

De Baca County, New Mexico

Office of the County Commission

Adolfo Lucero, Chair George Gonzales Becky Harris

PO Box 347 Fort Sumner, NM 88119 575-355-2601

AMENDED ORDINANCE # 2012-02

AN ORDINANCE PERTAINING TO ANIMAL CONTROL AND PROVIDING FOR COUNTY POWERS OVER ANIMALS RUNNING AT LARGE: ENFORCEMENT, SEIZURE AND IMPOUNDMENT; AND IMPOSING OF PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the De Baca County Board of Commissioners has heretofore determined that the health, safety and general welfare of the residents of De Baca County, New Mexico would be best served by the adoption of an Animal Control Ordinance; and

WHEREAS, Section 4-37-1 et seq., NMSA 1978 Compilation, provides that counties shall adopt ordinances to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners in and for the County of De Baca, State of New Mexico, that this ordinance be enacted pursuant to New Mexico law to read as follows;

Section 1. DEFINITIONS. As stated in this Ordinance, the following definitions shall apply unless otherwise specified.

- A. OWNER.** The "owner" shall mean any person, group of persons, business entity or corporation owning, keeping or harboring any dog, cat or other domesticated animal commonly kept as a household pet. Owner shall also mean any governmental entity owning, keeping or

harboring any animal which has been kept in captivity or confinement for more than thirty (30) consecutive days.

- B. IMPOUNDMENT.** "Impoundment" shall mean the taking into custody or confinement in a facility designated for the keeping or confinement of such animals. Any animal so impounded shall be subject to the rules and regulations of any facility used by the De Baca County Sheriff's Office for the release and/or other appropriate disposition of said animal.
- C. RABIES SUSPECT ANIMAL.** The phrase "rabies suspect animal" shall mean any dog, cat or other animal which has been exposed to or is suspected of having been exposed to rabies through a bite by any other animal or through contact with any other animal known or reasonably suspected to be infected with rabies. Any such animal is subject to state regulation and/or statute.
- D. RUNNING AT LARGE.** The phrase "running at large" shall mean being on private or public property other than that belonging to, occupied by or controlled by the owner of the animal and the animal not being under the physical control of the owner or not obedient to the owner's commands.

Section 2. ANIMALS RUNNING AT LARGE. Any animal "running at large" shall be subject to seizure and impoundment. Any animal so seized and impounded shall be subject to impoundment regulations and procedures at the facility utilized by the De Baca County Sheriff's Office.

Section 3. CRUELTY TO ANIMALS. Cruelty to animals shall consist of the placement of an animal in a circumstance which endangers or puts the animal at substantial risk of loss of life or limb. It includes but is not limited to the following:

- a. Torturing, tormenting, poisoning, mutilating, cruelly killing or overdriving any animal.
- b. Depriving of shelter to an animal to the extent it endangers or could endanger the life of said animal.

- c. Depriving any animal of necessary food and/or drink.
- d. Abandonment or dumping of an animal.
- e. Placement of an animal in a closed vehicle or other confined area whereby it is subjected to extreme temperatures or conditions.

Section 4. ENFORCEMENT. The Sheriff of De Baca County or his designee shall be responsible for the enforcement of this Ordinance. The Sheriff shall have the discretion to name a designee and describe the duties of said designee in accordance with New Mexico law and De Baca County Ordinances and Policies.

Section 5. VACCINATION. No person shall keep, own or harbor any member of the canine or feline species over twelve (12) weeks of age within this County unless that dog or cat is vaccinated against rabies. Every such dog or cat shall be vaccinated against rabies within thirty (30) days upon any person harboring, owning or taking custody of said animal. Upon request or demand by the Sheriff or his designee, every owner shall provide proof of the animal's rabies vaccination.

Section 6. INTERFERENCE. No person shall interfere, hinder or molest any agent of the De Baca County Sheriff's Office in the performance of any duty as herein provided.

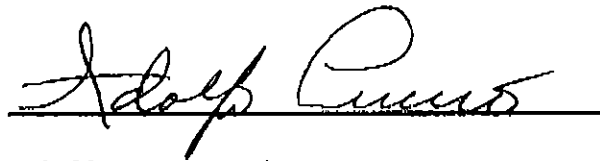
Section 7. REPEALS AND SEVERABILITY. All other ordinances of this County pertaining to animal control are hereby repealed by the adoption of this Ordinance. Additionally, if any part of this Ordinance is held to be invalid, such shall be deemed severed and shall not void any remaining sections of this Ordinance .

Section 8. PENALTY. Any violation of this Ordinance shall constitute a petty misdemeanor and shall be punishable by a fine up to three hundred dollars (\$300) and/or imprisonment of no more than thirty (30) days.

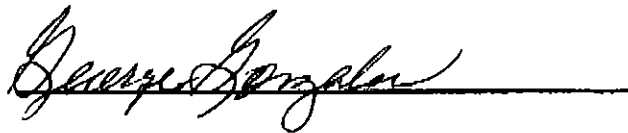
APPROVED AND ADOPTED this *3rd* day of *MAY, 2013*.

BOARD OF COUNTY COMMISSIONERS

DE BACA COUNTY, NEW MEXICO



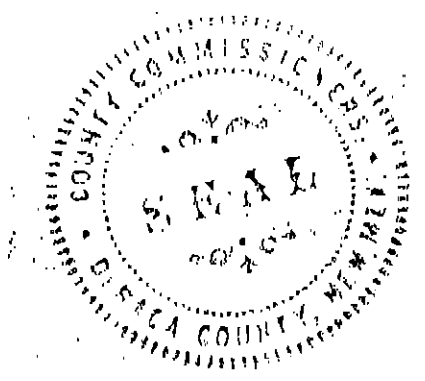
Adolfo Lucero, Chair



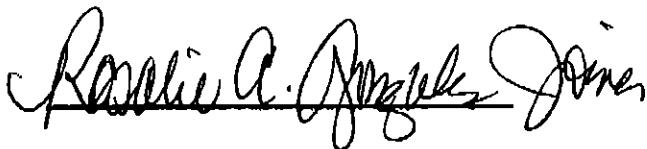
George Gonzales, Vice Chair



Becky Harris, Commissioner



ATTEST:



ROSALIE A. GONZALES JOINER

