NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 2nd day of January, 2018, the governing body of the City of Hobbs proposes to adopt an ordinance amending Chapter 6.04.090 of the Hobbs Municipal Code described as follows:

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AN ORDINANCE AMENDING SECTION 6.04.090
OF THE HOBBS MUNICIPAL CODE
<u>RELATED TO THE IMPOUNDING OF ANIMALS</u>

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WHEREAS, Section 6.04.090 of the Hobbs Municipal Code currently discusses impounding of animals; and

WHEREAS, the current Section 6.04.090(E), has resulted in broad and often contradictory interpretations that often lead to confusion by animal owners and City staff alike; and

WHEREAS, the changes to Section 6.04.090(E), affords a simpler interpretation by eliminating the "reclaim fee" associated with the reclaiming of an animal from the Hobbs Animal Adoption Center (HAAC) by the owner; and

WHEREAS, the changes to Section 6.04.090(E), provides for two options for an owner that seeks to reclaim an animal from the HAAC, which are clearly articulated in the changes; and

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO , that Section 6.04.090 of the Hobbs Municipal Code is hereby amended as follows:

6.04.090 - Impounding animals.

A.   An Animal Protection Officer may take up and impound in any designated animal protection facility stray animals or livestock or any animal or livestock kept or maintained contrary to the requirements of this code.

B.   The animal shall be confined in accordance with the City's regulations.

C.   The owner shall be responsible for all impound fees, boarding fees and other costs whether or not the animal is reclaimed.

D.   Reclaim of animal and payment of fees or presentment of valid permit does not waive prosecution for violations under this chapter.

E.   The owner shall be required to ~~pay a reclaim fee to reclaim any unsterilized dog or cat~~<u>abide by one of the following in order to reclaim any unsterilized dog or cat</u>~~.~~<u>:</u>

    1.   An unsterilized dog or cat reclaimed by its owner shall be released ~~without assessment of reclaim fee~~ upon presentment of a valid hobby breeder permit plus payment of impound fees, boarding fees and other costs imposed by the City~~.~~<u>; or</u>

2. ~~Reclaim fee shall be reduced by fifty (50) percent, but shall not be less than one hundred dollars ($100.00) for first time reclaim of an animal. This reduced fee is per household per calendar year.~~An unsterilized dog or cat reclaimed by its owner shall be released upon entering into a sterilization contract and payment of the sterilization fee plus payment of impound fees boarding fees and other costs imposed by the City.

3. ~~Reclaim fee will be waived for the second reclaim of a specific dog or cat within one (1) calendar year. Full reclaim fee will be charged for third and subsequent reclaim.~~

~~4~~3. ~~Reclaim~~ Sterilization fee will be refunded to the owner of any dog or cat that is sterilized by a licensed veterinarian, other than the veterinarian contracted with the City, within thirty (30) days after release. To obtain a refund the owner must provide a written certificate from ~~a~~the licensed veterinarian stating the animal has been neutered or spayed containing sufficient description to match reclaimed animal.

5. ~~Owner may pay sterilization fee in lieu of reclaim fee to have dog or cat spay or neutered by City prior to release.~~

~~6~~5. Canine hybrid will not be released unsterilized.

~~7~~6. Owner must provide proof that they possess a current City license (or proof of non-residency) and rabies vaccination for the animal.

F. A sterilized dog with current rabies vaccination, current City license, and a microchip may be reclaimed without owner being cited for running at large once each calendar year. Owner shall be responsible for impound and boarding fees.

G. Any animal which is not reclaimed becomes the property of the City and may be placed for adoption or humanely destroyed in accordance with City's policy and procedures.

H. The Animal Protection Department may require inspection of enclosures for livestock prior to reclaim.

I. The City Manager is hereby authorized to place for adoption unclaimed livestock that has been impounded by the City and to execute adoption papers to the purchaser at the end of a ten-day waiting period.

1. Adoption of large livestock may be done after submitting a sealed bid to the Animal Protection Department.

2. Adoption of small livestock may be done after paying an adoption fee to the Animal Protection Department.

J. The Supervisor shall maintain, for a reasonable period of time or as required by law, a record of all animals impounded. At least the following information shall be included:

1. Complete description and picture of the animal;

2. Manner and date of its acquisition;

3. Date, manner, and place of impoundment;

4. Impoundment number;

5. Date, manner, and description of final disposition

K. Owner relinquishing an animal shall be required to complete an owner's release at the time of impoundment.

L. An Animal Protection Officer may take possession of a stray animal not wearing a current rabies tag, if required, who is deemed critically injured or critically ill for euthanizing. A report must be filed with the City Manager.

M. Whenever the City Manager finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the City Manager may take up such animal for protective care. The owner of the animal may

reclaim the animal after paying all required fees and costs imposed by the City. If the animal is unclaimed at the end of the protective custody period, the animal will become the property of the City and may be placed for adoption, be humanely destroyed or otherwise disposed of by the City.

A copy of the proposed ordinance in its entirety is available to interested persons during regular business hours in the office of the City Clerk, City Hall, 200 East Broadway, Hobbs, New Mexico. The ordinance is also available for viewing online at www.hobbsnm.org.

/s/Jan Fletcher
Jan Fletcher, City Clerk