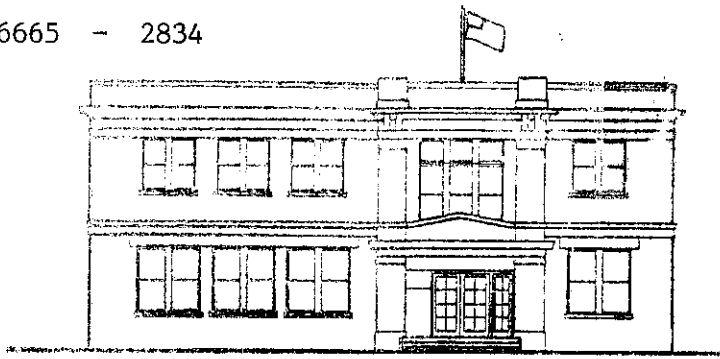


COMMISSIONERS  
Michael E. Lewis  
Navor R. Gutierrez  
Robert L. Casados



P.O. Box 1002  
Mosquero, NM 87733  
505-673-2927

## County of Harding

### COUNTY ORDINANCE # 2004-02 RE: ANIMAL CONTROL ORDINANCE

Commissioner M. Lewis moved adoption of the foregoing ordinance, duly seconded by Commissioner N. Gutierrez.

The Motion to adopt said Ordinance, as amended, upon being put to a vote, was passed and adopted on the following recorded vote:

Those Voting Aye: Michael E. Lewis

Navor R. Gutierrez

Robert L. Casados

Those Voting Nay: NONE

Those Absent: NONE

The majority having voted in favor of said motion, the Board declared said motion carried and said ordinance adopted, whereupon the County Clerk and the County Commission signed the ordinance upon the records of the minutes of the Governing Body.

After consideration of the matters not relating to the ordinance, the meeting on motion duly made, seconded and unanimously carried, was adjourned.

*Michael E. Lewis*  
Harding County Chairman

Attest:

*Emilia M. Valencia*  
Harding County Clerk CDC

(Pursuant to Section 4-37-9 NMSA 1978, no Ordinance shall take effect until 30 days after the ordinance has been recorded in the book kept by the County for that purpose, unless declared necessary for the public peace, health & safety, the ordinance shall take effect when recorded.)

## HARDING COUNTY ANIMAL CONTROL ORDINANCE

AN ORDINANCE OF THE COUNTY OF HARDING, NEW MEXICO ADOPTED THIS ORDINANCE RELATING TO ANIMAL CONTROL AND PROVIDING COUNTY POWERS OVER ANIMALS RUNNING AT LARGE; ENFORCEMENT, FEES, VACCINATIONS, CRUELTY TO ANIMALS; PROHIBITED DUMPING OR RELEASING LIVE ANIMALS INTO THE WILD and IMPOSING THE PENALTY FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the livestock industry is vital to the Harding County economy: and

WHEREAS, predators are drastically destructive of livestock and deleterious to the livestock industry; and

WHEREAS, the Harding County Board of Commissioners find that this Ordinance is necessary to provide for the safety, preserve the health, promote the prosperity and improve the prosperity and improve the morals, order, comfort and convenience of the County or its inhabitants.

### SECTION 1. DEFINITIONS:

As used in this ordinance the following definitions shall apply unless otherwise specified.

**OWNER:** The word "owner" shall mean any person, group of persons, firm, business or corporation owning, keeping or harboring any dog, cat, or other animal or animals.

**RABIES SUSPECT ANIMALS:** The phrase "rabies suspect animals" shall mean any dog, cat or other animal which has been exposed 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.

**RUNNING AT LARGE:** The phrase "running at large" shall mean being on private or public property other than that belonging to, occupied or leased by the owner while not under the actual physical control of the owner after a complaint has been received by anyone charged with a duty to enforce this ordinance.

### SECTION 2. ENFORCEMENT:

The Sheriff of Harding County shall be responsible for the enforcement of this ordinance and to assist in that enforcement, the Sheriff may designate an Officer who shall enforce Animal Control Laws, orders, ordinances and regulations.

**SECTION 3. RABIES SUSPECT ANIMAL:**

- A. Every rabies suspect animal shall be immediately confined by the owner and the owner shall not permit the rabies suspect animal to contact any person or animal. The owner shall immediately notify the Sheriff. The owner shall surrender every rabies suspect animal to the Sheriff on demand. The Sheriff shall impound every rabies suspect animal at the expense of the owner thereof unless owner has made satisfactory arrangements for the quarantine of such animal. No rabies suspect animal shall be released from impoundment or quarantine unless and until it has been certified free from rabies by a licensed veterinarian.
- B. No person shall kill a rabies suspect animal nor remove such animal from the County without permission of the Sheriff, except when it is necessary to kill such animal to prevent it from escaping or biting any person or animal.
- C. The Sheriff shall direct the disposition of any animal found to be afflicted with rabies.
- D. The carcass of any dead rabies suspect animal shall be surrendered to the Sheriff on Demand,

**SECTION 4. ANIMALS RUNNING AT LARGE GENERAL COMMITTING DAMAGE, BEING A NUISANCE:**

It shall be the duty of the Sheriff or deputies, while on duty to seize and impound all dogs or cats, licensed or unlicensed, found running at large outside of a municipality but within Harding County. If a dog is wild or cannot be apprehended by the Sheriff and no owner has reported the animal lost, then the Sheriff may use his own discretion in removing such animal.

If any dog or cat is not redeemed by owner within seventy-two (72) hours, by the owner paying the reasonable cost of impoundment and care as well as any vaccination: such dog or cat may be humanly destroyed or otherwise disposed of, provided that a reasonable effort has been made to notify the owner, if known.

It is not uncommon for dogs to be used for gathering livestock or for hunting . It is not uncommon for these dogs to get separated from their owners, for this reason it shall be unlawful for anyone to shoot a dog or otherwise destroy a dog that is not causing them, their livestock or property harm. But they shall notify the Sheriff of the animal running at large. Anyone shooting or destroying an animal that is not causing harm to them, their livestock or property, may be held liable for their actions by the owner of the animal.

**SECTION 5. DOGS WHICH ATTACK LIVESTOCK, PERSONS, ETC.; DOG PACKS; NO LIABILITY FOR KILLING SUCH DOGS:**

- A. If any dog shall kill or injure any livestock, the owner or keeper of such dog shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction
- B. It shall be the right of any owner of livestock so killed or injured by the actions of any dog to kill the dog while it is upon property controlled by the owner of the livestock.
- C. It is unlawful to keep any dog after it is known that the dog is liable to kill or injure livestock and it shall be the duty of the owner or keeper to kill or have killed such dog. Anyone, including the Sheriff or his deputies of the County shall summarily kill any dog, licensed or unlicensed, if such dog is caught in the act of pursuing or wounding livestock, wounding or killing poultry or attacking human beings.
- D. Common sense should always be used in all circumstances. It shall be taken into consideration if a dog bites anyone while protecting its owner or owner's property. It shall be unlawful for anyone to provoke a dog into doing harm to that person or someone else or his or her livestock or property.
- E. Three or more dogs, licensed or unlicensed, running together are hereby declared to be a dog pack and a nuisance, dangerous to the health, safety and welfare of the residents of the County. It shall be the right of all individuals encountering a dog pack to notify the Sheriff or disperse such immediately and if appropriate, kill the dogs comprising the dog pack. It should always be taken into consideration the possibility of lost hunting or livestock dog.
- F. There shall be no liability of any person, including the Sheriff or his deputies of the County, in damages or otherwise for killing of a dog as specified in this section.

**SECTION 6. CRUELTY TO ANIMALS:**

- A. It is unlawful for the keeper of any dog, cat, or other pet or animal to willfully or through negligence, injure or mistreat such pet or animal, by excessive beating, kicking or other physical abuse; failure to provide food, water or veterinary care; failure to provide clean shelter or other areas of confinement of adequate size; or other acts of cruel and inhuman treatment.
- B. No person shall harass or taunt any dog, cat, pet, or other animal which is on the premises of its keeper. Nothing in this sub-section shall apply to a

licensed veterinarian in the use of euthanasia when authorized by the pet's keeper or police officers in performance of their duty.

- C. It is unlawful for any person to cause, instigate or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.

**SECTION 7. REPORTING OF ANIMAL BITES:**

Any person bitten by any animal and the owner of any animal biting any person shall immediately notify the Sheriff of the circumstances of the bite and the name, age, sex, and address of the victim and the owner. The Sheriff shall conduct an investigation to determine if the animal has been properly vaccinated for rabies and that the period of rabies immunity has not expired. If such determination cannot be conclusively made, the animal shall be considered a rabies suspect animal as hereinbefore defined.

**SECTION 8. DUMPING OF ANIMALS PROHIBITED:**

No person shall dump or abandon any living animal at any location. Such dumped or abandoned animal may be seized and impounded in the same manner as an animal running at large.

- A. Within the boundaries of Harding County no person shall release into the wild or upon property of another person, any animal of the domestic, wild or exotic genera.
- B. As used herein, the term "release" shall mean the act of setting free to roam at large without the custody of control of any owner, custodian or other person.
- C. Conviction of violation of the Ordinance shall carry a fine of \$300.00 or imprisonment of 90 days or both.

**SECTION 9. PENALTY:**

The violation of any of the provisions of this ordinance shall be a petty misdemeanor as defined by Section 30-1-6 NMSA 1978 Compilation.

This Ordinance shall be recorder in the book kept for the purpose and shall be authenticated by the signature of the County Clerk and shall take effect in accordance with law.

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PASSED, APPROVED AND ADOPTED at a regular meeting of the County Commission of Harding County, State of New Mexico, this 13 day of April, 2004.

HARDING COUNTY, NEW MEXICO

BY Michael E. Lewis  
CHAIRMAN, COUNTY COMMISSION

BY [Signature]  
COUNTY COMMISSIONER

BY Robert L. Casados  
COUNTY COMMISSIONER

(seal)

ATTEST



Em Maria Atencio  
HARDING COUNTY CLERK *etc*

State of New Mexico }  
County of Harding } SS

This instrument was filed for record on this 28<sup>th</sup> day of April A.D. 2004 at 11:00 o'clock AM and duly recorded in Book 18 of MISC page 2833-2839

By Maria Atencio County Clerk  
Deputy Clerk



## **County of Harding**

### **RESOLUTION 2004-10**

**DECLARING THE INTENT OF THE BOARD OF COUNTY COMMISSIONERS OF HARDING COUNTY, NEW MEXICO, TO CONSIDER FOR ADOPTION AN ORDINANCE for Animal Control within Harding County outside of any municipalities. For the purpose of providing a guideline relating to Animal Control and providing County Powers over animals running at large, Enforcement, Seizure, vaccinations, Cruelty: Prohibited Dumping or releasing of Live Animals into the wild and Imposing the Penalty for Violations of this Ordinance and Directing the County Clerk to Publish Notice of Intent to Consider an Ordinance in a Newspaper of General Circulation within the County.**

**WHEREAS, HARDING COUNTY, NEW MEXICO (herein "County"), desires to consider for adoption an ordinance called The Harding County Animal Control Ordinance, to provide a guideline for Animal Control for Harding County outside of the Municipalities.**

**WHEREAS, SECTION 4-37-7, NMSA 1978, requires that publication of the title and general summary of this subject matter of any proposed ordinance be made in a newspaper of general circulation within the County at least two weeks prior to the meeting of the Board of County Commissioners at which the ordinance is proposed for final passage. The date for consideration of approval will be 4-13-2004 at 11:00 a.m.**

**BE IT RESOLVED BY THE COUNTY COMMISSION, THE GOVERNING BODY OF THE COUNTY:**

**Section 1. That all action (not inconsistent with the provisions hereof) heretofore taken by the County Commission of the County and the officers thereof directed toward: The Harding County Animal Control Ordinance:**

**For the purpose of providing a guideline relating to Animal Control and providing County Powers over animals running at large, Enforcement, Seizure, vaccinations: Prohibited Dumping or releasing of Live Animals into the wild and Imposing the**

Penalty for Violations of this Ordinance and Directing the County Clerk to Publish Notice of Intent to Consider an Ordinance in a Newspaper of General Circulation within the County. Be and the same is hereby ratified, approved and confirmed.

Section 2. That the County Clerk are hereby directed in accordance with Section 4-37-7, NMSA 1978, as amended, to publish in the Union County Leader, a newspaper of general Circulation within the County, a title and general summary of the Ordinance relating to and authorizing such documents at least two week prior to the meeting at which the County Commission will consider such ordinance. The County Clerk may undertake such publication upon on their own initiative and submittal of any necessary documents related to the proposed ordinance.

PASSED AND ADOPTED THIS 5th day of March, 2004

HARDING COUNTY, NEW MEXICO

BY Michael E. Lewis  
CHAIRMAN, COUNTY COMMISSION

BY Not Present  
COUNTY COMMISSIONER

BY Robert L. Casch  
COUNTY COMMISSIONER

(seal)

ATTEST

Elizabeth Martiney  
HARDING COUNTY CLERK