

LEA COUNTY ANIMAL CONTROL ORDINANCE NO. 17

SECTION I. DEFINITIONS

For the purposes of this ordinance, the following words and phrases shall have the following meanings:

- A. Animal shelter - Any establishment authorized by the County for the care and custody of impounded animals.
- B. Keeper - Any person who owns, harbors, keeps or has control or custody of an animal for more than six (6) days; provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.
- C. Kennel - Premises where more than a total of five (5) dogs or cats are boarded or kept.
- D. Nuisance - Includes, but is not limited to, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or becoming offensive to the inhabitants of the area.
- E. Quarantine - To detain or isolate an animal suspected of being infected with rabies.
- F. Running At Large - An animal shall be deemed to be running at large when it is off the premises of the keeper, and not under the direct control of a competent person. Direct control means connected by a secure leash not more than six (6) feet in length.
- G. Stray - Any animal having no identifiable keeper.
- H. Veterinarian - Any veterinarian with a valid license to practice veterinary medicine.
- I. Vicious animal - Any animal that commits an unprovoked attack upon a person on private property, or that terrorizes or attacks a person on public property or in a public place.

SECTION II. ENFORCEMENT OF ORDINANCE

The animal control officer(s) designated by the Sheriff, and any other county law enforcement officer, shall have the authority to issue citations for violations of this ordinance.

SECTION III. RABIES CONTROL

- A. Annual vaccination
 - 1. It is the duty of every person keeping a dog or cat over the age of three (3) months to have such animal vaccinated annually by a veterinarian against rabies.
 - 2. Any dog or cat brought into the County must be vaccinated within one week after the animal's entry into the County unless the keeper has a certificate of vaccination, issued by a veterinarian, that conforms to the requirements of the State of New Mexico. If at the end of one week the animal is still not vaccinated, a grace period of 3 - 5 days will be given. If at the end of this period the animal is still not vaccinated, the owner will be cited with a violation.
- B. Vaccination certificate
 - 1. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate 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 vaccine used, the date of vaccination and the expiration date of the period of immunity.

- 2. Every person who keeps a dog or cat must exhibit his copy of the certificate of vaccination upon demand of any person charged with the enforcement of this ordinance.
- C. Human exposure to rabies
 - 1. When any person is bitten by an animal, that person or his parent or guardian, and the owner or keeper of the animal shall immediately report the incident to an animal control officer and/or the Sheriff's Department.
 - 2. Every physician or other health care professional who treats a person for an animal bite shall report such treatment to the animal control officer and/or the Sheriff's Department. Such report must specify the name and precise location of the person bitten.
- D. Quarantine of rabies suspects
 - 1. Any dog or cat that has bitten a person shall be impounded at an animal shelter, a veterinary hospital or an approved kennel and observed for a period of ten (10) days from the date of the bite; provided, however, that if the animal has a current vaccination for rabies and the area involved is not quarantined 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 premises has been inspected and approved for such purpose by the animal control officer if observance of the animal is denied or prevented, the animal shall immediately be confined at the animal shelter for the remainder of the quarantine period.
 - 2. Any dog or cat bitten by an animal known or proved to be rabid shall be killed immediately by its owner or by the animal control officer; provided, however, that any dog or cat that has been vaccinated at least three (3) weeks before being bitten shall be confined for ninety (90) days. At the end of the confinement period, the dog or cat shall be released if declared free of rabies by a licensed veterinarian.
 - 3. If, as determined by the veterinarian, a dog or cat develops rabies during the period of confinement, the owner or keeper shall have it killed and properly dispose of the body. The animal control officer shall, upon being notified by the owner or keeper of such animal, dispose of it.
 - 4. The head of any animal suspected of having died of rabies shall be immediately sent to a laboratory designated by the State Board of Public Health under such procedure as specified by the State Board of Public Health.

- E. Declaration of quarantine
The Board of County Commissioners may declare a quarantine against rabies within the County when, in its judgment, rabies exists to the extent that it is a danger to public health. Upon such declaration, all dogs and cats within the County shall be confined on the premises of the keeper, in a veterinary hospital, or a commercial dog kennel. After reasonable effort is made to apprehend any dog or cat found running at large, it may be killed by any deputy sheriff or animal control officer who shall also properly dispose of the body. A quarantine shall not be removed except on order of the Board of County Commissioners.

SECTION IV. ENFORCEMENT RIGHTS; IMPOUNDMENT, REDEMPTION, ADOPTION

- A. Right of entry of animal control officers. Animal control officers, in the performance of their duties, may enter upon private property, but not enter into a private residence, for the purpose of apprehending animals running at large and stray animals.
- B. Impounding animals. Animals apprehended by an animal control officer or other designated official shall be impounded.
- C. Notice to keeper. If the keeper of an impounded animal is known, he or she must be notified.
- D. Redemption. All impounded animals may be redeemed by their keepers upon payment of fees for the care and feeding of the animal. Any animal not redeemed within 72 hours of impoundment may be placed for adoption, or the animal may be humanely destroyed.
- E. Adoption. Animals that have been impounded and not redeemed may be adopted upon payment of an adoption fee. The health of adopted animals shall not be guaranteed, and the adoption fee shall not be refundable.

SECTION V. RESTRICTIONS AS TO KEEPING DOGS AND CATS; GRANDFATHER CLAUSE

- A. No person shall keep a total of more than five (5) dogs and cats over three (3) months of age on tracts that are two (2) acres or less in size.
- B. No person shall keep a total of more than five (5) dogs and cats over three (3) months of age in an approved subdivision on tracts that are larger than two (2) acres in size, unless a kennel license is obtained and maintained.
- C. Tract size is determined by plat, and the fact that one person or family may own and/or occupy multiple adjoining lots is immaterial; such a person or family will be considered to live on one tract.
- D. The restrictions stated above shall not apply to those persons who, on August 31, 1987, kept a total number of dogs and cats in excess of the restrictions stated above, but whose keeping was lawful and permitted by this ordinance's predecessor ordinance; provided, however, that any kennel license required by the predecessor ordinance at that time must have been issued and continually maintained since then for this waiver of restriction to apply. Any lapse of kennel license will for-

feit a person's right to claim the benefit of this "Grandfather Clause."

SECTION VI - KENNELS

- A. License fee. The annual fee for a kennel license shall be five dollars (\$5). A kennel license shall expire on December 31 of each year and shall be renewed on or before February 1 of the following year. No kennel license may be issued without an inspection certificate issued by an animal control officer.
- B. Requirements. To obtain and maintain a kennel license, the following requirements must be met:
1. The facility shall be maintained in good repair and kept clean at all times.
 2. Animals maintained in confined areas must not be overcrowded and shall be given adequate exercise.
 3. Indoor housing shall have adequate lighting and ventilation.
 4. Outside housing must be sufficient to protect the animal from the weather.
 5. Animals shall be provided with sufficient food and water.
 6. Every animal must be observed daily, and diseased or injured animals must be provided with veterinary care.
- C. Inspection. The animal control officer shall be permitted to enter and inspect any kennel or pet shop at any reasonable time.
- D. Violations, suspensions and revocations of licenses; appeals.
1. A kennel license may be denied, suspended or revoked by the animal control officer or sheriff upon a determination that the operator of the kennel or pet store is in violation of this section.
 2. An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the County Manager, at which the County Manager shall preside.
 3. Based upon the record of such hearing, the County Commission shall sustain, modify or rescind the action taken by the County Manager at the hearing.
 4. Any owner of a kennel or pet store whose license has been suspended or revoked may make application for reinstatement of the license. If, during the following inspection, the applicant has complied with the requirements for a kennel license, the license shall be reinstated.
- E. Exceptions. This section shall not apply to and shall not be construed to require a kennel license for:
1. A veterinary hospital or clinic operated by a licensed veterinarian
 2. A bona fide research institution using animals for scientific research
 3. A publicly owned animal control center or shelter
 4. A bone fide animal shelter operated by an organized humane society.



SECTION VII. MISCELLANEOUS

- A. On the fifth day of each month, each animal control officer shall file with the County Sheriff a report for the previous month containing a detailed, statement of the number and kinds of animals impounded by that officer. At the same time, animal control officers shall pay to the Sheriff all money received by that officer. Animal control officers shall issue receipts for all fees and charges collected, and one copy shall be given to the person making payment, and a duplicate shall be given to the County Treasurer. The Sheriff shall remit such funds to the County Treasurer for deposit.
- B. Animal control officers shall remove and dispose of all dogs and cats found on any roads, or in public places within the County but not inside of municipal city limits.

SECTION VIII. PENALTIES

- A. Any person who violates any of the provisions of this ordinance shall be charged with a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed three hundred dollars (\$300) and/or imprisonment for a period not to exceed ninety (90) days, or both such fine and imprisonment. Each day of violation shall be considered a separate offense.
- B. Minimum fines for dogs running at large or animals being a nuisance shall be:
1. First offense - minimum fine twenty-five dollars (\$25)
 2. Second offense - minimum fine fifty dollars (\$50)
 3. Third offense - minimum fine one hundred dollars (\$100)

SECTION IX PROHIBITED ACTIVITIES

- A. Rabies control
1. It is unlawful for a keeper of a dog or cat not to obtain vaccinations for rabies as set forth in Sections III.A. and III.B. of this ordinance, and it shall be unlawful not to report animal bites as set forth in Section III.C. of this ordinance.
 2. It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without written consent of an animal control officer or the sheriff.
 3. It is unlawful for any person to transfer any rabies tags from one animal to another or to make use of a stolen, counterfeit or forged license, certificate or tag.
- B. Animals running at large. It is unlawful for any keeper of any animal, other than a cat, to permit such animal to run at large.
- C. Animal nuisance. It is unlawful for a keeper to allow any animal to persistently bark, howl or make noise, or to be kept or maintained in such a manner as to be a nuisance to the inhabitants of the area.
- D. Abandonment of animals. It is unlawful to abandon any domestic animal within the County.
- E. Vicious animals. It is unlawful for any person to keep or harbor any vicious animal and it is the duty of the owner or keeper of a vicious animal to cause the vicious animal to be killed. Any peace officer or animal control officer may kill any animal in the act of pursuing or

wounding any livestock or wounding or killing poultry, or attacking human beings.

- F. Concealment of animal; interference with enforcement of ordinance. It is unlawful for any person to conceal any animal from the officers charged with the enforcement of this ordinance or to interfere with such officers in the discharge of their duties.
- G. Harboring unvaccinated animals. It is unlawful for any person to keep a dog or cat that has not been vaccinated against rabies as provided in this section.
- H. Physical abuse. It is unlawful for any person to maliciously kill, maim, torture, mutilate, or burn any domestic animal.
- I. Poisoning. It is unlawful to poison any domestic animal.
- J. Care and maintenance. It is unlawful for a keeper to fail to provide any animal with proper food, drink, and shelter or to carry or keep an animal in or upon any vehicle in a cruel manner.
- K. Dog fights. It is unlawful to cause, instigate or promote any fight in which two or more dogs are engaged for the purpose of injuring, maiming or destroying themselves or another animal.
- L. Duty of motorist upon striking animal. It shall be unlawful for the operator of any vehicle upon striking and injuring or killing any livestock or state-controlled animal to fail to report the incident to a law enforcement or animal control officer at the earliest opportunity; in no event shall more than two (2) hours elapse before reporting the incident.
- M. Exclusion of guide dogs from places of business. It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to exclude therefrom any dog that has been trained to assist the blind or deaf, provided that such dog is in the company of the blind or deaf person whom it was trained to assist.
- N. Number of animals to be kept. It is unlawful to keep more than the number of animals as provided in Section V of this ordinance.

SECTION X. REPEAL AND SEVERABILITY

Lea County Ordinance Number 13, dated April 22, 1986, be and hereby is repealed, as are any inconsistent provisions of previous ordinances. If any part of this ordinance is held to be unconstitutional or invalid or otherwise in conflict with the law of the State of New Mexico and the United States of America, the validity of the remaining portions of the ordinance shall not be affected and such portions can stand alone.

Adopted this 30th day of July, 1987. This ordinance shall be effective on the 31st day of August, 1987.

Amended this 3rd day of May, 1993. This amended ordinance shall be effective on the 2nd day of June, 1993.