

AMENDMENT NO. 2  
ORDINANCE NO. 1

AN ORDINANCE TO REGULATE, RESTRAIN, CONTROL AND REQUIRE VACCINATION OF DOGS WITHIN THE COUNTY OF LUNA, EXCEPT FOR INCORPORATED MUNICIPALITIES WITHIN THE BOUNDARIES OF SAID COUNTY, AMENDING SECTION 5. IMPOUNDING OF DOGS WITH REGARD TO PENALTIES AND FEES.

SECTION 1. DEFINITIONS:

(a) Owner: The word "Owner" shall mean any person, or group of persons keeping or harboring any dog or dogs.

(b) Vaccination: The word "vaccination" shall mean any injection of vaccine approved by the State Veterinarian, and administered by a licensed veterinarian for the purpose of immunizing a dog against rabies.

SECTION 2. ENFORCEMENT:

The provisions of this ordinance shall be enforced by all peace officers with jurisdiction in Luna County, New Mexico.

SECTION 3. VACCINATION AND TAG:

(a) No person shall own, keep, harbor, or permit any dog to be present within Luna County unless such dog is vaccinated in accordance with the Laws of New Mexico and wears a tag proving such vaccination.

(b) The owner shall see that the dog wears at all times a collar or harness to which tag shall be attached.

SECTION 4. TRESPASSING DOGS:

(a) When any person who owns or leases property has suffered damage to his person or livestock and finds any dog on his property under circumstances leading a reasonable man to believe that such dog has caused or contributed to damage to person or livestock on said property, it shall be the right of the owner or lessee of said property to kill such dog while such dog is on the property owned or leased by him.

(b) Prohibited methods of killing: Poisoning unlawful.

(1) It shall be unlawful for any person to dispense, set out, administer or otherwise poison any dog within the boundaries of Luna County, New Mexico. Whoever violates this section shall pay a fine of not less than One Hundred Dollars (\$100.) and be imprisoned in the Luna County Jail for not less than Thirty (30) days nor more than Ninety (90) days.

(2) It shall be unlawful to set traps other than non-injurious cage-type enclosures.

SECTION 5. IMPOUNDING OF DOGS:

(a) Any peace officer with jurisdiction in Luna County, except for incorporated municipalities within Luna County, New Mexico, shall impound any unvaccinated dog he may observe or any trespassing dog not killed pursuant to Section 4 above.

(b) Any dog impounded may be released to the owner upon vaccination of the dog and a payment of \$7.50 fine/pickup fee plus \$5.00 per day boarding fee for the first offense, and \$15.00 fine/pickup fee plus \$5.00 per day boarding fee for the second offense.

(c) The County shall hold any dog seized for a period of seventy-two (72) hours for the purpose of allowing the owner to redeem such dog before the County disposes of such dog.

(d) Any dog not reclaimed by the owner in accordance with Section 5(b) shall be humanely destroyed or placed in the custody of a suitable person who complies with the provisions of this ordinance.

SECTION 6. PENALTIES

Any action in this ordinance which is declared to be unlawful but for the violation of which no penalty is provided, shall be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

SECTION 7. SEVERABILITY:

If any part or application of the Dog Ordinance is held invalid, the remainder or its application to other situations or persons shall not be affected.

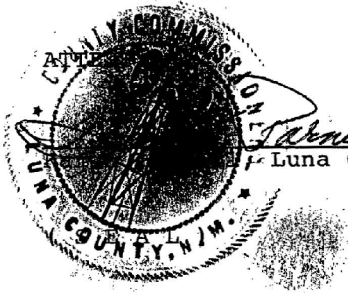
This Ordinance shall be come effective Thirty (30) Days after recording in Miscellaneous Papers by the Luna County Clerk.

PASSED, ADOPTED, AND APPROVED this 14th day of December, 1990.

LUNA COUNTY BOARD OF  
COUNTY COMMISSIONERS

*Edward B. Kretek*  
Edward B. Kretek, Chairman

*[Signature]*  
Luna County Clerk

The seal of the Luna County Board of Commissioners is circular with a double border. The outer border contains the text "LUNA COUNTY, N.J." at the bottom and "BOARD OF COMMISSIONERS" at the top, separated by two stars. The inner border contains the text "LUNA COUNTY COMMISSIONERS". The center of the seal features a stylized landscape with a mountain range and a sun or moon.