

SOCORRO COUNTY

ANIMAL CONTROL ORDINANCE ORDINANCE NO. 98-005

PREAMBLE

WHEREAS, the growth of the human population in Socorro County has been accompanied by a growth in the population of domestic animals; and,

WHEREAS, nuisances caused by domestic animals are increasingly a problem in Socorro County; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that counties may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on counties, to discharge those powers necessary and proper to preserve the health and to provide for the safety, order, comfort and welfare of the citizens of the county; and,

WHEREAS, Section 30-18-1 et seq. NMSA 1978 describes certain controlled activities relating to animals; and

WHEREAS, Section 77-1-1 et seq. NMSA 1978 establishes standards for the management of domestic animals, and further, requires that each county shall make provision by 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 requires that each county shall provide for the impoundment of rabies suspect animals and shall designate a part-time or full-time animal control officer who shall be deputized to enforce animal control laws, orders, ordinances and regulations; and,

WHEREAS, the Board of County Commissioners of Socorro County has determined that the health, safety, and general welfare of the residents of Socorro County would be best served by adoption of an animal control ordinance;

NOW THEREFORE BE IT ORDAINED that the Board of County Commissioners of Socorro County do hereby establish an animal control ordinance for Socorro County as follows:

ARTICLE I: TITLE

This Ordinance may be cited as the “Animal Control Ordinance of Socorro County” and is referred to hereinafter as “this Ordinance.”

ARTICLE II: DEFINITIONS

Abandon means to leave a domestic animal without food, water or shelter for more than 24 hours on one’s premises, or to dump or leave off a domestic animal on property other than one’s own without the consent of the owner of the property where the domestic animal is left and without making provision for the adequate feeding, watering and shelter of the domestic animal.

Adoption means the retrieval of a domestic animal from the animal shelter by choice and assume responsibility for proper care in accordance with this ordinance.

Animal Control Officer means the Sheriff of Socorro County or any person designated as such by the Socorro County Sheriff who shall be deputized to enforce animal control laws, orders, ordinances and regulations or any person designated as such under a duly adopted Joint Powers Agreement establishing such right of appointment.

Animal Shelter means any facility used by Socorro County in which stray, lost or unwanted animals are kept and released for adoption or reclaim.

Attack means to bite or scratch or chase.

Bite or Scratch means an abrasion, scratch, puncture, tear or piercing of the skin or clothing caused by a domestic animal’s mouth or claws, respectively.

Confined means securely chained or kept caged or fenced.

Custody means care and/or responsibility. It does not mean physical control, confinement or restraint.

Domestic Animal includes cats, dogs, wolf hybrids, coyote hybrids, coyotes, domestic ferrets and other animals commonly known and kept as domestic pets.

Owner means any person, group of persons, or business entity who owns, keeps, harbors, or permits animal(s) to remain in, on, or about his or her premises.

Reclaim means the retrieval of a domestic animal from the animal shelter by its owner or responsible person.

Responsible person means an owner of a domestic animal or any adult person otherwise responsible for the care of a domestic animal.

Restraint means keeping a domestic animal under the immediate control of a responsible person on a leash or lead no more than eight feet in length; or keeping a domestic animal in a fenced or caged area from which the domestic animal cannot escape; or under the demonstrable voice control of a responsible person.

Stray means the running at large of a domestic animal, without restraint, beyond the boundaries of the premises of the owner of that domestic animal.

Vicious Animal means any domestic animal that has attacked, without provocation, any person or domestic animal.

ARTICLE III: CONTROLLED ACTIVITIES

SECTION 1. STRAY DOMESTIC ANIMALS

Responsible persons shall not allow any domestic animals in their custody to stray.

SECTION 2. CONFINEMENT OF VICIOUS DOMESTIC ANIMALS

No person may keep or harbor domestic animals that demonstrate unprovoked attacks on human beings, or which might have a propensity to attack humans, unless confined so that the animal cannot attack any person. The responsible person shall post the enclosure on all sides with prominent notice of the threat posed by the animal confined therein.

SECTION 3. DISTURBING THE PEACE

- 3.A. Responsible persons shall not allow any domestic animals in their custody to persistently or continuously bark, howl, or yowl.
- 3.B. No person may keep domestic animals in conditions or in such numbers so as to result in noxious or offensive odors or accumulations of feces, urine or other bodily wastes, or confine them in such conditions so as to become unmanageable and potentially vicious.
- 3.C. Responsible persons shall not allow any domestic animals in their custody to attack people in any location where they are lawfully located.
- 3.D. Responsible persons shall not allow any domestic animals in their custody to attack animals that are located on their owner’s property, confined or under the physical restraint of a responsible person.

SECTION 4. UNLAWFUL USE OF VACCINATION CERTIFICATES

No person may remove any vaccination tag from one domestic animal to another, or manufacture or cause to be manufactured or to possess or control a stolen, counterfeit or forged animal vaccination certificate or tag.

SECTION 5. PHYSICAL ABUSE

No person may maliciously beat, maim, torture, violently set upon or kill any domestic animal. However, any person may employ reasonable force to drive off vicious or trespassing domestic animals, and owners of livestock may use the rights confirmed to them by Section 77-1-2 NMSA 1978. Further, Further this ordinance shall not be construed to limit the ability of any responsible person to humanely slaughter any animal commonly kept as livestock.

SECTION 6. NEGLECT

Responsible persons shall not deprive any domestic animals of shelter, food, water or care necessary to maintain the animal’s health. Further, responsible persons shall not place their animal in a situation that poses a substantial threat to the animal’s life.

SECTION 7. POISONING

No person may deliberately or intentionally feed to or set

out to be ingested by any domestic animal any substance that is treated or prepared with any harmful or poisonous substance.

SECTION 8. ABANDONMENT

No person may abandon or cause to be abandoned any domestic animal.

ARTICLE IV: RABIES VACCINATION

SECTION 1. VACCINATION REQUIRED

Responsible persons having custody of any dog, cat or domestic ferret three months of age or over shall have the animal(s) vaccinated for rabies by, or under the supervision of, a licensed veterinarian. Any veterinarian who vaccinates domestic animals for rabies shall issue a serially numbered tag and certificate for each vaccination. Each domestic animal must be revaccinated before the expiration of the first and each subsequent rabies vaccination period.

SECTION 2. DOMESTIC ANIMALS WITH SYMPTOMS

No person may keep any domestic animal with any symptom of rabies. Any person observing an animal with any symptom of rabies shall notify the Animal Control Officer or the Socorro County Sheriff’s Department immediately.

SECTION 3. DESTRUCTION OF DOMESTIC ANIMALS WITH SYMPTOMS

No person may fail or refuse to destroy any domestic animal with symptoms of rabies.

ARTICLE V: ANIMAL CONTROL OFFICER; AUTHORITY

SECTION 1. ANIMAL CONTROL OFFICER

Socorro County shall appoint at least one Animal Control Officer or shall, under a duly adopted Joint Powers Agreement, accept one or more Animal Control Officers appointed by another municipality or county.

SECTION 2. AUTHORITY OF THE ANIMAL CONTROL OFFICER

Subject to constitutional limitations, Animal Control Officers shall have the following authority:

- 2.A. To require responsible persons to exhibit proof of rabies vaccination for any dog, cat or domestic ferret in their custody.
- 2.B. To enter upon private property to affix any summons, notice or official document upon the door of any residence occupied by a responsible person.
- 2.C. To enter upon any premises or go upon unenclosed parcels of land or enter any pen, enclosure, yard or vehicle to enforce this Ordinance. However, the Officer must personally view any violation proscribed by this

Ordinance that would place a domestic animal in immediate peril. Further, the officer may enter only to the extent necessary for the immediate rescue of an imperiled animal.

- 2.D. To impound any stray domestic animals or any domestic animals found confined or treated contrary to the provisions of this Ordinance.

SECTION 3. RESPONSIBILITIES OF THE ANIMAL CONTROL OFFICER

- 3.A. Any Animal Control Officer shall make every attempt to impound any domestic animal that he or she finds running stray and not under the control of the owner or responsible person.
- 3.B. Any Animal Control Officer shall destroy any dog he or she finds in the act of pursuing or wounding livestock or wounding and killing poultry or attacking humans.
- 3.C. Any Animal Control Officer shall destroy any domestic animal exhibiting symptoms of rabies. The Animal Control Officer shall have any such animals tested for rabies by the New Mexico Department of Health.

SECTION 4. ENTRY TO BUILDINGS

No Animal Control Officer may enter any building, dwelling or place of business without the permission of the owner. However, nothing in this section limits the authority of an Animal Control Officer pursuant to a warrant issued by a court of competent jurisdiction.

ARTICLE VI: IMPOUNDMENT, ADOPTION, RECLAIM, AND DISPOSAL OF DOMESTIC ANIMALS

SECTION 1. IMPOUNDMENT OF STRAY DOMESTIC ANIMALS

Animal Control Officers or the Socorro County Sheriff’s Department may impound any stray domestic animal.

- 1.A. If a stray domestic animal is wearing a license, collar, anti-rabies tag, has an identifying tattoo, microchip or is otherwise identifiable, the animal shall be impounded for at least seven days, unless during that time the animal has been adopted or reclaimed by its owner. During the first three days of impoundment, the animal shelter shall attempt, at least once daily, to notify the animal’s owner(s) or responsible person(s) of the impoundment by either direct communication or oral or written message. However, the animal shelter need not make successive notification attempts if a preceding attempt was successful. Further, the animal shelter shall not release the animal for adoption during the first six days of impoundment.
- 1.B. If a stray domestic animal is not wearing a license tag or other identification, the animal shelter shall impound it for at least four days and may release it for adoption during that time.
- 1.C. If an owner or responsible person contacts the animal

shelter before expiration of the impoundment period, but cannot arrange to reclaim the animal before the impoundment period expires, the animal shelter shall assist the owner or responsible person in making alternative arrangements, at the owner or responsible person’s expense.

SECTION 2. AGREEMENT REQUIRED FOR ADOPTING A DOMESTIC ANIMAL

The animal shelter shall not release any domestic animal for adoption unless the adopting person signs a reclaim/adoption agreement, the form of which shall be titled “Appendix B: Reclaim/Adoption Agreement” and shall be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance. The reclaim/adoption agreement shall:

- 2.A. obligate the adopting person to vaccinate any animal not proven to be vaccinated for rabies, and
- 2.B. obligate the adopting person to have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of adoption.

SECTION 3. AGREEMENT REQUIRED FOR RECLAIMING A DOMESTIC ANIMAL

The animal shelter shall not release any domestic animal for reclaim unless the owner or responsible person signs a reclaim/adoption agreement, the form of which shall be titled “Appendix B: Reclaim/Adoption Agreement” and shall be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance. The reclaim/ adoption agreement shall:

- 3.A. obligate the owner or responsible person to vaccinate any dog, cat or domestic ferret not proven to be vaccinated for rabies, and
- 3.B. obligate the owner or responsible person to fulfill one of the following:
 - 3.B.1 to have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of adoption; or,
 - 3.B.2 to keep the animal confined or restrained in such a way as to prevent its unintended breeding.

SECTION 4. STERILIZATION DEPOSIT REQUIRED; FORFEITURE

- 4.A. The animal shelter shall require a sterilization deposit, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the animal shelter may not require a sterilization deposit if the animal is proven to be sterilized or, in the case of a reclaim, the owner or responsible person agrees to keep the animal confined or restrained

in such a way as to prevent its unintended breeding.

4.B. An owner or responsible person shall forfeit the sterilization deposit paid for a domestic animal that is subsequently impounded and not proven to be sterilized.

SECTION 5. STERILIZATION FEE

The animal shelter shall require a non-refundable sterilization fee, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the animal shelter may not require a sterilization fee if the animal is proven to be sterilized or, in the case of a reclaim, the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding. The animal shelter shall pay the amount of the fee to any licensed veterinarian who presents an unaltered copy of the reclaim/adoption agreement, certifying that the animal was sterilized as required. The animal shelter shall have no responsibility for fees required by the veterinarian in excess of the sterilization fee.

SECTION 6. RABIES VACCINATION FEE

The animal shelter shall require a non-refundable rabies vaccination fee, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the adoption or reclaim of each dog, cat or domestic ferret. However, the animal shelter may not require a rabies vaccination fee if the animal is proven to be vaccinated for rabies. The animal shelter shall pay the amount of the fee to any licensed veterinarian who presents an unaltered copy of the reclaim/adoption agreement, certifying that the animal was vaccinated as required. The animal shelter shall have no responsibility for fees required by the veterinarian in excess of the rabies vaccination fee.

SECTION 7. INTACT ANIMAL FEE

In the case of a reclaim where the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding, the animal shelter shall require payment of an intact animal fee, in accordance with Section 77-1-20(F), NMSA 1978, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the reclaim each domestic animal.

SECTION 8. IMPOUNDMENT FEE

The animal shelter shall require payment of an impoundment fee, given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this Ordinance, prior to the reclaim of any domestic animal.

SECTION 9. ADOPTION FEE

The animal shelter shall require payment of an adoption fee,

given in Appendix A: Schedule of Fees, to be adopted by the Board of County Commissioners of Socorro County in a resolution separate from this ordinance, prior to the adoption of any domestic animal.

SECTION 10. REFUND OF STERILIZATION DEPOSIT The animal shelter shall reimburse the sterilization deposit to the adopting or reclaiming person only upon presentation of a receipt from a veterinarian that the animal is sterilized.

SECTION 11. DESTRUCTION OF UNCLAIMED DOMESTIC ANIMALS

The animal shelter shall destroy any impounded domestic animal not adopted or reclaimed within seven days of being impounded, unless other acceptable arrangements have been made pursuant to Article VI, Section 1.C. of this ordinance.

ARTICLE VII: PENALTIES FOR VIOLATIONS

Violations of this Ordinance shall be punishable by a fine of up to three-hundred dollars (\$300.00), and/or imprisonment of no more than ninety days, or both.

ARTICLE VIII: REPEALING CLAUSE

All other Socorro County Ordinances, relating to domestic animal control and which are in conflict with the above provisions are hereby repealed by the adoption of this Ordinance.

ARTICLE IX: SAVINGS CLAUSE

If any section, sub-section, sentence, clause or phrase of this Ordinance is held invalid for any reason, the validity of the remaining portions of this Ordinance shall not be affected.

APPROVED, ADOPTED AND PASSED on this 10th day of November, 1998.

**SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 98-_____**

WHEREAS, the Socorro County Board of County Commissioners has adopted the Socorro County Animal Control Ordinance, Ordinance Number 98-005; and

WHEREAS, Article VI of the Socorro County Animal Control Ordinance, Ordinance Number 98-005, requires the Board of County Commissioners to adopt an Appendix A: Schedule of Fees, by a resolution separate from the Ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Socorro County Board of County Commissioners that it adopts the following Schedule of Fees to serve, as Appendix A to the

Socorro County Animal Control Ordinance, Ordinance Number 98-005:

APPENDIX A: SCHEDULE OF FEES

The animal shelter shall assess the following fees as required by Article VI of the Socorro County Animal Control Ordinance, Ordinance Number 98-005, before releasing any domestic animal:

Sterilization Deposit.	\$.25
Sterilization Fee (male animals)	\$.30
Sterilization Fee (female animals)	\$.60
Rabies Vaccination Fee	\$.8
Intact Animal Fee (male animals).	\$.55
Intact Animal Fee (female animals)	\$.85
Impoundment Fee	\$.3 per day
Adoption Fee	\$.0

APPROVED, ADOPTED AND PASSED on this 10th day of November, 1998.

**SOCORRO COUNTY
BOARD OF COUNTY COMMISSIONERS
RESOLUTION NO. 98-_____**

WHEREAS, the Socorro County Board of County Commissioners has adopted the Socorro County Animal Control Ordinance, Ordinance Number 98-005; and

WHEREAS, Article VI of the Socorro County Animal Control Ordinance, Ordinance Number 98-005, requires the Board of County Commissioners to adopt a form reclaim/adoption agreement titled “Appendix B: Reclaim/Adoption Agreement” by a resolution separate from the Ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Socorro County Board of County Commissioners that it adopts the following Reclaim/Adoption Agreement to serve as Appendix B to the Socorro County Animal Control Ordinance, Ordinance Number 98-005: