

GRANT COUNTY

ORDINANCE NO. 2002

PREAMBLE

WHEREAS, The growth of the human population in Grant 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 Grant 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 and animals of the county; 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 ordinances 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 officers who shall enforce animal controls laws, orders, ordinances and regulations; and,

WHEREAS, the Board of County Commissioners of Grant County has determined that the health, safety and general welfare of the residents of Grant County be best served by the adoption of a revised animal control ordinance,

NOW THEREFORE BE IT ORDAINED THAT THE BOARD OF COUNTY COMMISSIONERS OF GRANT COUNTY DO HEREBY ESTABLISH AN ANIMAL CONTROL ORDINANCE FOR GRANT COUNTY AS FOLLOWS:

ARTICLE I: DEFINITIONS

1. **Abandon:** 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 provisions for the adequate feeding water and care of the domestic animal.
2. **Animal:** Any member of the animal kingdom excluding human beings.
3. **Animal Shelter:** Any facility authorized by the County for the impounding and/or caring for animals held under the authority of this ordinance or state law.
4. **Animal Control Officer:** Any person designated by the Grant County Manager who has the authority of a peace officer to issue citations for violations of the Grant County Animal Control Ordinance and performs such other duties relating to animal control as prescribed by the County Manager or respective department heads. The Grant County Sheriff also has enforcement authority over this Ordinance.
5. **Owner:** Any person, who owns, keeps, or harbors or knowingly permits an animal in his care for seven (7) or more days, or who permits an animal to remain on or about his premises. This definition shall also apply to "keeper" as used in this ordinance.
6. **Public Nuisance:** Any animal or keeper/owner that allows his animal to:
 - a. molest passersby or passing vehicles
 - b. attack other animals
 - c. trespass on school grounds and other public areas
 - d. repeatedly run at large
 - e. damage private or public property
 - f. bark, whine, or howl excessively
 - g. emit noxious or offensive odors
 - h. disturbs the peace; and,
 - i. otherwise endanger or offend the environment.
7. **A Nuisance Barking Dog:** A dog whose loud, habitual barking, howling yelping or whining is sufficient enough to interfere with any person in the reasonable and comfortable enjoyment of life and property.
8. **Run at Large:** To be free of control beyond an enclosed lot or the premises or vehicle of the owner.
9. **Restraint:**
 - (a) A domestic animal must be under the control of a responsible person on a leash or lead no more than eight feet in length, or;
 - (b) In rural, sparsely populated areas of Grant County an animal may be off leash if it is trained by a responsible owner to respond to voice control;
 - (c) When confined to their owner's premises, animals must be within a penned area, fenced yard, within a building or under voice control of a responsible person.
 - (d) Dogs must not be tied or confined by a chain unless the tether is long enough to provide adequate exercise, is secured in such a way as to prevent tangling or choking. Chains must be accessible to food and water and adequate shade in summer and shelter in winter. Ropes may not be used to tether a dog.
10. **Bite:** Any abrasion, scratch, puncture OR tear of the skin caused by the teeth of an animal.
11. **Vicious Animal:** Any animal which bites, has bitten, or in any manner attacks or attempts to attack or bite any person within the County, except that any animal that bites, attacks, or attempts to attack or bite when pro-

voked by any person trespassing upon its owner's premises, shall not be deemed a vicious animal. Any animal, which unprovoked, kills or maims any animal owned by another person is also a vicious animal.

12. Licensing Authority: Any authorized representative of Grant County or any humane organization authorized to sell licenses and collect fees for impounding or holding of animals. This authority is responsible for the keeping of suitable records of licensing and other activities as directed by the County Manager.
13. Exotic Animal: Any rare animal that is different from ordinary domestic animals or not indigenous to the State of New Mexico. Wolf-hybrids are also exotic animals. Exotics or wolf-hybrids licensed prior to the adoption of this ordinance will not require additional or special licensure.
14. Kennel: Any establishment or premises where dogs, cats or other animals are boarded, bred, kept, bought, sold or traded.
15. Rural Areas: Areas in Grant County outside of incorporated towns or villages where few people are likely to gather.

ARTICLE 2: ADMINISTRATION OF ORDINANCE:

SECTION 2-1: The provisions of this ordinance shall be enforced by all Animal Control Officers (ACO's) peace officers and code enforcement officers with jurisdiction in Grant County, New Mexico. It shall be a violation to interfere with an officer in the performance of his duties. Interference shall include, but not limited to, hiding, chasing off, or hindering an officer from capturing an animal, giving an officer false and inadequate information.

SECTION 2-2: The County Manager or his designated agent shall have the power to issue reasonable rules and regulations to carry out the intent and purpose of this ordinance.

SECTION 2-3: The Animal Control Officers shall be concerned primarily with the health and safety of the citizens of the County as affected by animals and with the health and safety of animals within the County limits.

SECTION 2-4: The Animal Control Officers shall have the authority to issue citations for violations of this Ordinance and state statutes regarding the care and control of animals, whenever there is probable cause to believe there exists a violation of this Ordinance and/or animal care and control statutes.

SECTION 2-5: The Animal Control Officers shall have the authority to investigate, upon probable cause, any alleged violation of this Ordinance or any law of the State of New Mexico which relates to the care, treatment, and control of animals and to the prevention of cruelty to animals.

Section 2-6: Animal Control Officers are authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform their duties. If the owner or occupant of the premises objects to inspection a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless there appears to the Animal Control Officer that probable cause exists of an emergency nature requiring such inspection.

ARTICLE 3: CONTROL AND IMPOUNDING PROCEDURES

SECTION 3-1 IMPOUNDING ANIMAL: NOTICE REQUIREMENTS:

- A. The Animal Control Office may impound or cause to be impounded any stray animal found in violation of this Ordinance or State Statute.
- B. If the owner, or keeper, is known, he must be notified by telephone, mail or personal service. If the owner or keeper of the animal is not known or if his address cannot be reasonably determined the Animal Control Officer has no duty to give notice to the owner.
- C. All violations and fine amounts shall be reported to the shelter custodian upon the animal's impoundment.

SECTION 3-2 IMPOUNDING ESTRAYS: NOTICE REQUIRED; REDEEMING ANIMALS:

- A. If an impounded stray is wearing a license, or bears other identification tags, the animal shall be confined at the animal shelter pending notification of the owner or keeper for a period of five (5) working days.
- B. Upon notification, an owner or keeper must redeem his animal within forty-eight (48) hours. Any animal not claimed by an owner within forty-eight (48) hours following notice shall become property of Grant County and may be humanely destroyed, impounded or adopted at the discretion of the Animal Shelter.
- C. Any owner or keeper who claims an unlicensed animal from the Animal Shelter must show proof of rabies shots and proof of neutering or spaying upon claiming said animal. Such owner may be cited by the Animal Control Officers and will be required to buy a license from the county before the impounded animal shall be released. If proof of current rabies vaccination cannot be produced, the owner or keeper of the impounded animal must purchase a license from the County, must vaccinate the animal within three (3) working days and furnish proof of to the Animal Control Officer. It shall be the responsibility of an owner to reimburse the county for animal boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or a shelter under the provisions of this ordinance.
- D. The owner of an impounded animal may claim his animal by paying the scheduled fines and impounding fees to the custodian of the shelter, to an Animal Control Officer.

- E. If an estray is not wearing a license and bears no other identification tags, the animal shall be impounded at the animal shelter for four (4) working days. Any animal not claimed or adopted within four (4) working days shall become the property of Grant County and may be humanely destroyed, impounded for an additional period or adopted, at the discretion of the Animal Shelter.
- F. If an impounded animal is suffering because of sickness, injury or age, then it may be humanely destroyed, after the Animal Control Officer gives notice or attempts to give notice to the owner.

SECTION 3-3 SCHEDULE OF FEES, FINES AND CHARGES: Impoundment fees, fees required for adoption of an impounded animal, boarding costs and additional fees for redemption of impounded animals are described below:

A. LICENSING:

- 1. Neutered Male:\$ 2.50
- 2. Spayed Female:\$ 2.50
- 3. Unaltered Male:\$ 20.00
- 4. Unaltered Female:\$20.00
- 5. Late Penalty\$10.00
- 6. Duplicate Tags\$5.00

B. PERMIT FEES-DUE ANNUALLY

- 1. To operate a cat Kennel\$50.00
- 2. To operate a Kennel able to house 11 to 20 dog[s] ..\$100.00
- 3. To operate all other Kennels\$200.00
- 4. To keep an exotic animal (per animal) ...\$100.00*

*EXOTIC ANIMALS LICENSED PRIOR TO THE ADOPTION OF THIS ORDINANCE WHOSE KEEPERS ARE REDUCING THEIR EXOTIC POPULATIONS THROUGH ATTRITION ARE NOT SUBJECT TO THIS FEE.

C. SHELTER IMPOUNDMENT FEES

- a) Per Offense\$25.00

D. FINES FOR VIOLATIONS:

- 1. Failure to Obtain Rabies Vaccination ...\$25.00
- 2. Running at Large, Trespassing, Nuisance, Non-Restraint, Disturbing the Peace:
 - a) First offense\$25.00
 - b) Second offense\$60.00
 - c) Third or more\$100.00
- 3. Neglect, Care and Maintenance
 - a) First Offense\$50.00
 - b) Second Offense\$100.00
 - c) Third or More\$300.00
- 4. CRUELTY
 - a) First Offense\$50.00
 - b) Second Offense\$200.00
 - c) Third Offense\$500.00
- 5. FAILURE TO RESTRAIN VICIOUS ANIMAL
 - a) First Offense\$100.00
 - b) Second Offense\$300.00
 - c) Third Offense\$500.00

ARTICLE 4: OWNER'S RESPONSIBILITIES:

SECTION 4-1 LICENSE REQUIREMENTS:

- 1) Licensing Period: Every owner or keeper of a dog, which has reached the age of six (6) months, shall procure a yearly license. Written applications for licensees shall be made to the licensing authority, which shall include name and address of applicant, breed, sex, description of the animal and a rabies certificate issued by a licensed veterinarian within the previous six (6) months.
- 2) Renewal: Licenses for the keeping of a dog shall be for a period of one year. Application for licenses may be made thirty (30) days prior to and up to sixty (60) days after the start of the calendar year, but no later than March 1.
- 3) Pro-rating of License: Persons who become residents of the county or whose dog attain the age of three (3) months during the license year shall be charged one-half (1/2) of the annual fee or a minimum of \$1.50 provided such residence or age occurs after June 30 and provided also that the owner has not been cited or the animal impounded in violation of this ordinance.
- 4) Certificates and Tags: The current county license and rabies tags shall be affixed to a collar and worn on the dog at all times when off the property of the owner or keeper. The original license receipt and rabies certificate of all dogs and cats shall be retained by the owner or keeper and shall be readily available for inspection by persons charged with enforcement of this ordinance.
- 5) Loss of License Tag: In the event the original license tag is lost, the owner or keeper shall obtain a duplicate tag from the Animal Control office upon payment of replacement fee. Also a duplicate rabies tag must be purchased from the veterinarian office that administered the rabies vaccination.
- 6) Fees: The annual license fee shall be as established by the Animal Control office and approved by the County Commissioners. Late fees will apply after March 1.

SECTION 4-2 RABIES CONTROL:

- 1) Annual Vaccination: It is the duty of every owner or keeper of a dog or cat over age of three months to have such animal vaccinated annually against rabies by a licensed veterinarian. Every veterinarian who vaccinates a dog or cat in Grant County shall issue to the owner or keeper of the animal a numbered vaccination certificate containing name and address of the owner or keeper of the animal, description of the animal vaccinated, the type of vaccine used, the date of vaccination, and the expiration date of the period of immunity. Veterinarians who vaccinate such dog or cat must also provide a copy of the vaccination certificate to the licensing authority.
- 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 Animal

Control Officer or peace officer charged with the enforcement of this ordinance.

- 3) **Harboring Unvaccinated Animals:** It is unlawful for any person to keep, feed, shelter or water a dog or cat which has not been vaccinated against rabies as provided herein.
- 4) **Reporting Rabies Suspects:** Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report the same to a law enforcement officer, animal shelter, or County Manager stating precisely when and where such animal was seen and, if possible, where the animal may be found.
- 5) **Reporting Animal Bites:** Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter, a law enforcement officer, or the County Manager. Every physician, attending nurse, emergency room staff or other health care professional who treats a person for such a bite shall report such treatment to a law enforcement office, animal shelter, or County Manager within twelve hours of such treatment. Such treatment must specify the name of the person bitten, description and precise location of the wound(s), if known, description of the animal that bit, and owner of such animal.
- 6) **Quarantine of Rabies Suspects:** Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital; provided, however that the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the Animal Control Officer may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premise have been inspected and approved for such purpose by the Animal Control Officer.
- 7) **Enforcement of the Quarantine:** It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible Animal Control Officer. Such animal must be kept continuously on a chain during the quarantine.
- 8) **Owner's Responsibility:** It shall be the duty of the owner or keeper of any animal identified as having bitten a person to immediately notify the Animal Control Officer or peace officer and to deliver and surrender said animal to the Animal Control office for observation within 24 hours of the time the bite was inflicted. It is unlawful for the owner of such animal to remove said animal out of the boundaries of Grant County before the Animal Control office has completed its investigation and/or quarantine.
- 9) **Disposition of Animal after quarantine:** At the time of confinement the owner must direct the officer as to the disposition of the animal when quarantine is ended. After notification of release the owner must remove the animal from the place of confinement within 24 hours or the animal will be humanely destroyed at the owner or keeper's expense. No dog or cat may be released

from confinement with out authorization of the Animal Control Officer and after payment by the owner of per diem costs incident to custody and fulfillment of ordinance requirements.

SECTION 4-3 RESTRAINT OF ANIMALS:

- A) All persons owning or having charge, custody or control of any animal shall keep such animal restrained to prevent damage or harm to people and property. Violation of this Section will subject said owner or keeper to a fine as set forth in Section 3-3.
- B) When a dog is off of its owner's premises, it must be on leash no more than eight feet long. The owner of a dog shall not allow it to run at large in populated areas of Grant County, or create a nuisance on another's property be it public or private, including entering onto lawns, driveways, walkways. The term nuisance shall include urination and defecation. In rural, sparsely populated areas of Grant County, dogs may be off leash; however, these dogs must be trained by a responsible person to respond to commands. Any animal trespassing upon private or public property shall be deemed prima facie not to be under the immediate control of the owner or keeper and the owner shall be in violation.

SECTION 4-4 CONFINEMENT DURING HEAT:

Any female dog in heat shall be confined to a building or other secure enclosure strong enough that a male animal of the same species cannot go over, under, through or around except for intentional breeding purposes. Owners or keepers who do not comply with this section may be required to place such animal in a kennel or the animal shelter office at the owner's or keeper's expense and be cited.

ARTICLE 5. PROHIBITED ACTIVITIES:

SECTION 5-1 ANIMALS IN UNENCLOSED PREMISES: CHAINED ANIMALS:

- A. It is unlawful for any person to chain or stake any animal in a cruel and inhumane manner. Where circumstances warrant and no other alternative exists for confining an animal on its owner's property, cable or chain may be used to restrain the animal, provided the following criteria are met:
 1. The chain or cable must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.
 2. The chain or cable must be at least twelve (12) feet in length unless such length allow the animal to enter onto another's property, in which case the chain shall be no less than eight (8) feet in length. The chain must be unobstructed by objects which might cause the animal to become entangled and have swivels on both ends.
 3. The animal must have easy and constant access to adequate shelter and shade, food and potable water.
 4. The area where the animal is confined must be kept

free of garbage, feces or other debris, which may endanger the animal's health and safety.

5. The area where the animal is confined must be kept free of insect infestation such as anthills, wasp nests, flea, tick and maggot infestations.
6. The animal must be tied reasonably near the owner's residence or workplace and must not be left unattended for longer than a twelve (12) hour period. Owner must ensure the animal gets regular exercise.
7. Owner shall ensure that a chained dog does not become a nuisance-barking dog as defined in Article 1 of this Ordinance.

SECTION 5-2 ANIMALS TRANSPORTED OR LEFT IN VEHICLES:

- A. It is unlawful for any person to carry any animal in or upon any vehicle in a cruel, inhumane or unsafe manner. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety of the animal. During warm or hot weather, an Animal Control Officer may immediately remove an animal from a vehicle and take it into protective custody at the cost assessed to the owner. Violations of this Section will constitute an act of cruelty/neglect.
- B. Dogs carried in the back of open boxed trucks must be confined to the vehicle, by either cable or chain so as to prevent escape and/or injury and protected from excessive heat from the sun and ambient heat from the truck bed.

SECTION 5-3 VICIOUS ANIMALS:

It is unlawful for any person to keep or harbor a known vicious animal in Grant County. Any attack by a vicious animal or any animal may be repelled by the use of reasonable force. After a judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may, in addition to any fine or imprisonment which may be imposed for violation hereof, order the Animal Control Officer to have such animal humanely destroyed as set or in Article 2.

SECTION 5-4 DISTURBING THE PEACE:

- A) It is unlawful for any owner to allow any of his animals to persistently or continuously bark, howl or otherwise disturb the peace of the residents of Grant County by being a nuisance-barking dog as defined in Article 1.
- B) It is unlawful for any owner to keep or maintain on his premises any animal in such a manner as to disturb others by noxious or offensive odors, or otherwise endanger the health, safety or welfare of the inhabitants of Grant County.
- C) Violation of this Section shall constitute a nuisance and shall be subject to the Penalty provision of Section.3-3.

SECTION 5-5 UNLAWFUL USE OF LICENSE TAG:

It is unlawful for any person to remove any license tag from

an animal and attach it to another animal. It shall be unlawful for any person to manufacture or cause to be manufactured or have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies vaccination certificate or other form of licenses as required by this ordinance.

SECTION 5-6 ANIMAL FIGHTS:

- A) 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 (1) or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.
- B) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.

ARTICLE 6: CRUELTY TO ANIMALS PROHIBITED:

SECTION 6-1 PHYSICAL ABUSE:

It is unlawful for any person to willfully or maliciously kill, beat, sexually abuse, maim, poison, disfigure, burn or scald any animal, or attempt to kill or poison any animal except that reasonable force may be employed only to drive off vicious or trespassing animals. Hunting or fishing in accordance with law shall not be construed as a violation of this section. It is not the intent of this section to prohibit the use of poisonous substances or physical methods for the control of vermin of significance to the public health.

SECTION 6-2 MOLESTING ANIMALS:

It is unlawful for any person to tease, annoy, disturb or molest any animal, which is on the property of its owner or under the control of its owner.

SECTION 6-3 CRUELTY:

- A) It is unlawful for any owner of an animal to fail, refuse or neglect to provide said animal with proper and adequate food, drink, shade, shelter and ventilation. Any animal habitually kept outside shall be provided by its owner with a structurally sound, weatherproof enclosure large enough to accommodate the animal in a manner suitable for that species.
- B) An owner must keep the premises where an animal is kept free of garbage, hazardous materials, feces, insect infestation, and other debris which may endanger the animals' health and safety.
- C) An owner must provide an injured or sick animal with adequate veterinary care so as to reduce its suffering.

SECTION 6-4 ABANDONED ANIMALS:

- A) It is unlawful for any person to abandon any animal in Grant County.
- B) Where an Animal Control Officer discover that an animal is or will be without proper care due to injury, illness and/or incarceration the Officer may enter onto the

property or premises where said animal is located and provide protective care for the animal. In the event the animal becomes sick or incurs injury the officer may take such action as is necessary to prevent undue pain and suffering, including humane destruction of the animal if necessary.

SECTION 6-5 REPEAT OFFENSES:

- A) Any violation of Section 6 shall constitute an act of cruelty." An offender shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500.00 and/or imprisonment for a period not exceeding six (6) months.
- B) In cases of repeat offenses under Section 6, an Animal Control Officer shall have the authority to impound any animal subjected to cruelty, neglect or abandonment. The animal may not be returned to its owner before a hearing in Magistrate Court if, in the opinion of the Officer the harm to the animal is severe and likely to recur.
- C) In cases of repeat offenses for animals subjected to cruelty, neglect or abandonment, the Officer may have such animal adopted to another owner, thereby extinguishing all property rights of the existing owner, provided the Officer serves written notice upon the existing owner, informing him of the Officers' intent to have said animal adopted by another owner and giving the existing owner three (3) business days to 1) declare his intent to maintain ownership of the animal and to object to the adoption and 2) pay all impoundment, boarding and veterinary costs, up to the date of the owner's declaration of intent to maintain his ownership of his animal. This intent must be stated in writing, signed by the animal's owner and delivered to the Animal Shelter keeping the animal. The statement of intent and payment of fees and costs will serve to stop any animal adoption proceedings.

ARTICLE 7: GUARD DOGS:

Anyone using or keeping a dog for the sole purpose of guarding a property and neither as a pet nor for hunting uses, must follow the restrictions set forth below in addition to all other applicable provision of this Ordinance:

- A) The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large unless the owner complies with Section 5.
- B) If chained, the animal must be located within 10 feet of the entrance of the building to be guarded and chained in such manner as set forth in Section 5.
- C) The owner of the guard dog shall post warning signs prominently on all sides of the premises and on the entryway of the premises, stating that a guard dog is on the premises.

ARTICLE 8: TAMPERING

8-1 Breaking into Enclosures: Any person who shall in any manner break into or aid, directly, or indirectly, in breaking into enclosures in which any animal is impounded shall be guilty of a misdemeanor.

8-2 Hindering an Animal Control Officer: Any person who shall willfully or intentionally hinder or obstruct any Animal Control Officer in the discharge of his official duties under the provisions of this Ordinance shall be guilty of a misdemeanor.

ARTICLE 9: REGULATION OF KENNELS

SECTION 9-1:

- A) It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or upon the premise of any one business property more than ten (10) dogs of licensing age or ten (10) cats unless the owner or person in charge thereof has obtained a permit to operate a kennel from the Animal Shelter.
- B) The cost of obtaining a kennel permit is set forth in Section 3-3. Each kennel license must be renewed annually and a new permit fee paid.
- C) No kennel permit shall be issued until an inspection of the kennel by an Animal Control Officer finds compliance with this Ordinance has been completed.
- D) The Animal Control officer is authorized to inspect, at any reasonable hour, any kennel holding permit to operate. By accepting a kennel permit, the permittee is agreeing to surrender the kennel for inspection at a reasonable time upon the request of an Animal Control Officer.
- E) All kennels, as defined herein, shall, in addition to the other provisions of this Ordinance, comply with the minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a permit or revocation of permit. The following standards must be met:
 1. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the side or tops of cages.
 2. All animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
 3. Animal food shall be free from contamination, and of sufficient quantity and nutritive value meet the normal daily requirements of the condition, age and size of the animal.
 4. All animals shall have fresh, potable; water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.

Any permit issued pursuant to this Section may be revoked if an Animal Control Officer has reasonable cause to believe that the standards set forth in this Section are not being met,

or, if the permittee or the person caring for or having control of the kenneled animals has violated any Section of this Ordinance or is in violation of any zoning, health, and safety or building ordinance relating the keeping, care or use of any animal.

SECTION 10 WILD OR EXOTIC ANIMALS:

- A. Keeping of Wild or Exotic Animals: No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations or as defined in Section 17-2-1 et seq. NMSA (1978).
- B. No person shall keep an animal which is wild, vicious, noxious or naturally inclined to do harm, except in the animal shelter or veterinary hospital for which adequate protection devices shall be provided to prevent any animal for escaping or injuring the public.
- C. Any provisions of this Ordinance to the contrary notwithstanding, no person shall keep a wild or exotic animal in such a manner as to constitute a likelihood of harm to the animal or other animals, to human beings, to the property of human beings, or which constitutes a public or private nuisance. No person shall breed, purchase, sell, offer for sale or services, or advertise for sale within Grant County any exotic animal or wolf-hybrid.

10.2 LICENSING WILD OR EXOTIC ANIMALS:

Any provision of this Ordinance to the contrary notwithstanding, no person shall receive, own, or keep a wild or exotic animal within the limits of the County, without first applying for and receiving from the ACO an annual permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animal involved. The ACO is permitted to enter the premises of the permittee at any reasonable time for the purpose of inspection or reinspection to determine compliance with this ordinance. The ACO may deny, revoke, or suspend a permit for failure to comply with the Section. This permit must be renewed annually.

ARTICLE 11: SAVINGS CLAUSE AND EFFECTIVE DATE

- A) Savings Clause: If any of these Sections, subsections, sentences, clauses or phrases of this Ordinance are for any reasons found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinances shall not thereby be affected since it is the express intent of the Board of County Commissioners to pass each section, phrase, paragraph and word separately. Ordinance No. 78-5-15 is hereby repealed.
- B) This Ordinance will take effect on June 24, 2002.

AMENDMENT TO ORDINANCE NO 2002-1

The following amendment to Ordinance No. 2002-1 is proposed to comply with New Mexico law:

SECTION 4-2. RABIES CONTROL

- 1) Annual Vaccination: It is the duty of every owner or keeper of a dog or cat over age of three months to have such animal vaccinated against rabies. The animal shall receive a booster within the 12-month interval following the initial vaccination. Every domestic dog and cat shall be revaccinated against rabies within 12 months if a 1-year vaccine is administered or within 36 months if a 3-year vaccine is administered with a rabies vaccine licensed by the United States Department of Agriculture and administered according to label recommendations. The "Compendium of Animal Rabies Control (CARC)," published by the National Association of Public Health Veterinarians, Inc., shall be the reference for the route of inoculation and the type of vaccine. Every veterinarian who vaccinates a dog or cat in Grant County shall issue to the owner or keeper of the animal, a numbered vaccination certificate containing the name and address of the owner of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination, and the expiration date of the period of immunity. Veterinarians who vaccinate such dog or cat must also provide a copy of the vaccination certificate to the licensing authority.

ORDINANCE NO. 2002-01 was amended this 24th day of July 2003 in Silver City, Grant County by the Board of Grant County Commissioners.