

## BOARD OF COUNTY COMMISSIONERS

ORDINANCE NO. 5-15-78

AN ORDINANCE PROVIDING FOR RABIES CONTROL; REPORTING OF ANIMAL BITES; PROTECTION OF RESIDENTS FROM ANNOYANCE AND INJURY; IMPOUNDMENT OF ANIMALS; PROVIDING FOR LICENSING, VACCINATION, RESTRAINT, CARE AND PROTECTION, HUMANE DESTRUCTION; REQUIRING CONFINEMENT FOR RABIES OBSERVATION; ESTABLISHING FEES, PENALTIES AND PROVIDING FOR ENFORCEMENT, WITHIN THE COUNTY OF GRANT EXCEPT FOR INCORPORATED MUNICIPALITIES WITHIN THE BOUNDARIES OF SAID COUNTY.

## SECTION I. DEFINITIONS:

1. ANIMAL: Any vertebrate, excluding man.
2. ANIMAL SHELTER: Any facility authorized by the County for the impounding and/or caring for animals held under the authority of this ordinance or state law.
3. ANIMAL CONTROL OFFICER: Any person designated by Grant County to administer and enforce the provisions of this Ordinance; also any law enforcement officer with jurisdiction in the county.
4. OWNER: Any person, who owns, keeps, or harbors one or more animals for more than 6 days. This definition shall also apply to keeper as used in this ordinance.

STATE OF NEW MEXICO  
County of Grant  
I hereby certify that this instrument  
was filed for record on the 18<sup>th</sup> A.D. 1978  
day of May at 2<sup>nd</sup> o'clock P.M. and duly  
recorded in book 204 of the record  
of Ordinances  
at page 9-20  
*Caralmae G. Perez*  
County Clerk, Grant Co., N.M.  
*Marylin Juarez* Deputy

60 to  
0-2022-01  
for Animal Control  
Ordinance

5. PUBLIC NUISANCE: Any animal or animals which:

- a. molests passersby or passing vehicles
- b. attacks other animals
- c. trespasses on school grounds
- d. is repeatedly at large
- e. damages private or public property
- f. barks, whines, or howls excessively
- g. emits noxious or offensive odors.

6. RUNNING AT LARGE: An animal off the premises of the keeper and not under the direct control of a competent person.

Direct control means connected by a secure leash not over six feet in length or some other equivalent means of direct control.

7. RESTRAINT: Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within a secure enclosure on the real property limits of its owner.

8. BITE OR BITTEN: A puncture or tear of the skin inflicted by the teeth of an animal.

9. LICENSING AUTHORITY: Any authorized representative of Grant County or any humane organization authorized to sell licenses and collect fees for impounding or holding of animals. This authority is responsible for the keeping of suitable records of licensing and other activities as directed by the County.

**SECTION II. ENFORCEMENT:**

1. The provisions of this ordinance shall be enforced by all animal control officers and peace officers with jurisdiction in Grant County, New Mexico. It shall be a violation to interfere with an officer in the performance of his duties.
2. The county manager or his designated agent shall have the power to issue reasonable rules and regulations to carry out the intent and purpose of this ordinance.
3. The animal control officers and peace officers shall take unrestrained dogs and nuisance animals into custody by humane means, including the use of tranquilizer guns, so as to effect capture without risk to the officers or other persons as may be involved.
4. The animal control officers are hereby authorized to humanely destroy any sick or injured animals when such need is indicated and the owner cannot be promptly located.

**SECTION III. RABIES CONTROL:**

1. ANNUAL VACCINATION: It is the duty of every person keeping a dog or cat over the age of three months to have such animal vaccinated annually against rabies by a licensed veterinarian. Every veterinarian who vaccinates a dog or cat shall issue to the owner or keeper of the animal a numbered vaccination certificate containing the name and address of the keeper of the animal,

description of the animal vaccinated, the type of vaccine used, the date of vaccination, and the expiration date of the period of immunity.

2. VACCINATION CERTIFICATE: Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this ordinance.

3. HARBORING UNVACCINATED ANIMALS: It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.

4. REPORTING RABIES SUSPECTS: Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report the same to a law enforcement office, animal shelter, or county manager stating precisely when and where such animal was seen and, if possible, where it may be found.

5. REPORTING ANIMAL BITES: Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter, a law enforcement officer, or the county manager. Every physician or other health care professional who treats a person for such bite shall report such treatment to a law enforcement office, animal shelter, or county manager within twelve hours of such treatment. Such treatment must specify the name and precise location of the person bitten.

6. QUARANTINE OF RABIES SUSPECTS: Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital; provided, however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the animal control officer may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer.

7. ENFORCEMENT OF THE QUARANTINE: It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible animal control officer, and is kept continuously on a chain.

8. OWNER'S RESPONSIBILITY: It shall be the duty of the owner of any animal identified as having bitten a person to immediately notify the animal control office or peace officer or county manager and to deliver and surrender said animal to the animal control office for observation within 24 hours of the time the bite is inflicted.

9. DISPOSITION OF ANIMAL AFTER QUARANTINE: At the time of confinement the owner must direct the officer as to the disposition of the animal when observation is ended. After notification of release the owner must remove the animal from the

place of confinement within 24 hours or the animal will be destroyed at the owner's expense. No dog may be released from confinement without authorization of the animal control officer and after payment by the owner of per diem costs incident to custody and fulfillment of ordinance requirements.

SECTION IV. LICENSE REQUIRED:

1. LICENSING PERIOD: Every owner or keeper of a dog which has reached the age of three months shall procure a yearly license. Written application for licenses shall be made to the licensing authority which shall include name and address of applicant, description of the animal and a rabies certificate issued by a licensed veterinarian within the previous 6 months.

2. RENEWAL: Licenses for the keeping of a dog shall be for a period of one year. Application for licenses may be made thirty days prior to and up to sixty days after the start of the calendar year, but no later than March 1.

3. PRO-RATING OF LICENSES: Persons who become residents of the county or whose dog attains the age of three months during the license year shall be charged one-half of the annual fee or a minimum of \$1.50 provided such residence or age occurs after June 30 and provided also that the owner has not been cited or the animal impounded in violation of this ordinance.

4. CERTIFICATES AND TAGS: The current county license and rabies tags shall be affixed to the dog at all times when off the property of the owner. The original license receipt and rabies certificate of all dogs and cats shall be retained by the owner and shall be available for inspection by persons charged with enforcement of this ordinance.

5. LOSS OF LICENSE TAG: In the event the original license tag is lost, the owner shall obtain a duplicate tag from the animal control office.

6. FEES: The annual license fee shall be as established by the animal control office and approved by the county commissioners. Late fees will apply after March 1.

#### SECTION V. PROHIBITED ACTIVITIES:

1. FALSE AND STOLEN DOCUMENTS: It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit or forged license, certificate or tag.

2. ANIMALS RUNNING AT LARGE: It shall be unlawful for any dog to run at large.

3. NUISANCE: It is unlawful for an owner to allow any animal to be a public nuisance.

4. CONFINEMENT DURING HEAT: Any female dog in heat shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be

prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in a kennel or the animal control office at the keeper's expense or be cited.

5. INJURY TO ANIMALS BY MOTORISTS: Any person operating a motor vehicle which strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal control office or the sheriff.

6. ABANDONMENT OF ANIMALS: It is unlawful to abandon an animal within Grant County.

7. TRESPASSING DOGS:

a. When any person who owns or leases property has suffered damage to his property or livestock and finds any dog on his property under circumstances leading to the reasonable assumption that such dog has caused or contributed to damage to property or livestock, it shall be the right of the owner or lessee of said property to kill such dog when such dog is on the property owned or leased by him.

b. Prohibited Methods of Killing - Poison Unlawful

(1) It shall be unlawful for any person to dispense, set out, administer, or otherwise poison any dog within the limits of Grant County, New Mexico.

(2) It shall be unlawful to set any trap within one-fourth (1/4) mile of any habitation within this county.

8. CARE AND MAINTENANCE: It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter or to carry any animal in or upon any vehicle in a cruel or inhumane manner.

SECTION VI. IMPOUNDMENT:

1. IMPOUNDING ANIMALS: Animals kept for violation of this ordinance and stray animals shall be taken into custody by an animal control officer or other designated official and impounded.

2. RIGHT OF ENTRY: Animal control officers, in performance of their duties may enter upon private property, except a private residence, for the purpose of apprehending animals running at large and stray animals.

3. REGISTER: The animal control officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.

4. NOTICE TO OWNER: If owner is known, he must be notified by telephone, mail or personal service. If the owner of the animal is not known, notice of impoundment shall be posted in a conspicuous place at the animal shelter for a period of 3 days.

5. RIGHT TO REDEEM: The owner of any animal which has been impounded under the provisions of this ordinance shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges, and such other costs as set by the animal control officer.

6. NOTICE OF VIOLATION: In addition to, or in lieu of, impoundment, the animal control officer or peace officer may issue to the known owner of such animal, a notice of ordinance violation. Such notice shall impose upon the owner the penalties of impoundment. These penalties shall be paid at the Grant County animal control office or animal shelter within seventy-two hours in full satisfaction of the assessed penalty. In addition, each owner shall also fulfill all ordinance requirements as to rabies innoculations and licensing.

7. FAILURE TO PAY VIOLATION NOTICE: In the event that such penalty notice is not paid within the time prescribed, a complaint shall be filed with the municipal court by the officer who issued the citation and said complaint shall thereafter be prosecuted in the manner provided for violations of the ordinances of the county. Upon conviction the court shall impose penalties.

8. TIME FOR REDEMPTION: All impounded animals shall be redeemed within 3 days after impoundment. Any animal not redeemed within the required period shall become the property of the animal shelter and may be placed for adoption or the animal may be humanely destroyed.

SECTION VII. PENALTY, SAVING, REPEALING, REVIVOR, AND EMERGENCY  
CLAUSE:

1. PENALTY CLAUSE: Any person who violates any of the provisions of this ordinance shall upon conviction be punished by a fine not exceeding \$100.00 and/or imprisonment for a period not exceeding 60 days or both such fine and imprisonment. Each day of violation shall be considered a separate offense.

2. SAVING CLAUSE: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

3. REPEALING CLAUSE: Dog Ordinance passed 4/3/72 and Ordinance No. 1/13/77 and all other ordinances in conflict herewith are hereby repealed.

4. EMERGENCY CLAUSE: This ordinance is hereby declared an emergency ordinance on the grounds of urgent public need and shall be effective immediately upon its passage.

5. PUBLICATION: No prior publication of this ordinance shall be necessary. The Board of County Commissioners declares that an emergency exists and there is a danger to the public health, safety and welfare of the county. This ordinance shall be published once a week for 2 successive weeks after final passage to give notice to the public.

This ordinance was duly considered and approved by the Grant County Board of Commissioners this 15th day of May, 1978.

GRANT COUNTY COMMISSIONERS

Richard C. Johnson  
Richard C. Johnson, Chairman

Albert Chavez  
Albert Chavez

Sam Grijalva  
Sam Grijalva

ATTEST:

Carolina A. Perez  
Carolina Perez  
County Clerk