AN ORDINANCE PROVIDING FOR RABIES CONTROL; REPORTING OF ANIMAL BITES; PROTECTION OF RESIDENTS FROM ANNOYANCE AND INJURY; PROTECTION OF ANIMALS FROM NEGLECT AND ABUSE; IMPOUNDMENT OF ANIMALS RUNNING AT LARGE; PRESCRIBING PENALTIES FOR VIOLATING THE SAME.

WHEREAS, San Juan County is required by state law to adopt and enforce an ordinance providing for the prevention and control of rabies; and

WHEREAS, the Board of County Commissioners of San Juan County also finds that it will promote the public health, safety, welfare and convenience to enact other provisions governing the keeping of animals within San Juan County.

THEREFORE BE IT ENACTED AS FOLLOWS:

SECTION 1: DEFINITIONS

As used in this ordinance, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein.

1.1 ABANDONMENT OF ANIMALS: The leaving of an animal off the owner’s premises without provision for care or control by another person.

1.2 ANIMAL: any mammal, bird, fowl or other living creature except human beings.

1.3 ANIMAL CONTROL OFFICER OR ASSISTANT ANIMAL CONTROL OFFICER: An officer of the San Juan County Sheriff’s Department or any other County law enforcement officer designated by the Sheriff or the County to enforce the Animal Control Ordinance.

1.4 ANIMAL SHELTER: Any establishment authorized by the County of San Juan, for the care and custody of impounded animals.

1.5 BITE: A puncture or tear of the skin inflicted by the teeth of an animal.

1.6 CAGE: An enclosure constructed of metal wire or other material capable of preventing escape by the animal occupying same, enclosed on top, bottom and all sides.

1.7 COUNTY: The area lying within the corporate boundaries of the County of San Juan and outside the boundaries of any incorporated municipality or Indian reservation.

1.8 DOG PACK: three or more dogs running at large together.

1.9 ENCLOSED LOT: any parcel of land in private ownership around the perimeter of which a wall or fence has been erected.

1.10 KENNEL: Any establishment or premises where more than five (5) cats and/or three (3) dogs, four months of age or older, are boarded or kept.

1.11 KENNEL PERMIT: A permit issued pursuant to Section10 of this Ordinance.

1.12 LIVESTOCK: Cattle, horses, sheep and other animals commonly raised for milk, fiber, or work.

1.13 LOCAL DISTRICT HEALTH OFFICE: San Juan County Field Health Office of the Health Services Division of the State of New Mexico.

1.14 NUISANCE: A dog or cat shall be considered a nuisance if it: damages, soils, defiles or defecates on private property other than the owner’s or on public walks and recreation areas; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; molest, attacks or interferes with persons in the public right-of-way; chases vehicles or attacks other domestic animals.

1.15 OWNER: Is a person who owns, harbors, keeps, or knowingly causes or permits an animal to be harbored or kept or has an animal in his care or who permits an animal to remain on or about his premises, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.

1.16 PERSON: Any individual, household, firm, partnership, corporation, society, association and every agent and employee thereof.

1.17 QUARANTINE: To detain or isolate an animal suspected of being infected with rabies or other communicable disease.

1.18 RESTRAINT: Any animal shall be considered under restraint if it is within the real property limits of its owners or secured by a leash or lead or under the control of a responsible person and obedient to that person’s commands. Any hunting dog in lawful pursuit of game shall be presumed to be under restraint.

1.19 RUN: A fenced, walled or otherwise enclosed area for the use of dogs or cats comprising less than forty percent 40% of the total contiguous land area possessed by the property owner.

1.20 RUNNING AT LARGE: An animal off the premises of the owner and not under restraint.

1.21 STRAY OR ESTRAY: Any animal which has no identifiable owner.

1.22 VACCINATION: The vaccination of an animal with an anti-rabies vaccine approved by the Director of the Health and Environment Department and administered by, or under the supervision of a veterinarian, in an amount sufficient to provide immunity from rabies for a minimum of one (1) year.

1.23 VETERINARIAN: A person with a Doctor of Veterinary Medicine degree licensed to practice in the State of New Mexico.

1.24 VICIOUS ANIMAL: Any animal which commits an unprovoked attack upon a person, private property,
which terrorizes or attacks a person on public property
or in a public place within San Juan County, except
that any animal that bites, attacks or attempts to attack
any person unlawfully upon its owner’s or keeper’s
property, or which is provoked to attack, shall not be
demed a vicious animal.

1.25 WILD ANIMAL: Any animal which is wild by nature
and cannot normally be domesticated or controlled.

SECTION 2: ADMINISTRATION OF ORDINANCE

RESPONSIBILITY: The County Sheriff, or any other
County law enforcement officer designated by the Sheriff or
the County, shall have the authority to issue citations for vi-
lations of this ordinance and to perform such other duties as
are prescribed herein. The Animal Control Officer(s) shall
have the authority to issue citations whenever there isprob-
able cause to believe that a person has violated this
Ordinance. Neither the County Sheriff, supervisor of the
Animal Control Officer(s), nor any other Animal Control
Officer shall have the authority to dismissed citation. The
Animal Control Officer(s) shall be certified, or subject to cer-
tification as by law and shall be approved, by the County
Commission. The Assistant Animal Control Officer is a per-
son or persons designated by the appropriate authority to
work under the supervision of the Animal Control Officer(s)
in the enforcement of this Ordinance.

This Ordinance shall be applicable to all animals unless oth-
erwise specifically excepted.

SECTION 3: RABIES CONTROL

3.1 ANNUAL VACCINATION: It is the duty of every per-
son keeping a dog or cat over the age of three (3)
months to have such animal vaccinated against rabies.
All dogs and cats must be revaccinated annually. Every
veterinarian who vaccinates or supervises the vaccina-
tion of a dog or cat hereunder shall issue to the owner
or keeper of such animal a numbered vaccination cer-
tificate and tag. The certificate shall contain the name
and address of the owner or keeper of the animal, a
description of the animal vaccinated, the type of vac-
cine used, the date of vaccination, and the expiration
date of the period of immunity.

3.2 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.

3.3 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.

3.4 REPORTING RABIES SUSPECTS: Every veterinarian
who makes a clinical diagnosis of rabies and every per-
son who suspects rabies in a domestic or wild animal
shall immediately report the same to the local District
Health Office of the Health Services Division of the

Health and Environment Department, stating precisely
when and where such animal was seen and, if possible,
where it may be found.

3.5 HUMAN EXPOSURE TO RABIES: Any person with
knowledge that an animal has bitten a human being shall
immediately report the incident to the animal shel-
ter and to the local District Health Office. Every physi-
cian or other health care professional who treats a per-
son for such bite shall report such treatment to the local
District Health Office within twelve (12) hours of such
treatment. Such report must specify the name and pre-
cise location of the person bitten.

3.6 QUARANTINE OF RABIES SUSPECTS: Any dog,
cat or other animal capable of carrying rabies which has
bitten a person shall be confined and observed for peri-
od of ten (10) days from the date of the bite at the ani-
mal shelter, a veterinary hospital, or an approved kennel
or cage. Transportation of the animal shall be done by
the owner and/or at the owner’s expense, 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 quaran-
tine of such animal at the owner’s home. Home con-
finement shall not be permitted unless the premises
have been inspected and approved for such purpose by
the Animal Control Officer.

3.7 ENFORCEMENT OF THE QUARANTINE: It is
unlawful to remove any animal from enforced quar-
tine during the period of confinement without consent
of the responsible Animal Control Officer.

3.8 WILD ANIMAL BITES: Bites inflicted by animals
other than dogs and cats must be reported by the vic-
tim, or the parents or legal guardians of the victim, and
discussed with the local District Health Office for prop-
er disposition.

SECTION 4: RABIES TAGS REQUIRED

4.1 PROOF OF RABIES VACCINATION: No dog or cat
shall be without proof of rabies vaccination as provided
for in this Ordinance.

4.2 CERTIFICATION AND TAGS: The current rabies tags
shall be affixed to the dog or cat at all times except
when the dog or cat is being kept in an approved ken-
nel, veterinary hospital or training class. The original
rabies certificate of all dogs and cats shall be retained
by the owner and shall be available for inspection by
any person charged with the enforcement of this
Ordinance.

4.3 LOSS OF RABIES TAG: In the event the original
rabies tag is lost, the owner shall obtain a duplicate tag
from the original issuing agency, at the owner’s
expense.

SECTION 5: PROHIBITED ACTIVITIES
5.1 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, bill of sale, pedigree or registration certificate.

5.2 ANIMALS RUNNING AT LARGE: Any person owning or having charge, custody, care or control of any animals shall keep such animal on his premises. No animal shall be at large in or on any street, alley, sidewalk, vacant lot, public property, other unenclosed space in the County, or private property. Any animal found running at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and if observed by an Animal Control Officer shall be taken up and impounded as provided in Section 6.2(a). It shall be the duty of any County law enforcement officer to report any animals running at large to the County Sheriff’s Department or to the County Security Force. Notwithstanding any provision here in, cats are not required to be leashed or confined to the owner’s property.

5.3 ANIMALS DISTURBING THE PEACE: It is unlawful for any person to allow any animal in his possession or control to persistently or continuously bark, howl or make noise common to its species, or otherwise to disturb the peace and quiet of the inhabitants of the County, or to keep or maintain in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of the inhabitants of the County.

5.4 CONFINEMENT DURING ESTRUS: Any female dog or cat in the stage of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species shall be prevented except for intentional breeding purposes. Owners who do not comply with this section may be required to place such animal in a boarding kennel or veterinary hospital at the owner’s expense.

5.5 PHYSICAL ABUSE: It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, overwork or otherwise cruelly set upon any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

5.6 ABANDONMENT OF ANIMALS: It is unlawful to abandon any animal within the County of San Juan.

5.7 ANIMAL POISONING: It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substances. It is not the intent of this section to prohibit the use of poisonous substances for the control of rodents or vermin of significance to the public health.

5.8 CARE AND MAINTENANCE:

a) It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry any animal in or leave in a vehicle in a cruel or inhumane manner, or to fail to provide necessary medical care.

b) Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal, provided that this shall not apply to livestock as defined herein.

5.9 ANIMAL FIGHTS: It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of killing, maiming or destroying themselves or any other animal. The use of hunting dogs in lawful pursuit of game shall not be considered to be promoting or conducting an animal fight.

5.10 UNCARED FOR ANIMALS: Whenever the Animal Control Officer finds that any animal is or will be without proper care because of injury illness, incarceration or other involuntary absence of the owner or person responsible for the care of such animal, the Animal Control Officer may take up such animal for protective care, and in the event of sickness or injury, upon the advice of a licensed veterinarian, the Animal Control officer may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal. This is at the expense of the owner or person responsible for the care of such animal.

5.11 KEEPING OF DISEASED OR PAINFULLY Crippled Animals: It is unlawful for any person to have, keep or harbor an animal which is infected with any dangerous or incurable and/or painfully crippling condition except as hereinafter provided. The Animal Control officer may impound such animal for protective care, and in the event of sickness or injury, upon the advice of a licensed veterinarian, the Animal Control Officer may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal. This is at the expense of the owner or person responsible for the care of such animal.

SECTION 6: IMPOUNDMENT

6.1 ANIMAL SHELTER OR POUND: An establishment for the confinement of dogs or other animals.

6.2 IMPOUNDING AND DESTRUCTION OF ANIMALS:

(a) Any Animal Control officer may impound any animal found running at large unaccompanied by and not under the control of, the owner or handler. Any animal so impounded shall be held, redeemed, released or destroyed in accordance with the regulations of the pound maintained or used by the County, subject, how-
ever, to the conditions of Section 3.6 of this Ordinance.

(b) Any owner or keeper of livestock, or any law enforce-
ment officer may kill any dog or other animal in the act
of pursuing, wounding or killing any livestock or poul-
try, or attacking humans; or if found running in a pack
and the Animal Control officer reasonably believes the
dog has or will attack any livestock or poultry. There
shall be no liability of the owner or keeper of livestock
or any law enforcement officer in damage or otherwise
for such actions.

(c) Any Animal Control Officer or other law enforcement
officer may kill any dog or other animal in the act of
pursuing, wounding or killing any large wild animal
(including but not limited to deer, elk, antelope, sheep,
goats, horses, burros and donkeys), with the exception
of hunting dogs in lawful pursuit of game, as such use
is defined in state or federal hunting regulations. There
shall be no liability of any Animal Control or law
enforcement officer in damage or otherwise for such
killing.

(d) A private land owner may humanely detain for
impoundment by the Animal Control Officer any ani-
mal found on his property.

(e) Any person attacked by a dog or other animal while
such person is not engaged in any unlawful activity
shall have the right to kill such animal, and any person
witnessing such attack shall have the right to kill such
animal, where such killing is reasonably necessary to
prevent injury to the person attacked, and there shall be
no liability for such killing.

6.3 RIGHT OF ENTRY: Animal Control Officers, in per-
formance of their duties, may enter upon private prop-
erty, except a private residence, for the purpose of
apprehending animals running at large and stray ani-
mals. If the Animal Control Officer or his duly author-
ized representative shall reasonably believe that an ani-
mal is in immediate danger of death or serious injury,
and the owner or keeper is not immediately available,
the Animal Control Officer may enter the premises,
other than a home or residence, and take any necessary
action to prevent such death or serious injury.

6.4 REGISTER: The Animal Control officer, upon
impounding or receiving any animal, shall register such
animal by entering the breed, color, and any identifying
marks or tattoos of the animal and the time and place
such animal was apprehended into the registry kept for
this purpose.

6.5 NOTICE TO OWNER: If the owner of an impounded
animal is known, he or she must be notified as soon as
practical. If the keeper of the animal is not known or
cannot be contacted, notice of the impoundment shall
be posted in a conspicuous place at the animal shelter or
pound for a period of three (3) days.

6.6 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 shelter.

6.7 TIME FOR REDEMPTION: All impounded animals
with rabies or identification tags shall be redeemed
within five (5) days after impoundment except as pro-
vided in Section 6.8 below; those without tags, within
three (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 upon payment of the impoundment fees, care
and feeding charges, veterinary charges and such other
costs as set by the animal shelter, or the animal may be
humanely destroyed.

6.8 DISPOSITION OF IMPOUNDED ANIMALS HELD
ON COMPLAINT: If a complaint has been filed in the
Magistrate Court of the County of San Juan against the
owner of an impounded animal for a violation of this
ordinance, the animal shall not be released except upon
the order of the Court, which also may direct the owner
to pay any penalties for violation of this ordinance in
addition to all impounding fees, care and feeding
charges and veterinary fees.

6.9 VICIOUS ANIMALS:

(a) It is unlawful for any person to keep or harbor a vicious
animal in the County. Any person attacked by a vicious
animal may take such action as provided by Section
6.0(e). After a judicial determination that an animal is
vicous, the owner or keeper of such vicious animal
shall destroy it humanely or turn such animal over to the
Animal Control Officer for destruction. Also, this does
not exempt the owner or keeper from civil damages.

(b) It the duty of any person who is the owner or keeper of
any animal, the keeping of which is unlawful, to cause
such animal to be killed. Failure to comply with this
section after knowledge by the owner or keeper of the
fact which renders such keeping unlawful, shall subject
such owner or keeper to a fine of Twenty-Five Dollars
($25.00) and costs, and each day’s failure to comply is
a separate offense.

SECTION 7: NUMBER OF ANIMALS PERMITTED

7.1 RESTRICTIONS: No person, group of persons or busi-
ness entity in the County of San Juan may own, keep or
harbor more than three (3) dogs of four (4) months of
age or older, and/or more than five (5) cats of four (4)
months of age or older for more than fifteen (15) days
in any calendar year without complying with Section 10
of this Ordinance, provided that this section shall not
apply to any holder of a kennel permit. Further provid-
ed that the head of any household shall be held respon-
sible for any violation of this section by the household
or any of its members. Provided further that this shall
not apply to dogs used in the control of flocks or herds
when accompanied by a herder or herdswomen.
SECTION 8: INTERFERENCE WITH ANIMAL CONTROL OFFICER

It shall be unlawful for any person to interfere with, molest, hinder or prevent an Animal Control Officer or his/her duly authorized representatives in the discharge of their duties.

SECTION 9: ANIMAL CONTROL

9.1 RESPONSIBILITY: Any person owning or having charge, custody, care or control of any animal shall keep such animal on his premises. Any animal at large in or on any street, alley, sidewalk, vacant lot, or other unenclosed space in the County, including public and private property, is subject to impoundment as provided for in Section 6 of this Ordinance.

9.2 VIOLATION: Any dog found in violation of this section is declared to be a nuisance and a menace to the public health and safety of the inhabitants of the County of San Juan. The owner may be cited and held responsible for any damage done by the animal. The animal may also be impounded by the Animal Control Officer.

9.3 ANIMALS ON UNENCLOSED PREMISES: It is unlawful for any person to chain, stake out, graze or herd any animal on any unenclosed premises in such a manner that such animal may go beyond the property line.

SECTION 10: KENNEL PERMIT

10.1 Any person of those areas of San Juan County outside the limits of any incorporated municipality may obtain a kennel permit under the following conditions:

(a) Payment of an annual license fee of Twenty Dollars ($20.00) at the office of the County Clerk.

(b) Submission of the person’s premises used for the keeping of animals to an annual inspection by the Animal Control Officer, which inspection shall be made without additional cost.

(c) Setback of the outer limits of any kennel or run at least twenty (20) feet from any property line, except that where more than ten (10) animals over the age of four (4) months are kept, such setback shall be at least forty (40) feet.

(d) Maintenance of humane conditions of shelter, exercise, food, water and sanitary standards as will suffice in the reasonable judgment of the Animal Control Officer for the species and breed of animal being kept.

(e) Provisions must be made for waste disposal which will prevent the spread of noxious or offensive odors.

SECTION II: PENALTY, SAVING,

REPEALING AND EMERGENCY CLAUSE

11.1 PENALTY CLAUSE: Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Three Hundred Dollars ($300.00) and/or imprisonment for a period not exceeding ninety (90) days in the County jail, or both such fine and imprisonment.

11.2 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.

11.3 REPEALING CLAUSE: Ordinance No. 10 enacted July 20, 1982, and all other Ordinances in conflict here-with are hereby repealed, effective as of September 20, 1986, except that such repeal shall not affect prosecutions then pending.

APPROVED AND ADOPTED THIS 21st DAY OF AUGUST, 1986.