

EDDY COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, the County of Eddy is authorized by Section 77-1-12, NMSA, 1978 Compilation, to adopt an ordinance for the seizure and disposition of dogs and cats running at large and not kept or claimed by any person on their premises; and,

WHEREAS, the Board of Commissioners for Eddy County having held an open meeting, after notice being properly given to the public, to determine if an animal control ordinance should be adopted and to allow public comment; and,

NOW, THEREFORE, the following Ordinance is hereby adopted by the Board of Commissioners for the County of Eddy, State of New Mexico:

ARTICLE I.

A. It shall be unlawful for any person to keep any dog or cat in the area of the county lying outside incorporated municipalities other than as permitted by ordinance.

ARTICLE II.

A. An animal pound shall be established and maintained at such place as may be determined by the County Commission. The County Commission shall have the authority to contract for the establishment of an animal pound.

B. A full time Animal Control Officer shall be employed by the County at such salary or other compensation as may be determined by the County Commission and shall perform all the duties prescribed by this ordinance. The Animal Control Officer shall be under the supervision and direction of the Sheriff.

C. The Animal Control Officer shall keep a record of all dogs and cats impounded, showing in detail the date of impounding, the date and manner of disposal, the name and address of the person buying or redeeming and the fees and proceeds of sale, if any received therefor. On the first of each month, the Animal Control Officer shall file with the county clerk a report, containing in detail a statement of the number and kinds of all dogs and cats impounded, redeemed, sold, given away and destroyed and the fees and proceeds of sale collected therefor. Such report shall cover the previous calendar month. At the same time, the Animal Control Officer shall pay the county treasurer all money received by him in connection with his activities. The Animal Control Officer shall issue receipts consecutively numbered for all fees and charges collected by him and one copy shall be given to the person making payment and the duplicate copy to the county treasurer.

D. The Animal Control Officer shall remove and dispose of all dead dogs and cats found on any roads in the county or other public places in the county, but outside a municipality.

E. It shall be unlawful for any person to obstruct or interfere with the Animal Control Officer in the performance

of his duties under this ordinance.

- F. Any animal found to be running at large upon any public road, alley or other public property or upon any property other than that of the owner shall be impounded by the Animal Control Officer.
- G. The owner of any animal impounded in accordance with this ordinance may redeem the same upon paying an impoundment fee of \$20.00, plus a daily charge to be established annually by resolution of the County Commission, said resolution to be adopted in July of each year.
- H. During the period any animal is impounded, they shall be supplied with proper food and water to be furnished by the county and shall be treated in a humane manner.
- I. Any animal impounded in accordance with the provisions of Article II, F of this Ordinance not redeemed by the owner after the expiration of seventy-two (72) hours may be sold or given away by the Animal Control Officer, the party receiving any animal by gift or sale shall pay the accumulated daily charges incurred for that animal, and all animals not sold or given away within forty-eight (48) hours shall forthwith be destroyed by the Animal Control Officer; provided, however, that as to horses, cattle, burros, swine, sheep and goats, they shall be disposed of in the manner provided for in New Mexico Statutes, Section 77-14-27 through Section 77-14-31, 1978 Compilation.

ARTICLE III.

- A. It shall be unlawful for any person owning, harboring or having the custody, control or possession of any dog or cat to cause or permit such dog or cat to:
1. Be in or upon any public road, alley or other public place or in or upon any unenclosed premises unless such dog or cat be continuously controlled by a competent person; or
 2. Commit any damage or nuisance upon the property of any other person or upon a public street, alley or other public place.
- B. It is unlawful for any person to keep any dog known to be vicious and liable to attack human beings unless such dog is securely kept so as to prevent any injury to any person. It is the duty of any person who is the keeper or owner of such a dog which is not so restrained to cause such dog to be killed.
- C. Any person who owns or keeps a dog or cat over the age of three months in the county shall have the dog or cat vaccinated against rabies annually as prescribed by regulations of the Health and Environmental Department. All anti-rabies vaccine shall be administered by or under the supervision of a licensed veterinarian.
- D. The veterinarian who administers rabies vaccine to a dog or cat shall issue to the owner a serially numbered vaccination certificate containing the name of the veterinarian, the type of vaccine used, the initials of the producer of the vaccine, the name and address of the

owner, a description of the dog or cat vaccinated, the date of vaccination and the expiration date for the period of immunity. The Veterinarian shall also furnish the owner with a tag bearing the certificate number and the year of vaccination. The tag shall be affixed to the vaccinated dog or cat and shall be worn at all times the animal is not on the premises of the owner or otherwise confined.

- E. Any dog or cat brought into the county shall be securely confined by the owner or keeper until vaccinated against rabies. The vaccination shall be administered within one week after the entry into the county unless the owner or keeper has a certificate of vaccination issued by a veterinarian in another city, state or foreign county and such vaccination conforms to the requirements of this state.
- F. When any person is bitten by an animal, it is the duty of such person (or his parent or guardian) and of the owner or keeper of the animal to immediately notify the sheriff's office. Except as provided in subsection 1., the owner or keeper of the animal shall at his own expense securely confine it for ten days at a place designated by the director of community development. Every physician shall within twenty-four (24) hours after his first professional attendance upon a person bitten by any animal report to the Animal Control Officer, the name, age, sex and address of the person bitten.
 - 1. If the person bitten by a dog and if the owner of the dog produces a valid and unexpired certificate of vaccination for the dog issued under Article III, § D evidencing vaccination at least three weeks prior to the bite, then the owner shall be permitted to keep the dog at his own premises for the required period of ten days. Owner confinement shall be permitted by the district health officer of the State Health and Environment Department if he has declared his area of jurisdiction a rabies-free area. No animal may be released from confinement except by a person designated by the Eddy County Sheriff.
- G. Any dog or cat bitten by an animal known or proved to be rabid shall be killed immediately by its owner or by a deputy of the Sheriff's Office provided, that any dog or cat which has been vaccinated at least three 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 and declared free of rabies by a licensed veterinarian. If, as determined by the veterinarian, the 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 employed by the County shall, upon being notified by the owner or keeper of such animal, dispose of the same at the request of such owner or keeper.
- H. The Board of County Commissioners may declare a quarantine against rabies within the county when, in their 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 owner or keeper, in a veterinary hospital, commercial dog kennel or the animal pound. After reasonable effort to apprehend any dog or cat running at large and uncontrolled by its owner or keeper during the period of quarantine, any deputy sheriff may kill the dog or cat and properly dispose of the body. A quarantine shall not be removed except on order of the Board of County Commissioners.

- I. It is unlawful to own or keep any unvaccinated dog or cat or any dog or cat which has shown any symptoms of rabies, except that if such dog has bitten a human being, the dog or cat shall be confined for a ten day period. If the dog or cat dies during the confinement period, the head shall be immediately sent to a laboratory by the animal control officer. 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.
- J. All dogs or cats not maintained in accordance with the provisions of this article shall be impounded by the Animal Control Officer in the animal pound. Any dog or cat so impounded shall be held for a period of seventy-two (72) hours and, if not redeemed by the owner within that period, may be sold or given away by the Animal Control Officer without further notice of any kind, in the manner previously provided. All dogs or cats not redeemed or sold or given away shall forthwith be destroyed by the Animal Control Officer. The owner of any dog or cat sold or given away by the Animal Control Officer may at any time within thirty (30) days after such sale or gift recover it from the purchaser or donee by refunding to him the amount of the purchase price, if any, paid the Animal Control Officer, plus an amount equal to one dollar (\$1.00) a day from the day of sale or gift.

ARTICLE IV.

- A. It is hereby declared to be a misdemeanor for any person who is the owner or keeper of a dog or cat to fail to have the same vaccinated, as provided for in this ordinance; it is further declared to be a misdemeanor for any physician to fail to report a person bitten by an animal, as provided for in this ordinance; the punishment for a misdemeanor violation shall be a fine not to exceed \$300.00 or imprisonment for ninety (90) days, or both fine and imprisonment.
- B. It is hereby declared to be a misdemeanor for any person to violate any of the provisions of this Ordinance punishable by a fine not to exceed three hundred dollars (\$300.00) or imprisonment for ninety (90) days, or both fine and imprisonment.

ADOPTED this 14th day of May, 1980. This ordinance shall take effect on the 15th day of June, 1980 following publication in the Carlsbad Current-Argus and the Artesia Daily Record once a week for two (2) consecutive weeks.