

## OTERO COUNTY

### AMENDED ORDINANCE NO. 95-08

AN ORDINANCE REPEALING PREVIOUS ORDINANCES PERTAINING TO ANIMAL CONTROL AND PROVIDING FOR COUNTY POWERS OVER ANIMALS RUNNING AT LARGE; ENFORCEMENT, SEIZURE AND IMPOUNDMENT; AND IMPOSING OF PENALTIES FOR VIOLATIONS OF THIS ORDINANCE.

WHEREAS, the Board of County Commissioners of Otero County, New Mexico, has heretofore determined that the health, safety, and general welfare of the residents of Otero County would be best served by the adoption of an updated Animal Control Ordinance;

WHEREAS, Section 4-37-1 *et seq.*, NMSA 1978 Compilation, provide that counties may adopt ordinances to discharge those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the morale, order, comfort, and convenience of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners in and for the County of Otero, State of New Mexico, that this Ordinance be enacted pursuant to New Mexico law to read as follows:

#### SECTION 1. DEFINITIONS

As stated in this ordinance the following definition shall apply unless otherwise specified.

- A. **OWNER:** The word "owner" shall mean any person, group of persons, business or corporation owning, keeping or harboring any dog, cat, or other domesticated animal commonly kept as a household pet. Owner shall also mean any governmental entity owning, keeping, or harboring any animal which has been kept in captivity or confinement for more than thirty (30) consecutive days.
- B. **IMPOUNDMENT:** Impoundment shall mean the taking into custody or confinement in a facility designated for the keeping or confinement of such animals. Any animal so impounded shall be subject to the rules and regulations of any facility used by the Otero County Sheriff's Office for the release and/or other appropriate disposition of said animal.
- C. **RABIES SUSPECT ANIMALS:** The phrase "rabies suspect animals" shall mean any dog, cat, or other animal which has been exposed or is suspected of having been exposed to rabies through a bite by any other animal through contact with any other animal known or reasonably suspected to be infected with rabies. Any such animal is subject to state regulation and/or statute.
- D. **RUNNING AT LARGE:** The phrase "running at large" shall mean being on private or public property other

than that belonging to, occupied by, or controlled by the owner of the animal and the animal is not under the physical control of the owner or not obedient to the owner's commands.

#### SECTION 2. ANIMALS RUNNING AT LARGE:

Any animal "running at large" shall subject the animal to seizure and impoundment. Any animal so seized and impounded shall be subject to impoundment regulations and procedures at the facility utilized by the Otero County Sheriff's Office.

#### SECTION 3. CRUELTY TO ANIMALS:

Cruelty to animals shall consist of the placement of an animal in a circumstance which endangers or puts the animal at substantial risk of loss of life or limb. It includes but is not limited to the following:

- A. Torturing, tormenting, poisoning, mutilating, cruelly killing or overdriving any animal.
- B. Depriving of shelter to an animal to the extent it endangers or could endanger the life of said animal.
- C. Depriving any animal of necessary food and/or drink.
- D. Abandonment or dumping of an animal.
- E. Placement of an animal in a vehicle or other confined area whereby it is subjected to extreme temperatures or conditions. Regardless of conditions of confinement as described in this subsection, no owner shall permit the release of any animal which has been kept in confinement or captivity for more than thirty (30) consecutive days from such confinement or captivity without the express written consent of the County Commission. Release from captivity shall mean, for the purposes of this subsection, release into the wild.

#### SECTION 4. ENFORCEMENT:

The Sheriff of Otero County or his designee shall be responsible for the enforcement of this Ordinance. The Sheriff shall have the discretion to name a designee and describe the duties of said designee in accordance with New Mexico law and Otero County Ordinances and policies.

#### SECTION 5. VACCINATION:

No person shall keep, own, or harbor any member of the canine or feline species over twelve (12) weeks of age within this County unless that dog or cat is vaccinated against rabies. Every such dog or cat shall be vaccinated against rabies within thirty (30) days upon any person harboring, owning, or taking custody of said animal. Upon request or demand by the Sheriff or his designee, every owner shall provide proof of the animal's rabies vaccination.

#### SECTION 6. INTERFERENCE:

No person shall interfere, hinder, or molest any agent of the

Otero County Sheriff's Office in the performance of any duty as herein provided.

**SECTION 7. REPEALS AND SEVERABILITY:**

All other ordinances of this County pertaining to animal control and specifically 88-04 and 95-01 are hereby repealed by the adoption of this Ordinance. Additionally, if any part of this ordinance is held to be invalid, such shall be deemed severed and shall not void any remaining sections of this Ordinance.

**SECTION 8. PENALTY:**

Any violation of this Ordinance shall constitute a petty misdemeanor and shall be punishable by a fine up to three-hundred dollars (\$300) and/or imprisonment of no more than thirty days.

**ORDINANCE NO. 96-10**

AMENDING ORDINANCE NO. 95-02  
UNREASONABLE NOISE; ENFORCEMENT AND PENALTIES

**SECTION 1.** Unreasonable noise consists of any unreasonably loud, shrill, or blaring noise of such a character, intensity, or time as to be detrimental to the quiet, life, or health of any others. It includes, but is not limited to, the following:

- A. The sounding of any horn or signaling device of any vehicle, on the street or any public place, which creates an unreasonable, loud, or harsh sound which is repulsive to others. It is not unlawful pursuant to this Ordinance to sound any horn or signaling device when done for legitimate reasons, such as a warning to others. Accidental or mechanical failures are not unlawful under this Ordinance.
- B. The use of a radio, television, phonograph, musical instrument, or other sound producing device in a manner as described in Section 1 of this Ordinance, or used in such a manner or at such a volume that the quiet, repose, or comfort of anyone in any dwelling, motel, hotel, hospital or other like building shall be unlawful.
- C. The use of any vehicle so out of repair or mechanically altered so as to create in such a manner noise that affects the quiet, repose, or comfort of anyone who hears it is unlawful.
- D. The use of any drum, whistle, bell or other instrument or device for the purpose of attracting the attention of the public by the creation of sound to any performance, show, sale, display or like event when it affects the quiet, repose, or comfort of anyone is unlawful. It is not unlawful if the creator of such noise has been granted permission by County Commission, County Sheriff, or County Manager. Said permission must be in writing.
- E. Creating any excessive noise on any public road which disrupts or affects the quiet or tranquility of any occupant of any structure. Nothing in this ordinance shall

prevent the lawful use of farm, agricultural, and or industrial machinery and equipment. Such equipment shall be in good repair and maintained in accordance with the manufacturer's specifications. The use of such equipment shall be limited to those periods of time or seasons when such equipment is necessary to protect crops or prevent damage to products.

**SECTION 2. BARKING DOGS.** It is unlawful for any owner of a dog to allow his dog to bark excessively and thereby disturb the peace and tranquility of others. It is unlawful for any owner or owners of any animal to keep it or maintain it so that it habitually or continuously barks, howls, or otherwise disturbs the peace and quiet of the inhabitants of this County.

**SECTION 3. ENFORCEMENT.** The Sheriff's Office is the enforcing agent of this Ordinance.

**SECTION 4. PENALTY.** Any violation of this Ordinance shall constitute a petty misdemeanor. The penalty for conviction shall not exceed a fine of three-hundred dollars (\$300.00) or imprisonment for ninety (90) days or both the fine and imprisonment.

**SECTION 5. REPEALS AND SEVERABILITY CLAUSE.** All other ordinances of this County which conflict with this Ordinance are hereby repealed by the adoption of this Ordinance. Additionally, if any part of this Ordinance is held to be invalid, such shall be deemed severed and shall not void any remaining sections of this Ordinance.

APPROVED AND ADOPTED by the Otero County Board of Commissioners this 22 day of July, 1996.