdemeanor.

SECTION 2. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

SECTION 3. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

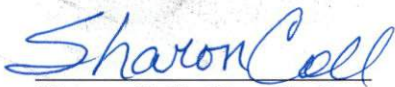
SECTION 4. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED the 8th day of November, 2018.

CITY SEAL

ATTEST


Dennis Kintigh, Mayor


Sharon Coll, City Clerk