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COUNTY OF SOCORRO  
STATE OF NEW MEXICO

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County Clerk  
Deputy

**ANIMAL CONTROL ORDINANCE**  
**OF**  
**SOCORRO COUNTY**  
**NEW MEXICO**  
**ORDINANCE NO. 98-005**

SOCORRO COUNTY  
BOARD OF COUNTY COMMISSIONERS  
ORDINANCE NO. 98-005

SOCORRO COUNTY ANIMAL CONTROL ORDINANCE

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**PREAMBLE**

**WHEREAS**, the growth of the human population in Socorro County has been accompanied by a growth in the population of domestic animals; and,

**WHEREAS**, nuisances caused by domestic animals are increasingly a problem in Socorro County; and,

**WHEREAS**, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to preserve the health and to provide for the safety, order, comfort and welfare of the citizens of the county; and,

**WHEREAS**, Section 30-18-1 et seq. NMSA 1978 describes certain controlled activities relating to animals; and

**WHEREAS**, Section 77-1-1 et seq. NMSA 1978 establishes standards for the management of domestic animals, and further, requires that each county shall make provision by ordinance for the seizure and disposition of dogs and cats running at large and not kept or claimed by any person on their premises, and requires that each county shall provide for the impoundment of rabies-suspect animals and shall designate a part-time or full-time animal control officer who shall be deputized to enforce animal control laws, orders, ordinances and regulations; and,

**WHEREAS**, the Board of County Commissioners of Socorro County has determined that the health, safety, and general welfare of the residents of Socorro County would be best served by adoption of an animal control ordinance;

**NOW THEREFORE BE IT ORDAINED** that the Board of County Commissioners of Socorro County do hereby establish an animal control ordinance for Socorro County as follows:

**ARTICLE I: TITLE**

This Ordinance may be cited as the "Animal Control Ordinance of Socorro County" and is referred to hereinafter as "this Ordinance."

**ARTICLE II: DEFINITIONS**

**Abandon** means to leave a domestic animal without food, water or

shelter for more than 24 hours on one's premises, or, to dump or leave off a domestic animal on property other than one's own without the consent of the owner of the property where the domestic animal is left and without making provision for the adequate feeding, watering and shelter of the domestic animal.

**Adoption** means the retrieval of a domestic animal from the animal shelter by choice and assume responsibility for proper care in accordance with this Ordinance.

**Animal Control Officer** means the Sheriff of Socorro County or any person designated as such by the Socorro County Sheriff who shall be deputized to enforce animal control laws, orders, ordinances and regulations or any person designated as such under a duly adopted Joint Powers Agreement establishing such right of appointment.

**Animal Shelter** means any facility used by Socorro County in which stray, lost or unwanted animals are kept and released for adoption or reclaim.

**Attack** means to bite or scratch or chase.

**Bite or Scratch** means an abrasion, scratch, puncture, tear or piercing of the skin or clothing caused by a domestic animal's mouth or claws, respectively.

**Confined** means securely chained or kept caged or fenced.

**Custody** means care and/or responsibility. It does not mean physical control, confinement or restraint.

**Domestic Animal** includes cats, dogs, wolf hybrids, coyote hybrids, coyotes, domestic ferrets and other animals commonly known and kept as domestic pets.

**Owner** means any person, group of persons, or business entity who owns, keeps, harbors, or permits animal(s) to remain in, on, or about his or her premises.

**Reclaim** means the retrieval of a domestic animal from the animal shelter by its owner or responsible person.

**Responsible person** means an owner of a domestic animal or any adult person otherwise responsible for the care of a domestic animal.

**Restraint** means keeping a domestic animal under the immediate control of a responsible person on a leash or lead no more than eight feet in length; or, keeping a domestic animal in a fenced or caged area from which the domestic animal cannot escape; or under the demonstrable voice control of a responsible person.

**Stray** means the running at large of a domestic animal, without restraint, beyond the boundaries of the premises of the owner of that domestic animal.

**Vicious Animal** means any domestic animal that has attacked, without provocation, any person or domestic animal.

### **ARTICLE III: CONTROLLED ACTIVITIES**

#### **Section 1. Stray Domestic Animals**

Responsible persons shall not allow any domestic animals in their custody to stray.

#### **Section 2. Confinement of Vicious Domestic Animals**

No person may keep or harbor domestic animals that demonstrate unprovoked attacks on human beings, or which might have a propensity to attack humans, unless confined so that the animal cannot attack any person. The responsible person shall post the enclosure on all sides with prominent notice of the threat posed by the animal confined therein.

#### **Section 3. Disturbing the Peace**

- 3.A. Responsible persons shall not allow any domestic animals in their custody to persistently or continuously bark, howl, or yowl.
- 3.B. No person may keep domestic animals in conditions or in such numbers so as to result in noxious or offensive odors or accumulations of feces, urine or other bodily wastes, or confine them in such conditions so as to become unmanageable and potentially vicious.
- 3.C. Responsible persons shall not allow any domestic animals in their custody to attack people in any location where they are lawfully located.
- 3.D. Responsible persons shall not allow any domestic animals in their custody to attack animals that are located on their owner's property, confined or under the physical restraint of a responsible person.

#### **Section 4. Unlawful Use of Vaccination Certificates**

No person may remove any vaccination tag from one domestic animal

to another, or manufacture or cause to be manufactured or to possess or control a stolen, counterfeit or forged animal vaccination certificate or tag.

**Section 5. Physical Abuse**

No person may maliciously beat, maim, disfigure, torture, violently set upon or kill any domestic animal. However, any person may employ reasonable force to drive off vicious or trespassing domestic animals, and owners of livestock may use the rights confirmed to them by Section 77-1-2 NMSA 1978. Further, this Ordinance shall not be construed to limit the ability of any responsible person to humanely slaughter any animal commonly kept as livestock.

**Section 6. Neglect**

Responsible persons shall not deprive any domestic animals of shelter, food, water or care necessary to maintain the animal's health. Further, responsible persons shall not place their animal in a situation that poses a substantial threat to the animal's life.

**Section 7. Poisoning**

No person may deliberately or intentionally feed to or set out to be ingested by any domestic animal any substance that is treated or prepared with any harmful or poisonous substance.

**Section 8. Abandonment**

No person may abandon, or cause to be abandoned, any domestic animal.

**ARTICLE IV: RABIES VACCINATION**

**Section 1. Vaccination Required**

Responsible persons having custody of any dog, cat or domestic ferret three months of age or over shall have the animal(s) vaccinated for rabies by, or under the supervision of, a licensed veterinarian. Any veterinarian who vaccinates domestic animals for rabies shall issue a serially numbered tag and certificate for each vaccination. Each domestic animal must be revaccinated before the expiration of the first and each subsequent rabies vaccination period.

**Section 2. Domestic Animals With Symptoms**

No person may keep any domestic animal with any symptom of rabies. Any person observing an animal with any symptom of rabies shall notify the Animal Control Officer or the Socorro

County Sheriff's Department immediately.

**Section 3. Destruction of Domestic Animals With Symptoms**

No person may fail or refuse to destroy any domestic animal with symptoms of rabies.

**ARTICLE V: ANIMAL CONTROL OFFICER; AUTHORITY**

**Section 1. Animal Control Officer**

Socorro County shall appoint at least one Animal Control Officer or shall, under a duly adopted Joint Powers Agreement, accept one or more Animal Control Officers appointed by another municipality or county.

**Section 2. Authority of the Animal Control Officer**

Subject to constitutional limitations, Animal Control Officers shall have the following authority:

- 2.A. To require responsible persons to exhibit proof of rabies vaccination for any dog, cat or domestic ferret in their custody.
- 2.B. To enter upon private property to affix any summons, notice or official document upon the door of any residence occupied by a responsible person.
- 2.C. To enter upon any premises or go upon unenclosed parcels of land or enter any pen, enclosure, yard or vehicle to enforce this Ordinance. However, the Officer must personally view any violation proscribed by this Ordinance that would place a domestic animal in immediate peril. Further, the Officer may enter only to the extent necessary for the immediate rescue of an imperiled animal.
- 2.D. To impound any stray domestic animals or any domestic animals found confined or treated contrary to the provisions of this Ordinance.

**Section 3. Responsibilities of the Animal Control Officer**

- 3.A. Any Animal Control Officer shall make every attempt to impound any domestic animal that he or she finds running stray and not under the control of the owner or responsible person.
- 3.B. Any Animal Control Officer shall destroy any dog he or she finds in the act of pursuing or wounding livestock or wounding and killing poultry or attacking humans.
- 3.C. Any Animal Control Officer shall destroy any domestic animal exhibiting symptoms of rabies. The Animal Control Officer shall have any such animals tested for

rabies by the New Mexico Department of Health.

**Section 4. Entry to Buildings**

No Animal Control Officer may enter any building, dwelling or place of business without the permission of the owner. However, nothing in this section limits the authority of an Animal Control Officer pursuant to a warrant issued by a court of competent jurisdiction.

**ARTICLE VI: IMPOUNDMENT, ADOPTION, RECLAIM, AND DISPOSAL OF DOMESTIC ANIMALS**

**Section 1. Impoundment of Stray Domestic Animals**

Animal Control Officers or the Socorro County Sheriff's Department may impound any stray domestic animal.

- 1.A. If a stray domestic animal is wearing a license, collar, anti-rabies tag, has an identifying tattoo, microchip or is otherwise identifiable, the animal shall be impounded for at least seven days, unless during that time the animal has been adopted or reclaimed by its owner. During the first three days of impoundment, the animal shelter shall attempt, at least once daily, to notify the animal's owner(s) or responsible person(s) of the impoundment by either direct communication or oral or written message. However, the animal shelter need not make successive notification attempts if a preceding attempt was successful. Further, the animal shelter shall not release the animal for adoption during the first six days of impoundment.
- 1.B. If a stray domestic animal is not wearing a license, tag or other identification, the animal shelter shall impound it for at least four days and may release it for adoption during that time.
- 1.C. If an owner or responsible person contacts the animal shelter before expiration of the impoundment period, but cannot arrange to reclaim the animal before the impoundment period expires, the animal shelter shall assist the owner or responsible person in making alternative arrangements, at the owner or responsible person's expense.

**Section 2. Agreement Required for Adopting a Domestic Animal**

The animal shelter shall not release any domestic animal for adoption unless the adopting person signs a reclaim/adoption agreement, the form of which shall be titled "Appendix B:



Reclaim/Adoption Agreement" and shall be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance. The reclaim/adoption agreement shall:

- 2.A. obligate the adopting person to vaccinate any animal not proven to be vaccinated for rabies, and
- 2.B. obligate the adopting person to have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of adoption.

**Section 3. Agreement Required For Reclaiming A Domestic Animal**

The animal shelter shall not release any domestic animal for reclaim unless the owner or responsible person signs a reclaim/adoption agreement, the form of which shall be titled "Appendix B: Reclaim/Adoption Agreement" and shall be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance. The reclaim/adoption agreement shall:

- 3.A. obligate the owner or responsible person to vaccinate any dog, cat or domestic ferret not proven to be vaccinated for rabies, and
- 3.B. obligate the owner or responsible person to fulfill one of the following:
  - 3.B.1. to have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of adoption; or,
  - 3.B.2. to keep the animal confined or restrained in such a way as to prevent its unintended breeding.

**Section 4. Sterilization Deposit Required; Forfeiture**

- 4.A. The animal shelter shall require a sterilization deposit, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the animal shelter may not require a sterilization deposit if the animal is proven to be sterilized or, in the case of a reclaim, the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding.
- 4.B. An owner or responsible person shall forfeit the

sterilization deposit paid for a domestic animal that is subsequently impounded and not proven to be sterilized.

**Section 5. Sterilization Fee**

The animal shelter shall require a non-refundable sterilization fee, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the animal shelter may not require a sterilization fee if the animal is proven to be sterilized or, in the case of a reclaim, the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding. The animal shelter shall pay the amount of the fee to any licensed veterinarian who presents an unaltered copy of the reclaim/adoption agreement, certifying that the animal was sterilized as required. The animal shelter shall have no responsibility for fees required by the veterinarian in excess of the sterilization fee.

**Section 6. Rabies Vaccination Fee**

The animal shelter shall require a non-refundable rabies vaccination fee, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption or reclaim of each dog, cat or domestic ferret. However, the animal shelter may not require a rabies vaccination fee if the animal is proven to be vaccinated for rabies. The animal shelter shall pay the amount of the fee to any licensed veterinarian who presents an unaltered copy of the reclaim/adoption agreement, certifying that the animal was vaccinated as required. The animal shelter shall have no responsibility for fees required by the veterinarian in excess of the rabies vaccination fee.

**Section 7. Intact Animal Fee**

In the case of a reclaim where the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding, the animal shelter shall require payment of an intact animal fee, in accordance with Section 77-1-20(F), NMSA 1978, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the reclaim each domestic animal.

**Section 8. Impoundment Fee**

The animal shelter shall require payment of an impoundment fee, given in Appendix A: Schedule of Fees, to be adopted by the

Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the reclaim of any domestic animal.

**Section 9. Adoption Fee**

The animal shelter shall require payment of an adoption fee, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption of any domestic animal.

**Section 10. Refund of Sterilization Deposit**

The animal shelter shall reimburse the sterilization deposit to the adopting or reclaiming person only upon presentation of a receipt from a veterinarian that the animal is sterilized.

**Section 11. Destruction of Unclaimed Domestic Animals**

The animal shelter shall destroy any impounded domestic animal not adopted or reclaimed within seven days of being impounded, unless other acceptable arrangements have been made pursuant to Article VI, Section 1.C. of this Ordinance.

**ARTICLE VII: PENALTIES FOR VIOLATIONS**

Violations of this Ordinance shall be punishable by a fine of up to three-hundred dollars (\$300.00), and/or imprisonment of no more than ninety days, or both.

**ARTICLE VIII: REPEALING CLAUSE**

All other Socorro County Ordinances, relating to domestic animal control and which are in conflict with the above provisions are hereby repealed by the adoption of this Ordinance.

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**ARTICLE IX: SAVINGS CLAUSE**

if any section, sub-section, sentence, clause or phrase of this Ordinance is held invalid for any reason, the validity of the remaining portions of this Ordinance shall not be affected.

SOCORRO COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 98-\_\_\_\_\_

WHEREAS, the Socorro County Board of County Commissioners has adopted the Socorro County Animal Control Ordinance, Ordinance Number 98-005; and

WHEREAS, Article VI of the Socorro County Animal Control Ordinance, Ordinance Number 98-005, requires the Board of County Commissioners to adopt an Appendix A: Schedule of Fees, by a resolution separate from the Ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Socorro County Board of County Commissioners that it adopts the following Schedule of Fees to serve as Appendix A to the Socorro County Animal Control Ordinance, Ordinance Number 98-005:

**APPENDIX A: SCHEDULE OF FEES**

The animal shelter shall assess the following fees as required by Article VI of the Socorro County Animal Control Ordinance, Ordinance Number 98-005, before releasing any domestic animal:

Sterilization Deposit.....	\$25
Sterilization Fee (male animals).....	\$30
Sterilization Fee (female animals).....	\$60
Rabies Vaccination Fee.....	\$8
Intact Animal Fee (male animals).....	\$55
Intact Animal Fee (female animals).....	\$85
Impoundment Fee.....	\$3 per day
Adoption Fee.....	\$0

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SOCORRO COUNTY  
BOARD OF COUNTY COMMISSIONERS  
RESOLUTION NO. 98-\_\_\_\_\_

**WHEREAS**, the Socorro County Board of County Commissioners has adopted the Socorro County Animal Control Ordinance, Ordinance Number 98-005; and

**WHEREAS**, Article VI of the Socorro County Animal Control Ordinance, Ordinance Number 98-005, requires the Board of County Commissioners to adopt a form reclaim/adoption agreement titled "Appendix B: Reclaim/Adoption Agreement" by a resolution separate from the Ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Socorro County Board of County Commissioners that it adopts the following Reclaim/Adoption Agreement to serve as Appendix B to the Socorro County Animal Control Ordinance, Ordinance Number 98-005:

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IMPOUND NO. \_\_\_\_\_

RECLAIM/ADOPTION AGREEMENT  
BETWEEN SOCORRO ANIMAL SHELTER AND

Name (Print) \_\_\_\_\_  
Last First MI

Driver's License No. \_\_\_\_\_ SSN \_\_\_\_\_ DOB \_\_\_\_\_

Address \_\_\_\_\_ City, State, Zip Code \_\_\_\_\_

Phone (H) \_\_\_\_\_ (W) \_\_\_\_\_

ANIMAL INFORMATION:

Type \_\_\_\_\_ Name \_\_\_\_\_ Breed \_\_\_\_\_ Weight \_\_\_\_\_ Color \_\_\_\_\_ Sex \_\_\_\_\_ Age \_\_\_\_\_

FOR AND IN CONSIDERATION OF RECEIVING THE ANIMAL DESCRIBED HEREIN, THE UNDERSIGNED AGREES TO THE FOLLOWING (circle the number of all that apply):

- ①. To care for and treat the animal humanely and comply with the Animal Control Ordinance of Socorro County.
- 2. To have the animal vaccinated for rabies by a veterinarian or under his or her supervision by (30 days from today's date) \_\_\_\_\_, and to pay any vaccination fees required by the veterinarian in excess of the rabies vaccination fee. **The animal shelter is not responsible for fees in excess of the rabies vaccination fee.**
- 3. To have the animal surgically sterilized by a veterinarian by (30 days from today's date) \_\_\_\_\_, and to pay any sterilization fees required by the veterinarian in excess of the sterilization fee. **The animal shelter is not responsible for fees in excess of the sterilization deposit and/or fee.**
- 4. To keep the animal confined or restrained in such a way as to prevent its unintended breeding (this option is not available for persons adopting a domestic animal).
- ⑤. To allow Animal Control to repossess the animal, to become subject to any legal action allowed by law and, if applicable, to forfeit the sterilization or rabies vaccination deposit for failure on the undersigned's part to comply with this agreement.

FAILURE TO COMPLY WITH THE TERMS OF THIS AGREEMENT WILL RESULT IN LEGAL ACTION AS SET FORTH BY LAW.

Signature of Adopting/Reclaiming (Circle One) Party \_\_\_\_\_

Date \_\_\_\_\_

Impound No. \_\_\_\_\_

To be Completed by Licensed Veterinarian upon Sterilization and/or Rabies Vaccination, and Returned for Refund of Sterilization and/or Rabies Vaccination Deposit

I certify that the above animal was: *sterilized, and/or*  
(circle one or both) *vaccinated for rabies.*

Clinic \_\_\_\_\_ Clinic Address \_\_\_\_\_

Signature of Veterinarian \_\_\_\_\_

Date \_\_\_\_\_



APPROVED, ADOPTED, AND PASSED on this 10<sup>th</sup> day of November, 1998.

BOARD OF COUNTY COMMISSIONERS

Juan Gutierrez  
JUAN GUTIERREZ, CHAIRMAN

James Martin  
JAMES MARTIN, VICE-CHAIRMAN

Bennie G. Barreras  
BENNIE G. BARRERAS, MEMBER

GIN AH JUE  
GIN AH JUE, MEMBER

Leandro "Leo" Lovato  
LEANDRO "LEO" LOVATO, MEMBER

ATTEST BY:

Carmen D. Gallegos  
CARMEN D. GALLEGOS, COUNTY CLERK

