

## CIBOLA COUNTY ORDINANCE NO. 87 - 1

AN ORDINANCE PROVIDING FOR RABIES CONTROL: REPORTING OF ANIMAL BITES: IMPOUNDMENT OF ANIMALS: PROHIBITION OF PERMITS FOR CERTAIN SPECIES OF ANIMALS: RESTRICTION AND PERMITS FOR DOMESTIC LIVESTOCK: AND PRESCRIBING PENALTIES FOR VIOLATING THE SAME, DECLARING EMERGENCY AND REPEALING ORDINANCES IN CONFLICT.

BE IT ORDAINED BY THE CIBOLA COUNTY COMMISSION, the governing body of Cibola County, New Mexico, as follows:

### SECTION 1.0 DEFINITIONS

As used in this ordinance, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein.

- 1.1 ANIMAL: Any vertebrate member of the animal kingdom excluding man.
- 1.2 ANIMAL SHELTER: Any establishment authorized by the County Commission for the care and custody of impounded animals.
- 1.3 BITE: A puncture or tear to the skin inflicted by the teeth of an animal.
- 1.4 BOARDED: An animal is being boarded within the meaning of this ordinance if it is being properly fed, watered and otherwise cared for, for a fee.
- 1.5.1 CITY: The City of Grants.
- 1.5.2 CITY MANAGER: The City Manager of the City of Grants, New Mexico, or his/her designated representatives or agents.
- 1.6.1 COUNTY: The County of Cibola.
- 1.6.2 COUNTY MANAGER: The County Manager of the County of Cibola, New Mexico, or his/her designated representatives or agents.
- 1.7 EXOTIC ANIMALS: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.
- 1.8 EXPOSED TO RABIES: A dog has been exposed to rabies within the meaning of this ordinance, if it has been bitten by or has been in close proximity to any animal known to have been infected with rabies.
- 1.9 ANIMAL CONTROL OFFICER: The person or persons employed by the City or County as enforcement officer, for this ordinance.
- 1.10 KEEPER: Any person who owns, harbors, keeps, or has control or custody of an animal for more than three (3) days, provided that this term shall not apply to veterinarians, kennel or pet store owners temporarily maintaining on their premises animals owned by others.
- 1.11 KENNELS: Any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding domestic animals.
- 1.12 NUISANCE: Means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors, or acts otherwise endangering or offending the well being of the inhabitants of the County.
- 1.13 OWNER: Any person, group of persons, or corporation owning, keeping and harboring an animal.
- 1.14 PERSON: Any individual, household, firm or corporation owning, keeping and harboring an animal.
- 1.15 PET STORE: Any person, group of persons, or corporation engaged in the commercial business of buying or selling animals, including but not limited to dogs and cats or both.
- 1.16 QUARANTINE: To detain or isolate an animal suspected of being infected with rabies or other contagious diseases.
- 1.17 RESTRAINT: A dog is under restraint within the meaning of this ordinance if he is controlled by a leash not over six (6) feet in length or some other equivalent means of direct control, on or within a vehicle being driven or parked on the streets, or confined within the property limits of its owner or keeper.
- 1.18 RUNNING AT LARGE: An animal not under restraint.
- 1.19 DOMESTIC ANIMAL: Any animal living in, near or about the habitations of man.
- 1.20 STRAY OR ESTRAY: An animal where there is not an identifiable keeper.
- 1.21 VACCINATION: The vaccination of an animal with an anti-rabies vaccine approved by the Director of the Health and Environment Department and administered by and under the supervision of a veterinarian.
- 1.22 VETERINARIAN: Any veterinarian licensed in the State of New Mexico.
- 1.23 VICIOUS ANIMAL: Any animal which commits an unprovoked attack upon a person or other animal on private property, or which terrorizes or attacks a person on public property or in a public place.
- 1.24 WILD ANIMAL: Any animal which is wild by nature and cannot normally be domesticated or controlled.

### SECTION 2.0 ADMINISTRATION OF ORDINANCE

This ordinance may be administered, at the option of the County Commission, in accordance with a joint powers agreement between the City and the County.

- 2.1 RESPONSIBILITY: The County Manager is responsible for the administration of this ordinance. Reasonable rules and regulations may be established by him, from time to time, for the purpose of carrying out the intent and purpose of this ordinance.
- 2.2 ENFORCEMENT: The County Sheriff or his designated representatives, including deputies, animal control officers, and other law enforcement officers shall have the authority to issue citations for violation of this ordinance and to perform such other duties as are prescribed herein.

**SECTION 3.0 RABIES CONTROL**

- 3.1 **RABIES VACCINATION:** It is the duty of every person keeping a dog or cat to have each such animal vaccinated against rabies. Every veterinarian who vaccinates an animal hereunder shall issue to the owner or keeper of the animal a numbered vaccination certification and tag. This certification shall contain the name 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 period of immunity.
- 3.2 **VACCINATION CERTIFICATE:** Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon demand of any person charged with the enforcement of this ordinance.
- 3.3 **HARBORING UNVACCINATED ANIMALS:** It is unlawful for a person to keep a dog or cat which has not been vaccinated against rabies as provided herein.
- 3.4 **REPORTING RABIES SUSPECTS:** Every veterinarian who makes clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report the same to the local district health office of the Health Services Division of the Health and Environmental Department stating precisely and where such animal was seen and if possible where it may be found.
- 3.5 **HUMAN EXPOSURE TO RABIES:** Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and to the local district health office. Every physician or other health care professional who treats a person for such bite shall report such treatment to the local district health office within twelve (12) hours of such treatment. Such treatment must specify the name and precise location of the person bitten.
- 3.6 **QUARANTINE OF RABIES SUSPECTS:** Any dog or cat which has bitten a person shall be destroyed and tested for rabies or 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 or an approved kennel, at owner's expense, provided, however, that if 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 owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer.
- 3.7 **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.
- 3.8 **WILD ANIMAL BITES:** Bites inflicted by animals other than dogs and cats must be reported to and discussed with the local district health office for proper disposition.

**SECTION 4.0 PROHIBITED ACTIVITIES**

- 4.1 **FALSE AND STOLEN DOCUMENTS:** It shall be unlawful for any person to transfer any rabies tag from

one animal to another, or to make use of stolen, counterfeit, or forged tag.

- 4.2 **ANIMALS RUNNING AT LARGE:** It shall be unlawful for any keeper of a dog or cat or other pet animal to permit such animal to run at large.
- 4.3 **NUISANCE:** It is unlawful for a keeper to allow any animal to persistently bark, howl or make noise, or to be kept maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.
- 4.4 **PHYSICAL ABUSE:** It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or cruelly drive or work any animal.
- 4.5 **ABANDONMENT OF ANIMALS:** It is unlawful to abandon any animal within the County.
- 4.7 **CARE AND MAINTENANCE:** It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in/or upon any vehicle in a cruel and inhumane manner.
- 4.8 **ANIMAL FIGHTS:** It is unlawful to cause, instigate, or promote any fight in which two (2) or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.
- 4.9 **TURTLES:** It is unlawful to offer for sale, sell, barter or give away turtles except in conformance with applicable federal regulations.
- 4.10 **VICIOUS ANIMALS:** It is unlawful for any person to keep or harbor any vicious animal.
  - 4.10.1 It shall be unlawful for any person owning or having custody or control of any vicious animal to permit such vicious animal to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering upon said premises.
  - 4.10.2 Any animal control officer may request the owner or keeper of any vicious animal to destroy it humanely, or to turn such vicious animal over to the animal control officer, the officer's agents or representatives, for destruction. Should the owner refuse to destroy or turn over such animal to the animal control officer, the animal control officer shall cause a complaint to be brought against such owner or keeper for failure to destroy such alleged vicious animal. Any failure to comply with this subsection shall subject such owner or keeper to the penalty provisions of Section 12 herein, and each day's failure to comply with this subsection may be considered a separate offense.
- 4.11 **FEMALE DOGS OR CATS IN HEAT:** Any person owning, or in custody, control or possession of a female dog or cat in mating season or heat shall confine the animal in order to preclude other animals from either attracting or being attracted to such female animal.

**SECTION 5.0 IMPOUNDMENT**

- 5.1 **AT LARGE:** Animals found running at large shall be taken by an animal control officer, and impounded in the City Animal Shelter. It shall be there confined in a humane manner for a period of not less than three (3) days if the animal is not licensed and wearing its license

tag, and for a period of not less than five (5) days if the animal is licensed and wearing its license tag. It may thereafter be disposed of, in a humane manner, if it has not been claimed by its owner or adopted by a new owner. An animal which has not been claimed by its owner before the expiration of such three (3) or five (5) day periods, whichever is applicable, shall become the property of the County, and may be disposed of at the discretion of the County Manager except as hereinafter provided in the cases of certain animals. A prospective adopter shall pay all impoundment fees as set forth herein.

- 5.2 **CITATION:** When animals are found running at large and their ownership is known to the animal control officer, such animals may, but need not, be impounded. But, whether or not such animals are impounded, the animal control officer may, at his discretion, cite the owners of such animals to appear in court to answer to charges of violation of this ordinance.
- 5.3 **RIGHT OF ENTRY:** The animal control officer, in performance of his duties, may enter upon private property except into a private residence, for the purpose of apprehending animals running at large and stray animals.
- 5.4 **REGISTRATION:** The animal control officer, upon impounding or receiving any animal, shall register such animal by entering its breed, color, and tag number, if any, and the time and place such animal was apprehended, into a public registry kept for this purpose.
- 5.5 **NOTICE TO OWNER:** If the keeper of an impounded animal is known, he or she must immediately be notified; if the keeper of the animal is not known, notice of impoundment shall be posted in a conspicuous place at the animal shelter for a period of one (1) day.
- 5.6 **RIGHT TO REDEEM:** The keeper of any animal, which has been impounded under the provisions of this ordinance, shall have the right to redeem the animal upon payment of impounding fees, care and feeding charges, veterinary fees, and such other reasonable costs as may be set by the County Manager, under his regulation and rule making authority.
- 5.7 **DISPOSITION OF IMPOUNDED ANIMALS BEING HELD IN COMPLAINT:** If a complaint has been filed in the Magistrate Court against the keeper of an impounded animal, for violation of this ordinance, the animal shall not be released except upon order of the court which also may direct the owner to pay any penalties for violation of this ordinance in addition to all impounding fees, care and feeding charges, and veterinary fees.
- 5.8 **IMPOUNDMENT FEES:** Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner of charges, established, from time to time, by City Council Resolution, pursuant to a joint powers agreement for animal control and administration of this ordinance, or by County Commission Resolution in the absence of such joint powers agreement, as follows:

- 5.8.1(a) An impoundment charge
- 5.8.1(b) A boarding charge
- 5.8.1(c) A rabies vaccination charge

- 5.9 Any animal impounded hereunder may be adopted as herein provided upon payment by the adopter to the City of the charges listed above.
- 5.10 **EUTHANASIA:** When, in the judgment of the County Manager or his agent, an animal must be destroyed for humane reasons, such animals may not be redeemed or adopted.

**SECTION 6.0 KEEPING THE FOLLOWING ANIMALS PROHIBITED**

- 6.1 It is unlawful to keep the following:
  - (a) Wild animals in such numbers or in such a manner as to constitute a public or private nuisance.
  - (b) Exotic or wild animals prohibited by Federal or New Mexico law or regulation.
  - (c) Bats.
  - (d) Skunks.
- 6.3 **PERMIT REQUIRED:** No person shall receive, purchase, own or keep wild or exotic animals without first applying for, and receiving, from the County Manager, and from the State of New Mexico Department of Game and Fish, a permit to do so. The applicant must provide evidence that he has sufficient knowledge and adequate facilities for the care and feeding of such animals. The County Manager or the New Mexico Department of Game and Fish may deny, revoke, or suspend any such permit for failure to comply herewith. The fee for such a permit shall be renewed annually. A separate permit shall be required for each species of such wild or exotic animals.

**SECTION 7.0 EXEMPTIONS**

- 7.1 **HOSPITALS:** Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from provisions of this ordinance, except where otherwise expressly stated.
- 7.2 **NON-RESIDENT PETS:** The licensing requirements of this ordinance shall not apply to any domestic animals belonging to non-residents of the County and kept within the City for not longer than thirty (30) days, provided all such domestic animals shall, at all times while in the County, be kept within a building, enclosure, or vehicle, or be under restraint by the owner or keeper.

**SECTION 8.0 DOMESTIC LIVESTOCK**

**SECTION 8.1 RESTRICTIONS**

- (a) All domestic livestock shall be cared for according to accepted livestock management practice, and in such a manner as not to create a public nuisance.
- (b) All domestic livestock shall be kept in a secure pen or enclosure sufficient for proper domestic livestock management practice, and in such a manner as not to create a public nuisance.
- (c) The owner, or person in possession, of a pen or enclosure for domestic livestock shall keep the same in such

a manner as to control offensive odors, insect breeding and other conditions affecting public health.

**SECTION 9.0 POLICE INVESTIGATION:**

For the purpose of discharging the duties imposed by this ordinance, and to enforce its provisions, any Sheriff's officer of the County may investigate alleged violations of this ordinance.

**SECTION 10.0 RECORDS:**

It shall be the duty of the County Manager to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into custody of such manager.

**SECTION 11.0 INTERFERENCE:**

No person shall unlawfully interfere with the County Manager or the animal control officer, or any Sheriff's officer lawfully discharging the duties imposed upon them by this ordinance.

**SECTION 12.0 PENALTY, SAVINGS, REPEALING AND EMERGENCY CLAUSE**

12.1 PENALTY CLAUSE: Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding Three Hundred Dollars (\$300.00) and/or imprisonment for a period not exceeding ninety (90) days or both such fine and imprisonment. Each day of violation shall be considered a separate offense.

12.2 SAVINGS CLAUSE: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.