

CURRY COUNTY

**ORDINANCE NO. 97-01**

AN ORDINANCE OF THE COUNTY OF CURRY, NEW MEXICO ADOPTED PURSUANT TO SECTION 77-1-12 NMSA 1978 (1993 Repl.) RELATING TO ANIMAL CONTROL AND PROVIDING COUNTY POWERS OVER ANIMALS RUNNING AT LARGE, ENFORCEMENT, SEIZURE AND IMPOUNDMENT, REDEMPTION, PROHIBITED DUMPING OF LIVE ANIMALS, and PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, New Mexico State Statutes dictate that counties enact provisions for dogs and cats running at large and for rabies-suspect animals; and

WHEREAS, Curry County Ordinance Number One, dated August 1, 1969, needs to be updated and otherwise revised;

BE IT ORDAINED by the governing body, that is the County Commission of the County of Curry, State of New Mexico:

**SECTION 1. DEFINITIONS.**

As used in this ordinance the following definitions shall apply unless otherwise specified.

**OWNER:** The word “owner” shall mean any person, group of persons, firm, business or corporation owning, keeping or harboring any dog, cat, or other animal or animals.

**RABIES SUSPECT ANIMAL:** The phrase “rabies suspect animals” shall mean any dog, cat, or other animal which has been exposed or is suspect of having been exposed to rabies through a bite by any other animal or through contact with any other animal known or reasonably suspect to be infected with rabies.

**ANIMAL:** The word “animal,” unless otherwise stated, means a cat or a dog.

**RUNNING AT LARGE:** The phrase “running at large” shall mean being on private or public property other than that belonging to, occupied, or leased by the owner while not under the actual physical control of the owner after a complaint has been received by anyone with a duty to enforce this ordinance.

**RESTRAINT:** An animal is under restraint if he is on his owner’s property; or on a leash; or at “heel” beside a competent person and obedient to that person’s command.

**SECTION 2. RUNNING AT LARGE PROHIBITED.**

It shall be unlawful for any person owning, harboring, or having custody, control, or possession of any animal to cause or permit such animal to run at large.

When animals are found running at large and their ownership can be established by the Sheriff of Curry County or

his Deputy, he shall notify the owner of such fact, and shall cite the offending owner into the Magistrate Court of Curry County, New Mexico, for such violation of the provision of this Section.

When animals are found running at large and their ownership cannot be established by the Sheriff of Curry County or his Deputy, the animal may be seized and impounded. If any animal is not redeemed by the owner within seventy-two (72) hours by the owner paying the reasonable costs of impoundment and care, such animal may be humanely destroyed or otherwise disposed of, PROVIDED THAT a reasonable effort has been made to notify the owner.

**NOTIFICATION OF IMPOUNDED ANIMALS:** Upon the impounding of any animal, it shall be the duty of the Sheriff’s Office to notify the owner if the owner is known or can be learned from a vaccination tag or other form of identification. Such notice shall be by the most practical means appropriate in each instance.

**SECTION 3. CARE OF ANIMALS.**

No owner or harbinger of animals shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering and with humane care and treatment. Persons shall not leave animals without proper shelter during inclement weather.

**UNCARED FOR ANIMALS:** When the Sheriff’s Office finds that an animal is or will be without proper care because of injury, illness, incarceration, or absence of care by the owner of such animal, the Sheriff’s Office may take up such animal for protective care and place it with the City of Clovis Animal Shelter. If an animal is taken into protective care the Sheriff’s Office will notify the owner, if known, pursuant to the Notification provision herein. If an animal remains in protective care for six (6) days at the City of Clovis Animal Shelter, the shelter may place the animal for adoption, or otherwise dispose of it in accordance with the provisions of the Curry County ordinances. All care will be at the expense of the owner, if known.

**ANIMAL POISONING:** It is unlawful for any person to make accessible to any animal, with the intent of harming or killing the animal, a substance which has been treated or prepared with a harmful or poisonous material.

**SECTION 4. RABIES SUSPECT ANIMAL.**

A. Every rabies suspect animal shall be immediately confined by the owner, and the owner shall not permit the rabies suspect animal to contact any person or animal. The owner shall immediately notify the Sheriff’s Office. The owner shall surrender every rabies suspect

animal to the Sheriff or his deputy on demand. The Sheriff's Office shall impound every rabies suspect animal at the expense of the owner thereof, unless the owner has made satisfactory arrangements for the quarantine of such animal, No rabies suspect animal shall be released from impoundment or quarantine unless and until it has been certified free from rabies by a licensed veterinarian.

- B. No person shall kill a rabies suspect animal nor remove such animal from the County without permission of the Animal Control Officer or Sheriff, except when it is necessary to kill such animal to prevent it from escaping or biting any person or animal.
- C. The Sheriff shall direct the disposition of any animal found to be afflicted with rabies.
- D. The carcass of any dead rabies suspect animal shall be surrendered to the Sheriff on demand.

**SECTION 5. ABANDONING OR DUMPING OF ANIMALS PROHIBITED.**

It shall be unlawful for any person to dump or abandon any animal at any location. Such dumped or abandoned animal may be seized and impounded in the same manner as an animal running at large.

**SECTION 6. INTERFERING WITH SHERIFF OR DEPUTY PROHIBITED.**

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Sheriff of Curry County or his Deputy in the discharging of their duties as herein prescribed, or to violate any of the provisions of this ordinance.

**SECTION 7. PETTY MISDEMEANOR.**

The violation of any provisions of this ordinance shall be a petty misdemeanor as defined by Section 30-1-6, NMSA, 1978 (1994 Repl.). Any person who violates the provisions of this ordinance shall be cited into the Magistrate Court of Curry County, New Mexico, and if that person shall be found guilty of a violation of this ordinance, the Magistrate shall sentence such person to be imprisoned in the Curry County Detention Center for a definite term not to exceed 90 days or to the payment of a fine of not more than \$500.00, or to both such imprisonment and fine, in the discretion of the Magistrate.

**SECTION 8. ENFORCEMENT.**

The Sheriff of Curry County shall be responsible for the enforcement of this ordinance, and to assist in that enforcement, the Sheriff may designate a part-time or full-time Animal Control Officer who shall be deputized to enforce animal control laws, orders, ordinances and regulations.

PASSED, APPROVED AND ADOPTED at a regular meeting of the County Commission of Curry County, State of New Mexico, this 4th day of February, 1997.