

NOTICE OF ORDINANCE

NOTICE IS HEREBY GIVEN that on the 21st day of October, 2024, the governing body of the City of Hobbs proposes to adopt an ordinance amending Chapter 6.04 of the Hobbs Municipal Code amending the Hobbs Animal Ordinance. A summary of the ordinance is contained in its title and is described as follows:

AN ORDINANCE AMENDING CHAPTER 6 OF THE HOBBS MUNICIPAL CODE RELATING TO ANIMALS

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 6.04.100 of the Hobbs Municipal Code entitled “Seizure and Disposition of Animals” is repealed in its entirety.

BE IT FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Section 6.04.370 entitled “Cruelty” is added to the Hobbs Municipal Code as follows:

6.04.370 Cruelty.

It is unlawful for a person to do one or more of the following to an animal:

1. Recklessly, willfully, or maliciously kill, maim, disfigure, or torture;
2. Beat with a stick, chain, club, or other object;
3. Mutilate, burn, or scald with any substance or overwork;
4. Torment, harass, or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous, or trespassing animals;
5. Failing to provide necessary sustenance;
6. Failing to maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering or
7. Performing procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's wellbeing. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

BE IT FURTHER ORDAINED BY THE GOVERNING BODY OF THE CITY OF HOBBS, NEW MEXICO, that Chapter 6.07 of the Hobbs Municipal Code entitled "Hobbs Cruelty Chapter" is hereby added as follows:

Title 6 Animals
Chapter 6.07 Hobbs Cruelty Chapter

6.07.010

This Chapter shall be known and may be cited as the "Cruelty Chapter."

6.07.020 – Definitions

Cruelty is defined as a person committing one or more of the following to an animal:

1. Recklessly, willfully, or maliciously kill, maim, disfigure, or torture;
2. Beat with a stick, chain, club, or other object;
3. Mutilate, burn, or scald with any substance or overwork;
4. Torment, harass, or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous, or trespassing animals;
5. Failing to provide necessary sustenance;
6. Failing to maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering or
7. Performing procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's wellbeing. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

6.07.030 Seizure and Disposition

- A. A Peace Officer or Animal Protection Officer who reasonably believes that the life or health of an animal is endangered due to cruel treatment may apply to the district court, magistrate court, or the municipal court for a warrant to search for and seize an animal or animals.
- B. If the court finds probable cause based on the warrant the animal is being cruelly treated, the court shall issue said warrant for the seizure of the animal.
- C. If the owner of the animal cannot be located or cannot be determined, a copy of the affidavit for the search warrant, the search warrant, and the inventory of the animals seized shall be conspicuously posted at the place where the animals were seized at the time the seizure occurs.
- D. The officer seizing the animal under the warrant shall give a copy of the search warrant, affidavit for the search warrant, and a copy of the inventory of the animal or animals seized to the person from whose possession or premises the animals were taken.
- E. At the option and expense of the owner, the seized animals may be examined by a licensed veterinarian of the owner's choice.

- F. The City shall petition the Court within fourteen (14) days after the seizure, seeking a determination of whether the animal or animals were cruelly treated. The Court shall also schedule a hearing on the matter as expeditiously as possible within thirty (30) days unless good cause is demonstrated by the City.
- G. The Court shall provide written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order the publication of a notice of the hearing in a newspaper closest to the location of the seizure.
- H. If the Court finds by clear and convincing evidence that the seized animal is being cruelly treated or that the animal's owner is unable to adequately provide for the animal in a manner consistent with this title the Court shall deem the animal the City of Hobbs Property. Upon final order, the Court may place the animal for adoption or provide for the humane destruction of the animal if deemed necessary. The Owner shall be liable for the cost of boarding the animal and all necessary veterinary examinations and care provided to the animal.
- I. If the Court finds by clear and convincing evidence that the seized animal is not being cruelly treated, and the animal's owner is able to adequately provide for the animal in a manner consistent with this title, the Court shall return the animal to its owner. City shall bear the cost of boarding the animal and all necessary veterinary examinations and care during the pendency of the proceedings.

A full copy of the proposed ordinance 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 proposed ordinance is also available for viewing online at www.hobbsnm.org.

/s/ Jan Fletcher
Jan Fletcher, City Clerk