

ORDINANCE NO. 3
CHAVES COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, Chaves County recognizes the dangers dogs pose to the public and their property when they are uncontrolled, and

WHEREAS, Chaves County took steps to require County residents to control their dogs by adopting Ordinance No. 3 in January, 1974, and

WHEREAS, the County deems it necessary to update Ordinance No. 3.

BE IT ENACTED BY THE COUNTY OF CHAVES, STATE OF NEW MEXICO, as follows, to-wit:

ARTICLE 1

(Control of Dogs)

SECTION: 1 DEFINITIONS: For the purpose of this Article the following words and phrases shall have the meanings respectively ascribed to them:

AT LARGE: Any dog shall be deemed at large when the dog is off the property of it's owner and not under restraint.

OWNER: Any person owning, keeping or harboring dogs.

RESTRAINT: A dog is considered under restraint if the dog is on their owner's property; or on a leash; or in the presence of a person and obedient to that person's commands.

KENNEL: Any one household, property or business (except licensed Animal Shelters or a Licensed Veterinarians Clinic/Hospital) keeping, maintaining, harboring or possessing more than a total of nine (9) dogs or cats over the age of three (3) months.

SECTION: 2 RUNNING AT LARGE PROHIBITED: It shall be unlawful for any person owning, harboring, or having custody, control, or possession of any dog to cause or permit such dog to be at large. When dogs are found at large by the Sheriff or their designee, the

dog may be transported to an Animal Shelter for disposal in accordance with the guidelines set forth by the Animal Shelter. If the identity of the owner can be ascertained, the officer may attempt to return the dog to the owner, however, if the dog is transported to an Animal Shelter, the owner shall be notified and shall have three (3) business days to retrieve their dog before the dog is subject to disposal. If the dog has not been disposed of and the owner seeks its return, owner shall pay all sheltering fees incurred.

SECTION: 3 ABANDONMENT OF DOGS/CATS PROHIBITED: It shall be unlawful for any person to willfully abandon a dog or cat anywhere within the County of Chaves, State of New Mexico. Persons wanting to dispose of unwanted dogs/cats or other pets may surrender them to any licensed Animal Shelter or Sheriff's Animal Control Officer.

SECTION: 4 INTERFERING WITH SHERIFF PROHIBITED: It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Sheriff of Chaves County, his/her Deputy or Animal Control Officer in the discharging of their duties as herein prescribed, or to violate any of the provisions of this Article.

ARTICLE 2

(Vaccination and License)

SECTION: 1 VACCINATION, LICENSE TAX AND TAG REQUIRED: It shall be unlawful for any person to own, harbor, or maintain in their possession within the County, any dog, male or female, over the age of three months, which dog has not been vaccinated against rabies pursuant to the laws and regulations of the State of New Mexico. Owner must maintain reasonable proof of vaccination each year. Failure to submit proof of vaccination within three (3) business days of a reasonable request shall result in a citation for violation of this Ordinance.

In addition, it shall be unlawful for any person to own or have in their possession within the County any dog over the age of three months on which the metal tag provided for in this Article, evidencing the issue of a license to such dog, has not been affixed as provided in this Article.

SECTION: 2 WHEN PETS TO BE VACCINATED: In accordance with New Mexico State Law, "Any person who owns or keeps a dog or cat over the age of three months in this State shall have them vaccinated against rabies annually with a vaccine approved by the Director of the Health Department. All anti-rabies vaccine shall be administered by or under the supervision of a licensed Veterinarian."

SECTION: 3 LICENSE FEES AND COLLECTION: The annual license fee shall be set by the County Commission and shall commence on the date the license is issued. The County Commission hereby sets the license fee as follows; (these fees are subject to change by resolution adopted by the Chaves County Commission)

\$4.00 for each spayed female or neutered male dog over three month's old.

\$5.00 for each un-spayed female or un-neutered male dog over three month's old.

The County Sheriff or his/her designee shall issue a license to the owner or custodian of any such dog upon payment of the license fee provided by this section, and upon presentation of a certificate of a licensed Veterinarian that such dog has been vaccinated against rabies and the certificate showing the expiration date thereof in compliance with State law. Upon issuance of such license, the County Sheriff or his/her designee shall deliver to such owner or custodian a metal tag bearing the number of the license issued. The owner or custodian of every dog required to be licensed under this Article shall securely attach the metal tag to a collar around the neck of such dog, and such collar and tag shall be worn by such dog at all times.

SECTION: 4 APPLICATION FORMS AND RECORDS: The County Sheriff shall prepare application forms to be signed by applicants for dog licenses, and shall keep a record of all licenses issued. All taxes so collected shall be paid to the County Treasurer and deposited in a special account to be used for Administration and Law Enforcement of this Ordinance.

SECTION: 5 KEEPING, ETC., OF UNLICENCED AND UNTAGGED DOGS: It shall be unlawful for any person to keep, harbor or maintain, or to permit any dog to be kept, maintained or to remain upon any premises under their immediate control unless such dog is licensed and wearing a tag in accordance with this Ordinance, except dogs in properly licensed kennels and veterinary hospitals.

SECTION: 6 DISPLAY OF DOG LICENSE: It shall be unlawful for any person keeping or harboring a dog for which a lawful license is required by this Article to fail or refuse to exhibit such license upon demand of the Sheriff of Chaves County, a Sheriff's Deputy or Animal Control Officer.

ARTICLE 3

(Kennel Permit)

SECTION: 1 REQUIREMENT TO LICENSE AS KENNEL: It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household, property or business more than a total of nine (9) dogs/cats over the age of three (3) months without having obtained a kennel permit. To obtain and maintain a licensed kennel the following requirements must be met;

- (A) No permit shall be issued until a Sheriff's Deputy or Animal Control Officer has inspected the premises and found it to be in compliance with this Ordinance. The Deputy/Animal Control Officer must complete and sign the inspection form which will be submitted with the permit application.

- (B) The premises shall be maintained in good repair and kept clean and sanitary at all times so as to protect the health of both the animals and community from disease and injury.
- (C) Animals kept outside must be provided with adequate shelter from sun and adverse weather at all times.
- (D) Animals must be provided fresh clean water at all times and food must be provided in a container so as to keep it clean and fresh.
- (E) Animals kept in cages must have adequate space to stand up and turn around without bumping the walls or roof.
- (F) Animals kept on a chain must have at least ten (10) feet of unobstructed movement.
- (G) All animals over three (3) months of age must have currently valid rabies shots.
- (H) Provisions must be made for timely and frequent disposal of waste to prevent the spread of noxious and/or offensive odors.

SECTION: 2 FOLLOW UP INSPECTIONS: The Sheriff's Deputy or Animal Control Officer shall be authorized to conduct routine follow-up inspections during reasonable hours of any premises holding a kennel permit. By obtaining a permit, the permit holder is agreeing to surrender the premises for inspection by the Sheriff's Deputy or Animal Control Officer upon a reasonable request. Permits require annual renewal and are valid for one (1) year from the date issued. A renewal inspection report must be completed and signed by a Sheriff's Deputy or Animal Control Officer before the renewal permit will be granted.

SECTION: 3 DENIAL, REVOCATION OR SUSPENSION: A kennel permit may be denied, revoked or suspended by the County Sheriff upon a written report of a Deputy or Animal Control Officer detailing the factors supporting the recommended action. The Sheriff, or his/her designee, will notify the affected resident, in writing, within ten (10) days of the denial, revocations or suspension detailing the facts supporting the Sheriff's

determination. The Sheriff may further notify the resident of the remedies necessary to comply with this Ordinance and allow the permit holder ten (10) days to comply. The Sheriff may then order the re-inspection of the premises to determine compliance.

The affected resident may appeal the Sheriff's decision to deny or revoke any kennel permit to the County Commission. This appeal must be made to the County Commission, in writing, within ten (10) days of the date the Sheriff mailed the final notice to deny or revoke the kennel permit. The County Commission has thirty (30) days to review the decision of the Sheriff and enter a ruling affirming or rescinding the action. The County Commission will notify the effected resident of it's ruling in writing.

SECTION: 4 KENNEL PERMIT FEES: Kennel permits will be issued at a cost of fifty dollars (\$50) per year. Permits will be issued and fees collected by the Chaves County Sheriff's Office. Residents obtaining a kennel permit are not required to pay a separate licensing fee for each dog over the age of three months they shelter.

SECTION: 5 EXEMPTIONS: This Ordinance shall not apply to and shall not be construed to require a kennel permit for:

- (1) A Veterinary Hospital or Clinic operated by a licensed Veterinary.
- (2) A publicly owned Animal Control Center or Animal Shelter.
- (3) A bone fide animal shelter operated by an organization such as the Humane Society.

ARTICLE 4

(Penalties, Area and Effective Date)

SECTION: 1 PENALTIES: Any person who violates the provisions of this Ordinance is guilty of a petty misdemeanor and will be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment in the county jail not to exceed ninety (90) days or both such fine and imprisonment.

SECTION: 2 AREA IN WHICH ORDINANCE IS EFFECTIVE: This Ordinance is effective within the boundaries of Chaves County, State of New Mexico, including privately owned land, State owned land or land owned by the United States, except that this Ordinance is not in effect within the limits of any incorporated municipality.

SECTION: 3 EFFECTIVE DATE: Revision #1 of Ordinance #3 shall become effective on the 28th day of March, 2003.

CHAVES COUNTY BOARD OF COMMISSIONERS

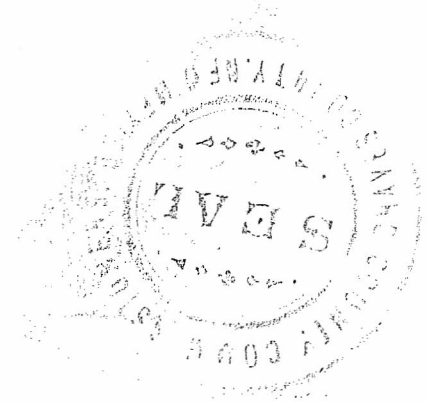
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Harold Hobson, Member

Sue Gutierrez
Sue Gutierrez, Member



ATTEST:

David A. Kunko
David A. Kunko
County Clerk

State of New Mexico		} SS
County of Chaves		
FILED FOR RECORD		
AT		
10:26	FEB 26 2003	A M
and recorded in book 455 page 541		
David A. Kunko		County Clerk
<u>David A. Kunko</u>		Deputy

RCPT #230736 Fee: N/C

Chaves County Commissioners
Keep on File

