

UNION COUNTY

ORDINANCE NO. 5

AN ORDINANCE REGULATING THE OWNING, KEEPING, IMPOUNDING AND DISPOSITION OF DOGS IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE COUNTY OF UNION AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY NEW MEXICO:

SECTION 1. POUND:

The Board of Commissioners may, at its discretion, establish a county dog pound or contract for animal control services on behalf of the County of Union. Such pound or services, with respect to dogs, shall provide adequate pick-up, impounding, holding, isolation, and humane disposition facilities for sick, biting, rabid, unwanted, unclaimed, or other dogs in violation of this ordinance, and shall supply proper housing, feed, water, and care for all dogs while in lawful custody under this ordinance.

SECTION 2. POUNDMASTER:

The county may employ a poundmaster on such terms, salary, or other compensation as it may determine or a public or private provider of animal control services on such terms as may be agreeable. In either case, all county ordinances and state statutes shall be complied with and such records and reports as the Board may require shall be made.

SECTION 3. LICENSING:

- A. All dogs over three (3) months old within the County of Union shall be licensed by their owners or keepers with the County Clerk by presenting to the Clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies and paying a fee of Two Dollars (\$2.00) for males and spayed females and Three Dollars (\$3.00) for unspayed females for part or all of an annual license year commencing January first of each year.
- B. The County Clerk shall thereupon issue a license for such dog, keeping a record thereof.
- C. If the license is lost or destroyed, a duplicate may be obtained from the County Clerk upon the payment of a fee of fifty (\$.50) cents. In the event that the ownership or possession of the dog is changed, a new dog license shall be obtained pursuant to this ordinance.

SECTION 4. RUNNING AT LARGE GENERALLY; COMMITTING DAMAGE; BEING A NUISANCE:

- A. It shall be unlawful for any person owning, harboring or having the custody, control, or possession of any dog to cause or permit it:
 - (1) To be in or upon any public street, alley, or other

public place, or in or upon any unenclosed private premises, other than the owner or custodian unless subject to control by leash, chain, cord or other suitable material attached to a collar or harness.

- (2) To commit any damage or nuisance upon the property of any other person or upon a public street, alley, or other public place.
 - (3) To become a public nuisance through excessive, continuous, or untimely barking, molesting passers-by, chasing vehicles including bicycles, habitually attacking other domestic animals, trespassing upon schoolgrounds, or trespassing upon private property in such manner as to damage property.
- B. Except as provided in subsection A hereof, the person owning, harboring, or having the custody, control, or possession of any dog shall keep such dog restrained in such a manner as will prevent it from running at large within the County of Union.
 - C. Any person found to be in violation of this section may be fined up to \$300.00 or imprisoned up to 90 days or both.

SECTION 5. LIMITATION ON NUMBER OF DOGS TO BE KEPT BY A FAMILY OR RESIDENTIAL UNIT:

- A. It is the finding of the Board of Commissioners of the County of Union that the health, safety, and welfare of the residents of the County require that a limitation be placed upon the number of dogs that a family may permanently maintain at their place of residence within the County of Union. Therefore, it shall be unlawful for any family to maintain at their place of residence within the County of Union for a period of time longer than seven days, more than three adult dogs. Violation of this provision shall be prima facie evidence of maintenance of a nuisance. Adult dogs shall be defined as dogs that must be licensed under this ordinance. No more than three licenses for dogs shall be issued by the County of Union for any one address or place of residence within the County of Union. Anyone found in violation of this ordinance shall be subject to a fine of not more than \$300.00 or imprisonment for not more than ninety days or both. The fine and imprisonment provided for may be suspended by the Court upon written promise by the offender that the offender will comply with this provision by disposing of the excess dogs. The keeping of an excessive number of dogs within the County of Union shall constitute one offense, and only one citation shall issue irrespective of the number of dogs in excess of the limit the offender may have. In the event an offender agrees to remove excess dogs under court order, but fails to comply with such order, the Court shall revoke its suspended sentence unless good cause is shown. The County of Union shall, in the event that excess dogs are not removed under court order, have the right to go

upon the offender's premises and remove the excess dogs. The excess dogs shall be properly maintained by the County at a location of its selection for 48 hours, and the offender shall be given notice that such dogs will be disposed of after expiration of a 48-hour period unless the offender makes some other arrangements for the dogs. In no event will the dogs be returned to the offender.

- B. The offender shall be responsible for all expenses reasonably incurred by the County in enforcing this provision.

SECTION 6. SEIZURE OF DOGS RUNNING AT LARGE: It shall be the duty of the Sheriff or his deputies, while on duty to seize and impound all dogs, licensed or unlicensed, found running at large within the County of Union.

SECTION 7. IMPOUNDMENT; DISPOSITION AND RECOVERY OF DOGS:

- A. All unlicensed dogs and all licensed dogs not maintained in accordance with this ordinance shall be impounded in a dog pound. Any dog so impounded shall be held for a period of forty eight (48) hours, and if not redeemed by its owner or keeper within that period, may be sold or given away. All dogs not redeemed, sold, or given away shall be forthwith destroyed in a humane manner.
- B. The owner or keeper of any dog impounded may, at any time before its disposition, redeem it by paying a fee of Five Dollars (\$5.00) for impoundment together with a feeding charge of One and 50/100 (\$1.50) for each day or fraction of a day the dog has been impounded, and any other charges which may be assessed. If the dog is unlicensed, the owner shall be required to purchase a license as required by this ordinance. The owner or keeper of a dog repeatedly impounded shall pay an additional fee of Five Dollars (\$5.00) to the amount previously paid.

SECTION 8. PENALTY:

Any person who shall molest or interfere with the personnel of the County of Union in the performance of the duties provided herein, shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than Twenty-Five Dollars (\$25.00) or by imprisonment in the Clayton Jail for a term not exceeding thirty (30) days in the discretion of the Court.

SECTION 9. VICIOUS DOGS:

- A. It shall be unlawful for any person to keep any dog known to be vicious and liable to attack or injure human beings unless such dog is securely kept to prevent injury to any person.
- B. It shall be unlawful to keep any unvaccinated dog with any symptoms of rabies.
- C. It shall be unlawful to fail or refuse to destroy vicious dogs or unvaccinated dogs with symptoms of rabies as prescribed by regulation of the health and environment

department for the protection of public health and safety.

SECTION 10. DOGS WHICH ATTACK LIVESTOCK, PERSONS, ETC.; DOG PACKS; NO LIABILITY FOR KILLING SUCH DOGS:

- A. If any dog shall kill or injure any livestock, the owner or keeper of such dog shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction.
- B. It shall be the right of any owner of livestock so killed or injured by the actions of any dog to kill the dog while it is upon property controlled by the owner of the livestock.
- C. It is unlawful to keep any dog after it is known that the dog is liable to kill or injure livestock and it shall be the duty of the owner or keeper to kill or have killed such dog. Anyone, including the Sheriff or his deputies of the County shall summarily kill any dog, licensed or unlicensed, if such dog is caught in the act of pursuing or wounding livestock, wounding or killing poultry, or attacking human beings.
- D. Three or more dogs, licensed or unlicensed, running together are hereby declared to be a dog pack and a nuisance, dangerous to the health, safety, and welfare of the residents of the County. It shall be the right of all individuals encountering a dog pack to disperse such immediately and if appropriate, kill the dogs comprising the dog pack.
- E. There shall be no liability of any person, including the Sheriff or his deputies of the County, in damages or otherwise for killing of a dog as specified in this section.

SECTION 11. VACCINATION OF DOGS REQUIRED:

Any person who owns or keeps a dog over the age of three (3) months in the County of Union shall have the dog vaccinated against rabies annually. All antirabies vaccine shall be administered by or under the supervision of a licensed veterinarian, who shall issue a serially numbered certificate and tag for each such administration.

SECTION 12. VACCINATION OF DOGS BROUGHT INTO COUNTY:

Any dog brought in the County of Union shall be securely confined by the owner or keeper until vaccinated against rabies and until licensed by the County of Union which vaccination shall be administered and license secured within one (1) week after entry in the County unless the owner or keeper has a certificate of vaccination issued by a veterinarian in another, city, county, state, or foreign country, and such vaccination conforms to the requirements of the County and State. Any dog brought into this County which is under the age of three (3) months shall be securely confined by the owner or keeper until it reaches the age of three (3) months and is properly vaccinated and licensed.

SECTION 13. COUNTY LICENSING; FEES FOR GUIDE DOGS EXEMPT:

Every owner of a guide dog trained to lead a blind person shall have such dog vaccinat-

ed against rabies and licensed as provided hereunder. The County of Union, New Mexico, shall charge no license fee for the licensing of such guide dogs.

SECTION 14. HUNTING DOGS:

Every owner of a bona fide hunting dog shall have such dog vaccinated against rabies and licensed as provided in Section 3 of this ordinance. Sections 4 (1), 5 and 10D of this ordinance shall not apply to bona fide hunting dogs where the same are kept properly restrained or confined upon the owner's premises or while the same are lawfully used in connection with any lawful hunting activities carried on in the county. Section 12 does not apply to hunting dogs brought into the county on a temporary basis for the purpose of engaging in lawful hunting activities.

SECTION 15. PENALTY:

It is hereby declared to be a misdemeanor for any person who is the owner or keeper of a dog to fail to have the same licensed and vaccinated as herein provided; and upon conviction thereof, said person shall be fined in the sum of Ten Dollars (\$10.00), and each day's failure to comply shall constitute a separate offense.