

STATE OF NEW MEXICO
 County of Grant
 I hereby certify that this instrument
 was filed for record on the 29
 day of March A.D., 1978
 at 10:40 o'clock A. M. and duly
 recorded in book 204 of the records
 of County Ordinances
 at page 1-6
 Witness my hand and seal of office
Charles A. Stebbins
 County Clerk, Grant Co., N.M.
Robert R. White Deputy

BOARD OF COUNTY COMMISSIONERS
 ORDINANCE NO. 1/13/77

AN ORDINANCE TO REGULATE, RESTRAIN, CONTROL
 AND REQUIRE VACCINATION AND LICENSING OF
 DOGS WITHIN THE COUNTY OF GRANT, EXCEPT FOR
 INCORPORATED MUNICIPALITIES WITHIN THE
 BOUNDARIES OF SAID COUNTY.

SECTION 1. DEFINITIONS:

(a) Owner: The word "owner" shall mean any person, or group of persons keeping or harboring any dog or dogs for a period of one week or longer.

(b) Vaccination: The word "vaccination" shall mean an injection of vaccine approved by the State Veterinarian, and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

(c) Animal Shelter: Any facility operated by a humane society or a county or municipal agency, or its authorized agents for the purpose of impounding and/or caring for animals held under the authority of this ordinance or state law.

(d) Public Nuisance: Any animal which:

1. molests passersby or passing vehicles
2. attacks other animals
3. is repeatedly at large
4. damages private or public property
5. barks, whines, or howls excessively or continuously

(e) 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.

SECTION 2. ENFORCEMENT:

(a) The provisions of this ordinance shall be enforced by all peace officers and humane officers with jurisdiction in Grant County, New Mexico.

SECTION 3. VACCINATION AND LICENSING:

(a) No person shall own, keep, harbor, or permit any dog to be present within Grant County unless such dog is vaccinated in accordance with the law of New Mexico and wears a tag proving such vaccination.

(b) Any person owning, keeping, harboring, or having custody of any dog over four months of age in said County must obtain a license as herein provided.

(c) Written application for licenses shall be made to the Licensing Authority which shall include name and address of applicant, description of the animal, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic within the previous six [6] months.

(d) Licenses for the keeping of dogs shall be for a period of one year. [January 1st to December 31st]

(e) Upon acceptance of the license application and fee, the Licensing Authority shall issue a durable tag stamped with an identifying number and the year of issuance.

(f) Application for license may be made from December 1 until February 28 of each calendar year after which time a late fee of \$5.00 will be added to the regular licensing charge.

(g) Applicable fees for licensing:

1. For each unneutered male dog . . . \$ 5.00
2. For each unspayed female dog . . . 10.00
3. For each neutered male dog 1.50
4. For each spayed female dog 1.50

(h) No person may use any license for any animal other than the animal for which it was issued.

SECTION 4. RESTRAINT:

(a) It shall be unlawful for any owner of a dog to permit a dog to be in or on the property of another person other than the property owned or leased by the owner unless the dog is continuously controlled by a competent person.

(b) Every female dog in heat shall be confined in a building or secure enclosure in such manner that she cannot come into contact with another animal except for planned breeding.

(c) Every vicious animal, as determined by proper authorities, shall be confined by the owner within a building

or secure enclosure and must be muzzled or caged when off the premises of the owner.

SECTION 5. TRESPASSING DOGS:

(a) When any person who owns or leases property has suffered damage to his property or livestock and finds any dog on his property under circumstances leading to the reasonable assumption that such dog has caused or contributed to damage to property or livestock, it shall be the right of the owner or lessee of said property to kill such dog when such dog is on the property owned or leased by him.

(b) Prohibited Methods of Killing--
Poisoning Unlawful

1. It shall be unlawful for any person to dispense, set out, administer or otherwise poison any dog within the limits of Grant County, New Mexico. Whoever violates this section shall pay a fine of not less than One Hundred Dollars [\$100.00] and be imprisoned in the County jail for not less than Thirty [30] days nor more than Ninety [90] days.
2. It shall be unlawful to set any trap within one-fourth [$\frac{1}{4}$] mile of any habitation within this county.

SECTION 6 IMPOUNDMENT AND VIOLATION NOTICE:

(a) Unrestrained dogs and nuisance animals may be taken by any peace officer, or animal control officer or humane officer and impounded in an animal shelter and there confined humanely.

(b) Impounded dogs shall be kept for not less than three [3] working days.

(c) If the owner of an impounded animal can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone, mail or by personal service, after which time a boarding fee of \$3.00 per day shall be imposed.

(d) An owner reclaiming an impounded animal shall pay a fee of \$10.00, plus \$2.00 for each day the animal has been impounded, and if such animal has not been vaccinated for rabies, nor has a current license tag, the charge for these items will be added to the impoundment fee and full payment must be made before the animal is removed from the shelter.

(e) An owner reclaiming an impounded dog for the

second time during the calendar year shall pay an additional \$10.00 impounding fee before removing said animal from the shelter.

(f) Any animal not reclaimed by its owner within three [3] working days shall become the property of the local government authority or humane society and may be placed for adoption or humanely euthanized with no further attempt made to return the animal to its owner.

(g) In addition to, or in lieu of, impounding an animal found at large, or for any other violation of this ordinance, the animal control officer, humane officer, or peace officer may issue to the known owner of such animal, a notice of violation. Such notice shall impose upon the owner a penalty of \$10.00 which shall be paid at the Grant County Animal Shelter within seventy-two [72] hours in full satisfaction of the assessed penalty. In addition, each owner shall also pay the posted rabies inoculation fee and license fee if the animal is not currently licensed.

SECTION 7. ANIMAL CARE AND PROTECTION:

(a) No owner shall fail to provide his animals with sufficient good food, water and proper shelter, protection and veterinary care when needed to prevent suffering.

(b) No person shall beat, cruelly ill-treat, torment, overwork or otherwise abuse any animal or cause or instigate or permit any dog fight, cock fight, bull fight or any other combat between animals or between animals and humans.

(c) No owner shall abandon any animal.

(d) The Licensing Authority is hereby authorized to humanely destroy any sick or injured animal when such need is indicated and the owner cannot be promptly located.

SECTION 8. ANIMAL BITES:

(a) Any dog identified as having bitten a person must immediately be placed in confinement within 24 hours for a period of ten [10] days. Currently vaccinated animals may be confined on the owner's premises if continuously restrained by a chain.

(b) Any person bitten by a dog must immediately report the same to the Sheriff's Office or the Public Health Office after which a report is to be recorded.

(c) If the owner should designate that the animal be confined at the Grant County Animal Shelter for observation it shall be at the owner's expense and at the time of confinement the owner must direct the officer in charge as to disposition when observation is ended. At the end of the

ten [10] day period, the owner must remove the animal within twenty-four [24] hours or the animal will be destroyed at the owner's expense.

(d) No dog under observation for rabies may be destroyed until this [10] day period has passed.

(e) No dog which has bitten a person may be removed from Grant County prior to the expiration of a period of fourteen[14] days after the dog has bitten.

SECTION 9. PENALTIES:

Any action in this Ordinance for which no penalty is provided shall be punished by a fine of not less than Ten Dollars [\$10.00], nor more than one Hundred Dollars [\$100.00].

The civil and criminal provisions of this Ordinance shall be enforced by those persons or agencies designated by County authority. It shall be a violation of this Ordinance to interfere with a humane officer in the performance of his duties.

SECTION 10. CONFLICTING ORDINANCES:

All other Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 11. SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Consideration for passage of the foregoing Ordinance followed a declaration by the Board of County Commissioners that there existed an emergency imposing immediate danger to the public health, safety and welfare of the County and its residents and said Ordinance shall take effect immediately following adoption without the necessity of prior publication.

PASSED, ADOPTED AND APPROVED by the COMMISSIONERS
OF GRANT COUNTY, New Mexico, this 13 day of January, 1971.

GRANT COUNTY COMMISSIONERS

Willard J. ...
Chairman


S. ...
County Clerk