

**HIDALGO COUNTY**

**ORDINANCE NO. 79-2**

AN ORDINANCE PROVIDING FOR CONTROL OF DOGS AND FOR THE IMPOUNDMENT AND/OR KILLING OF DOGS FOUND RUNNING AT LARGE OR INJURING OR KILLING LIVESTOCK; AND ENFORCEMENT

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS IN AND FOR THE COUNTY OF HIDALGO, STATE OF NEW MEXICO:

**SECTION 1. TITLE AND AUTHORITY** — This ordinance may be cited as the HIDALGO COUNTY DOG ORDINANCE and is adopted pursuant to Section 4-37-1, NMSA 1978 Compilation.

**SECTION 2.** It is hereby declared to be unlawful for any person to allow a dog to run at large not under the active control of the owner or handler.

**SECTION 3.** Any peace officer may impound any dog found running at large unaccompanied by or not under the control of the owner or handler and further the peace officer shall kill the dog if it is in the act of pursuing or wounding livestock, wounding or killing poultry or attacking humans.

A. Any peace officer may kill any dog in the act of pursuing or wounding livestock, wounding or killing poultry, or attacking humans whether or not the dog wears a rabies tag required by Section 77-1-3, NMSA 1978; further, the peace officer may kill any dog not under the control of the owner or handler if that dog is not wearing a rabies tag as required by Section 77-1-3, NMSA 1978. There shall be no liability for the peace officer in damages or otherwise for such killing.

**SECTION. 4. ENFORCEMENT** — Any person violating the provisions of this ordinance shall be punished by a fine not to exceed \$300.00 and/or imprisonment in the county jail for a period not to exceed 90 days or both such fined and imprisonment.

**SECTION 5. EMERGENCY DECLARATION** — The Commissioners hereby find that there is an immediate danger to the public health safety and welfare of the county and that it is necessary that this ordinance take effect immediately.

PASSED, ADOPTED AND SIGNED by the Hidalgo County Board of County Commissioners as Hidalgo County Ordinance No. 79-2 and recorded with the Hidalgo County Clerk this 10<sup>th</sup> day of July, 1979.

**ORDINANCE NO. 99.2**

AN ORDINANCE CONTROLLING THE IMPORTATION OF PRAIRIE DOGS INTO HIDALGO COUNTY, NEW MEXICO, DECLARING AN EMERGENCY

Whereas, the Board of County Commissioners of Hidalgo County, New Mexico (hereinafter “Board”) finds and determines that the establishment and existence of prairie dogs within Hidalgo County, New Mexico is injurious, detrimental and damaging to the County and its inhabitants, both because of injury and damage to crops, lands, and environment, and because of the significant risk to public health posed by prairie dogs as a proven disease vector, and, further, the control of prairie dogs within Hidalgo County is a matter of strictly local concern, and, finally, that the existence of prairie dogs within Hidalgo County constitutes a public nuisance, and

WHEREAS, the State of New Mexico has recognized the risk factors and destructive potential of the prairie dog and has provided, by statute (NMSA 1978. §77-15-5) for the destruction of prairie dogs, even on private land.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE COUNTY OF HIDALGO:

**SECTION 1:** It shall be unlawful for any person, firm, or entity to import prairie dogs into Hidalgo County, New Mexico from any place without Hidalgo County, New Mexico, and to allow said prairie dogs to run at large upon public or private lands belonging to any person or entity other than the importer thereof. Any person so desiring to import prairie dogs into Hidalgo County, New Mexico, with the intent to allow said prairie dogs to run at large upon his or her own lands shall first obtain a permit therefor from the Board, which permit shall only be issued by the Board, in said Board's sole discretion, after presentation of satisfactory proof that the importer of said prairie dogs shall be able to completely and permanently contain said prairie dogs upon his or her own lands.

**SECTION 2:** In case any importer of prairie dogs shall fail to contain the prairie dogs upon their own lands, after written notice from the County served upon such importer in person or mailed to their last known postal address, to destroy the prairie dogs in the permitted release areas it shall be the duty of the County to enter upon said lands and to destroy the prairie dogs therein at the expense of the owner of said lands; which expense shall be a lien upon the lands; provided that such expense chargeable to the owner or against lands of unknown owners shall not exceed the cost of the destruction.

**SECTION 3:** Should the imported prairie dogs escape confinement to adjacent properties, it shall be the duty of the County to cause the prairie dogs therein to be destroyed, and the expense thereof, not exceeding the cost of destruction, shall be certified to the Board, and levied and assessed on the importer of the prairie dogs and levied and assessed upon the designated release lands of the importer and collected and paid into the county treasury

**SECTION 4:** Any person, firm, or entity convicted of a violation of Section 1 of this Ordinance shall be deemed guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars (\$300.00) for each offense.

**SECTION 5:** Any person, firm or entity who shall interfere with the county in the discharge of its duties as herein provided shall be deemed guilty of a petty misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00) for each offense.

**SECTION 6:** If any provision of this Ordinance or the application thereof is held invalid, such invalidity does not affect any other provision of the Ordinance which can be given effect without the invalid provision or application, and to those ends the provisions of the Ordinance are severable.

**SECTION 7:** This Ordinance shall be recorded in the book kept for that purpose and shall take effect in accordance with law.

**SECTION 8: EMERGENCY.** It is necessary for the public peace, health and safety that this Ordinance take effect immediately.

PASSED, APPROVED, AND ADOPTED THIS 28 DAY OF June, 1999.