

ORDINANCE NO. 1327

AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING THAT THE CODE OF ORDINANCES, CITY OF ROSWELL, NEW MEXICO, BE AMENDED BY REVISING SECTION 4-1a IN THE ROSWELL CITY CODE DELETING TWO SUBSECTIONS AND RENUMBERING THE REMAINING SUBSECTIONS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.

WHEREAS, the New Mexico State Legislature has passed into law amendments to the New Mexico State Statutes 1978 section 30-18-1 relating to animals and increasing criminal penalties for cruelty to animals; and

WHEREAS, the amendments specifically categorize two violations as felonies which are beyond the jurisdiction of the Municipal Court; and

WHEREAS, the City Council has determined that the public interest will best be served by deleting subsections 4-1(a)(1) and 4-1(a)(5).

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

Section 1. The Roswell City Code Section 4-1 is hereby amended to read as follows:

Sec. 4-1. Cruelty to animals; misdemeanor.

(a) Cruelty to animals consists of:

- (1) *Working cruelly*. It is unlawful for any person to drive or work any animal cruelly or work any animal when such animal is unfit for labor
- (2) *Neglect*. It is unlawful for any person to fail or refuse to provide any animal in his charge or custody with proper food, drink, air, light, shade, shelter or protection from the weather; or to carry any animal in or upon any vehicle without proper ventilation or in any cruel, inhumane or unsafe manner.
- (3) *Abandonment*. It is unlawful for any person to abandon any animal within the City of Roswell. Wherever an animal is or will be without proper care because of injury, illness, incarceration or other absence of its owner for a period of over twenty-four (24) hours, the animal control officer or his representative may take up such animal for protective care under proper court order.
- (4) *Injury by motor vehicle*. Any motor vehicle operator who strikes or runs down any animal shall immediately notify the animal control officer. The operator, or a passenger, shall immediately notify the animal's owner or the animal control officer, furnishing the facts surrounding the accident and the injuries sustained by the animal. The operator shall remain at or near the scene until such time as the owner or the animal control officer arrives. In the case of a severe injury or emergency to the animal, a person may give aid by taking the animal to a veterinary hospital or to the animal control center. Emergency vehicles are excluded from this provision.
- (5) *Hobbling*. It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to the animal.

(6) *Keeping sick or diseased animals.* It is unlawful for any person to own any animal which is seriously sick or injured and not provide proper veterinary care for said animal. The city animal control officer may impound and humanely euthanasia sick or injured animals without giving notice, as provided in the impoundment sections of this chapter. This section shall not be construed to include veterinary hospitals or animals under veterinary care.

(7) *Dogfights.* No person shall cause, instigate, encourage or attend any dogfight within the city.

(8) *Exceptions:* Reasonable force may be employed to drive off vicious or trespassing animals and this section shall not prohibit the eradication of vermin which are a threat to public health.

(b) *Penalty.* Except as herein otherwise provided, any person who willfully or maliciously and unlawfully commits any of the acts described herein as cruelty to animals shall be guilty of a misdemeanor.

Section 2.

Repealer. All Ordinances or parts of Ordinances in conflict or inconsistent herewith are hereby repealed to the extend only of such conflict or inconsistency. This repealer shall not be construed to revive any Ordinance or part of any Ordinance heretofore repealed.

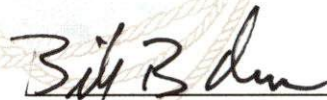
Section 3.

Severability. If any section, paragraph, clause or provision 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 be affected any other part of this Ordinance.

Section 4. This Ordinance shall be effective five (5) days following its publication.

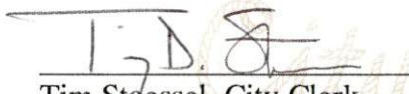
PASSED, ADOPTED, SIGNED AND APPROVED the 14 day of October, 1999.

CITY SEAL



Bill B. Owen, Mayor

ATTEST:



Tim Stoessel, City Clerk

City of Roswell