

**City of Aztec
Ordinance 2018-472**

Amending Section 1-12-2-3 Specific Penalty Schedule for Animal Fines

WHEREAS: The Animal Care and Control staff has thoroughly reviewed and determined that wording on some of the animal fines needed to be corrected for Section 1-12- 2-(3) to accommodate changes to Chapter 5 Animals.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the City of Aztec, New Mexico that Ordinance 2018-472 Amends Section 1-12-2-3 in general to be adopted as attached.

PASSED, APPROVED, SIGNED AND ADOPTED THIS _____ day of _____ 2018.

By the Aztec City Commission, City of Aztec, New Mexico

Mayor Victor Snover

ATTEST:

Karla Sayler, City Clerk

APPROVED AS TO FORM:

Larry T. Thrower, City Attorney

ADVERTISED DATE OF FINAL ADOPTION: _____

EFFECTIVE DATE OF ORDINANCE: _____

Sec. 1-12. Mandatory Penalty and Fees; Disposition and Use of Fees.

1. Mandatory Penalty. Unless a lesser maximum penalty or a specific penalty is established by ordinance for a particular offense, the maximum penalty for violation of any municipal ordinance shall be as follows:

- (1) Except for those violations of ordinances described in subsections 1-2 and 1-3 of this section, a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than ninety (90) days or both;
- (2) For violations of an ordinance prohibiting driving a motor vehicle while under the influence of intoxicating liquor or drugs, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) or imprisonment for not more than one hundred seventy-nine (179) days or both; and
- (3) For violations of a industrial user waste-water pretreatment ordinance as required by the United States Environmental Protection Agency, a fine of not more than nine hundred and ninety-nine dollars (\$999.00) a day for each violation.
(Code 2007, 1-12-1)

2. Specific Penalty Schedule. A fine and fee schedule for specific penalties.

(3) *Animals.* In reference to Chapter 5.

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
5-223	Unauthorized Removal of Animals	No	\$100		\$100
5-235	Failure to Return Adopted Animal for Spay/Neuter Surgery	No	\$200		\$200
5-301	Liability of Damages Caused by Animal	Yes	Set at Hearing	\$29	Set at Hearing
5-302	Restraint Devices	No	\$150	--	\$150
5-303	Dog and Cat Licenses Identification Required	No	\$65		\$65
5-401	Interference with Animal Control Officer	Yes	Set at Hearing	\$29	Set at Hearing
5-402	Service Animals Trained to Assist	No	\$300	--	\$300
5-403	Fraudulent Use of Rabies and License Tags	No	\$100	--	\$100
5-421	Inhumane Treatment of Animals	Yes	Set at Hearing	\$29	Set at Hearing
5-422	Leg hold Traps Prohibited	Yes	Set at Hearing	\$29	Set at Hearing
5-431	Animals At Large				
	1 st Offense	No	\$100	-	\$100
	2 nd Offense	No	\$150	-	\$150
	3 rd Offense	No	\$200	--	\$200

Citing	Title	Appearance Required	Fine Amount	Court Costs	Total Fine
	4 th Offense	No	\$300	-	\$300
5-432	Animals Disturbing The Peace				
	1 st Offense	No	\$100	-	\$100
	2 nd Offense	No	\$150	-	\$150
	3 rd Offense	No	\$200	-	\$200
	4 th Offense	No	\$300	-	\$300
5-433	Animal Defecation: Clean-Up	No	\$100	-	\$100
5-441	Sale Or Gift Of Animals	No	\$200	-	\$200
5-442	Animals On Unenclosed Premises				
	1 st Offense	No	\$100	-	\$100
	2 nd Offense	No	\$150	-	\$150
	3 rd Offense	No	\$200	-	\$200
	4 th Offense	No	\$300	-	\$300
5-443	Unlawful Retention Of Strays	No	\$75	-	\$75
5-444	Poultry	No	\$50	-	\$50
5-501	Rabies Vaccination Required	No	\$75	-	\$75
5-601	Dangerous Animal	Yes	Set at Hearing	\$29	Set at Hearing
5-721	Intact Animal Permit Required	No	\$250	-	\$250
5-731	Limit on the Number of Dogs and Cats (Kennel Multiple Animal Permit Required)	No	\$250	-	\$250
5-741	Breeder Permit Required	No	\$250	-	\$250
5-742	Enclosure for Breeding Animals	No	\$50	-	\$50
5-801	Mandatory Spaying and Neutering	No	\$250	-	\$250

(Ord. 2014-438, eff. 2014-Mar-18)