State of New Mexico  
County of Eddy  
Ordinance O-14-79

AN ORDINANCE REPLACING ORDINANCE O-80-08 (ANIMAL CONTROL) WITH A NEW ORDINANCE THAT WILL REGULATE AND CONTROL HOW SPECIFIC ANIMALS ARE TO BE PROVIDED FOR WITHIN THE COUNTY OF EDDY, NEW MEXICO; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Eddy County has previously adopted Ordinance O-80-08 "Animal Control"; and,

WHEREAS, Eddy County has determined that there should be revisions made to this Ordinance; and,

WHEREAS, the Eddy County Commission held a series of public hearings to obtain public input on this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Eddy County, New Mexico, that:

1. Ordinance O-80-08 is replaced as follows:

   ARTICLE I. GENERAL PROVISIONS

   Section 1.1 Short Title, Legislative Intent and Statutory Authority

   This Ordinance shall be known as the Eddy County Animal Control Ordinance.

   A. It is the intent of the Board of County Commissioners of Eddy County to enact an Ordinance to protect animals from neglect and abuse, to protect Eddy County residents from injury from animals, to encourage responsible ownership of animals as pets, to provide for the assistance of the Eddy County Animal Control Officer with its functions of housing, impoundment, and enforcement.

   B. This Ordinance is enacted in pursuant to the authority granted Counties pursuant to Section 4-37-1 et seq., 1978 Comp. as amended.

   C. This Ordinance exempts all legal activities as allowed under the New Mexico "Right to Farm Act", and is not intended to infringe on agricultural activities and operations.

   Section 1.2 Definitions.

   For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

   "Abandon" means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.
"Animal" means any dog or cat, including hybrids.
"Animal Control" means the staff, facility, programs, kennels, lot, premises, and buildings maintained by the County for the implementation of the protection and care of animals.
"Animal Control Officer" means an Eddy County Animal Control Officer or supervisor.
"Bite" means an actual puncture or tear of the skin inflicted by the teeth of an animal.
"Bona Fide Animal Show" includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking.
"County" means the area with the jurisdictional boundaries of Eddy County, including privately owned land, excluding any area within the jurisdiction of a municipality.
"Commission" means the Eddy County Board of Commissioners.
"Companion animal" means any dog or cat kept as a pet.
"Confinement" means detention or isolation of an animal.
"Dangerous animal" means any of the following:
   a) An animal which, when unprovoked, engages in behavior that requires defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question.
   b) An animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, or required extensive corrective or cosmetic surgery.
"Designee or designated representative" means the Animal Control Supervisor or other appropriate staff.
"Enclosed" means a parcel completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within, or by an electric or invisible fencing.
"Establishment" means a place of business together with its grounds and equipment.
"Grooming parlor" means an establishment or part thereof maintained for the purposes of performing cosmological services for animals.
"Household" means the collection of individuals, related or not, who reside at one street address.
"Kennel" means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained.
"Kennel Area" is a secure space within which an animal is housed that is of sufficient height and strength to contain the animal within and provide sufficient room for the animal to comfortably move around within the structure. This includes all areas available to the animal during a 24-hour period.
"Licensed Veterinarian" means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.
"Lot" means a parcel or plot of ground with common ownership. To be one lot all the ground contained within said plot or parcel must be contiguous.
"Owner" means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his
care, or permits an animal to remain on or about the premises owned or controlled by him.

"Person" means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

"Pet shop" means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, and the term shall not apply to premises used exclusively for the sale of animals under the purview of the New Mexico Livestock Board.

"Premises" means a parcel of land and the structures thereon.

"Professional animal establishment" means any kennel, grooming parlor, or pet shop, with the exception of state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

"Proper enclosure" means a secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area but does not include chaining, restraining or otherwise affixing the animal to a stationary object.

"Qualified assistance animal" means:

a) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities.

b) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990.

c) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

"Quarantine" means detention or isolation of an animal in order to observe for rabies or other communicable diseases.

"Refuge" means an establishment owned or operated by a non-profit organization whose sole function is to aid and comfort more than four animals, and where animals are not bred.

"Rescue Animal" means animals that are rescued by a bona fide humane society or other recognized rescue organization or by an individual who received prior written recognition by the Commission to rescue and temporarily care for animals in order to place them into permanent homes.

"Shelter" means a non-profit animal facility operated by an individual or group or member of a recognized animal humane association for the purpose of bringing aid and comfort to dogs or cats, and where animals are not bred.

"Show animal" means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed is involved in bona fide animal shows.

"Sterilized" means to be rendered permanently incapable of reproduction.

"Stray" means a dog, canine hybrid, or cat found running at large.

"Supervisor" means the Supervisor of the Animal Control Department of Eddy County.

"To run or running at large" means any dog, canine hybrid or feline free from physical restraint beyond the boundaries of the owner's premises.
"Trolley" means a cable strung between two fixed and stable points, to which a dog on a tether is attached, allowing for freedom of movement.

"Vaccination" means protection provided against rabies by inoculation with a vaccine as required by NMSA 1978, § 77-1-3 (1979).

"Vicious animal" means an animal which kills or seriously injures a person or domesticated animal; resulting in muscle tears or disfiguring lacerations, requiring multiple sutures or extensive corrective or cosmetic surgery. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.

"Weatherproof enclosure" means an enclosure designed to protect the animal against disagreeable or harmful atmospheric conditions, i.e. heat, rain, snow, etc.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 2.1 Animal Control Officers

A. The Eddy County Commission or its duly elected Sheriff shall designate an animal control officer and/or a designee who shall be authorized and/or deputized to enforce animal control laws, orders, ordinances and regulations.

B. The Animal Control Officer shall support the prevention of rabies within the county with those duties to include, but not be limited to, the capture and confinement or disposition of rabies-suspect animals, the enforcement of quarantine orders, the destruction and/or confinement of animals exposed to rabies.

C. Animal control officers shall be provided with proper training to apprehend, handle and care for animals.

Section 2.2 Procedures for Complaints

A person who has personal knowledge of a violation of the Ordinance and who can identify the owner of the animal involved or the premises where the animal is located may file a complaint alleging any violation of this Ordinance with the Sheriff or the Animal Control Officer. The Sheriff or the Animal Control Officer shall require the complainant to provide his or her name and address and swear to and affirm the complaint.

Section 2.3 Interference with the Animal Control Officer in the performance of his duties.

A. No person shall attack, assault or in any way threaten or interfere with the Animal Control Officer in the performance of the duties required by this chapter.
B. No person shall conceal one's true identity or disguise oneself with the intent to obstruct due to execution of the law or with the intent to intimidate, hinder or interrupt an Animal Control Officer in the legal performance of his or her duties.

C. No person shall interfere with or tamper with any equipment used by Animal Control Officers, including the release of animals contained in such equipment.

D. No person shall engage in conduct that would agitate, obstruct, oppose, or distract an Animal Control Officer in the legal performance of his or her duties.

ARTICLE III. CRUELTY TO ANIMALS

Section 3.1 Cruelty to animals

It is unlawful for a person to recklessly, willfully or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any animal subject to the provisions of this Ordinance, except that reasonable force may be used to drive off vicious, dangerous or trespassing animals. Euthanization done in as a humanely possible manner shall also not be considered animal cruelty.

Section 3.2 Withholding of Food, Shelter, or Adequate Care

It is unlawful for a person to fail, refuse or neglect to provide any animal in his charge or custody such care and husbandry as to maintain the good health and wellbeing of the animal. Such care and husbandry shall include, but not be limited to, adequate food appropriate to species, fresh potable water, adequate living area, professional veterinary care and necessary grooming to maintain good health and protection from extreme weather elements. Animals shall be provided adequate space to prevent overcrowding and to maintain normal exercise according to species, size and temperament.

Any dog or cat habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal and to provide proper ventilation, temperature and sufficient shade.

Section 3.3 Unlawful Procedures

It is unlawful to perform procedures such as ear-cropping, de-barking, tail docking on a dog or cat, or otherwise endanger an animal's well-being. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered unlawful.
Section 3.4 Withholding Proper Veterinary Care

It is unlawful for a person to have, keep or harbor an animal which is seriously sick or injured, including starvation, without providing proper veterinary care.

A. The County may require the owner to provide a letter of health evaluation from a licensed veterinarian describing the condition of the animal and the treatment provided. The Animal Control Department may evaluate the condition of an animal.

B. In the absence of proper veterinarian care, the County may impound such a seriously sick or injured animal in accordance with the provisions of this chapter.

C. Any such animal impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

Section 3.5 Poisoning

It is unlawful for a person to make accessible to any animal, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance. This section does not apply to placement of such substance(s) in order to control vermin or predator reduction range programs of significance to the public health.

Section 3.6 Animal fighting

Animal fighting as stated in Chapter 30-18-9 (Dog fighting and cockfighting; penalty) New Mexico Statutes Annotated, is prohibited.

ARTICLE IV. ANIMAL CONTROL AND IMPOUNDMENT

Section 4.1 Impounding animals

A. Any animal impounded by Animal Control Officers shall be confined in accordance with Eddy County Ordinances.

B. The owner shall be responsible for all impound fees, boarding fees and other costs whether or not the animal is redeemed.

C. Redemption of animal and payment of fees or presentment of valid permit does not waive prosecution for violations under this chapter.

D. A sterilized dog with current rabies vaccination, may be redeemed without owner being cited for running at large once each calendar year. Owner shall be responsible for impound and boarding fees.
E. Any animal which is not redeemed becomes the property of the County and may be placed for adoption or humanely destroyed in accordance with the County's animal control facility's policy and procedures.

F. The Animal Control Department shall maintain, for a reasonable period of time or as required by law, a record of all animals impounded. At least the following information shall be included:
   a) Complete description and picture of animal
   b) Manner and date of its acquisition
   c) Date, manner, and place of impoundment
   d) Date, manner, and description of final disposition

G. Owner relinquishing an animal shall be required to complete an owner's release at the time of impoundment.

H. An Animal Control Officer may take possession of a stray animal not wearing a current rabies tag, if required, who is deemed critically injured or critically ill for euthanizing. A report must be filed with the Animal Control Department.

I. Whenever the Animal Control Department finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the County designated facility may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the animal shelter. If the animal is unclaimed at the end of protective custody period, the animal will become the property of the County and maybe placed for adoption, be humanely destroyed or otherwise disposed of by the County, or its designee.

Section 4.2 Seizure and Disposition of Animals

A. A Sheriffs Officer or Animal Control Officer who reasonably believes that the life or health of an animal is endangered due to cruel treatment is authorized to seize the animal or animals.

B. The officer seizing animals under the warrant shall give a copy of the affidavit for the search warrant and a copy of the inventory of the animal or animals seized to the person from whose possession or premises the animals were taken.

C. If the owner of the animal cannot be located or cannot be determined, a copy of the affidavit for the search warrant, and the inventor of the animals seized shall be conspicuously posted at the place where the animals were seized at the time the seizure occurs.
Section 4.3 Retention of strays or owner-surrendered animal

No person shall, without the knowledge and consent of the owner, hold or retain possession of any stray animal for more than 24 hours without first reporting the possession of the animal to the Animal Control Department.

A. The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.

B. No person having such animal in his possession shall refuse to immediately surrender the animal to an Animal Control Officer upon demand.

ARTICLE V. GENERAL PROVISIONS

Section 5.1 Restraint of dogs

A. A person owning or having charge, custody, care, or control over a dog, shall keep the dog upon his or her own premises by either a secure run or kennel area, an enclosure surrounding the perimeter of the property, or on a trolley device or any other acceptable means. Direct point chaining to stationary objects is prohibited. Any dog not deemed dangerous and not within a secure enclosure may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run on its owner's property, subject to the following conditions:

1. Trolley system shall not be used for any dog that has not been sterilized.

2. Only one dog per household may be tethered to a trolley system.

3. There must be a swivel on each end of the tether to minimize tangling.

4. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Control Officer, considering the age, size and health of the dog.

5. The cable run must be at least ten (10) feet in length and mounted either at ground level or at least four (4) feet above ground level.

6. The trolley system must be designed to prevent the dog from being within four (4) feet of the property boundary.

7. The tether must be at least ten (10) feet in length unless such length allows the dog to move within four (4) feet of the legal boundary of the property, in which case the tether shall be no less than eight (8) feet in length. If the size of the property will not allow a tether of no less than eight (8) feet, a trolley system shall not be used.

8. The tether must be affixed to the dog by use of a non-abrasive, comfortably fitting harness. Prong-type, pinch-type, or choke collars shall not be used.
9. The devices must be fastened so that the dog can sit, walk, and lie
down comfortably, and must be unobstructed by objects that may
cause the device or dog to become entangled or strangled.
10. The dog must have easy access to adequate shelter, shade, food,
and potable water.
11. The area where the dog is confined must be kept free of garbage
and other debris that might endanger the animal’s health or safety.
Feces shall be cleaned up daily.
12. The area where the dog is confined must be kept free of insect
infestation, such as anthills, wasps’ nests, and infestations of fleas,
ticks or maggots.

B. The use of a crate is prohibited as a means of outdoor confinement.

C. A dog is permitted on the street and in other public areas only if on a secure
leash not exceeding six feet in length. Longer retractable leashes may be
used provided the person with the dog is capable of controlling the dog. All
other animals must be secured in a fashion acceptable for the species of
animal. A person physically capable of controlling and restraining the
animal must exercise immediate custody. This section does not apply when
an animal is participating in a bona fide animal show authorized by the
County or appropriate authorities or if the dog is a service dog, search and
rescue dog, a hunting dog under the control of its owner, or any other
working dog.

D. Nothing in this section shall be construed as allowing any animal under
physical restraint to commit any act defined as unlawful in this section.

E. A person who uses electric or invisible fencing designed to confine an
animal on their property must clearly post a notice in two separate locations
upon the property that such a device is in use.

Section 5.2 Vaccinations

A. It is the duty of a person owning or harboring a dog or cat over the age of
three months to have the animal vaccinated against rabies as prescribed by

B. The veterinarian administering anti-rabies vaccines to any animal shall
issue the owner or keeper of the animal a numbered vaccination certificate.
The certificate shall contain the name and address of the owner of the
animal, a description of the animal vaccinated, the date of vaccination, and
the date immunity expires.

C. The veterinarian shall also furnish the owner or keeper with a metal tag
bearing the certificate number. A current rabies tag shall be affixed by the
owner or keeper to a collar or harness worn by the animal at all times unless
the animal is being kept in an approved kennel or veterinary hospital, is
being trained by a professional trainer or is appearing in an approved show.

D. It is unlawful for the owner of any dog or cat or any other member of the
canine or feline family to fail to exhibit its certificate of vaccination upon
demand by the County. This subsection does not apply to any animal under
control of shelters.

E. For licensing purposes a medical waiver certificate may be acceptable in
cases when the rabies vaccination of an animal would pose a substantial
threat to the health of the animal. The certificate shall be on official
letterhead from a licensed veterinarian and shall contain the name and
address of the owner of the animal, a description of the animal, the medical
condition prohibiting vaccination, and the date upon which a vaccination
may be given. A medical waiver certificate must be resubmitted annually.

Section 5.3 Abandonment

It is unlawful for a person to abandon an animal.

Section 5.4 Animals Disturbing the peace

A. It is unlawful for a person to allow a dog to persistently or continuously bark,
howl or make noise or otherwise disturb the peace and quiet of habitants of
the County. Persistent, continuous or loud intermittent noise between the
hours of 10:00 p.m. and 6:00 a.m. which can be heard fifty (50) feet from
the source of the noise prima facie evidence of violation of this subsection.

B. It is unlawful to keep or maintain an animal in such an unclean or unsanitary
manner that it disturbs others by noxious or offensive odors.

Section 5.5 Animals killing livestock or injuring livestock or protected
wildlife

A. It is unlawful for a person to keep an animal known to have harassed, killed
or injured livestock or protected wildlife. The owner has a duty to destroy
said animal humanely or surrender such an animal to the Animal Control
Department for proper humane euthanizing upon an assessment by the
Animal Control Department and an order of the court.

B. An owner of livestock shall have the right to kill an animal that has harassed,
injured or killed livestock or protected wildlife while it is upon property
controlled by the owner of the livestock.
Section 5.6 Dogs running at large

A. It is unlawful for a person to allow or permit any dog to run at large in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the County, or private property without the permission of the owner.

B. A dog running at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded. An Animal Control Officer may go upon private property in pursuit of an animal which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An officer may not enter a private building or residence in pursuit of an animal.

C. A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing his duties. A hunting, obedience, tracking or show dog that is under the control of the owner or handler shall not be considered as unleashed while performing in those capacities.

Section 5.7 Injury to animals by motorists

Every operator of a motor or self-propelled vehicle upon the streets and ways of the County shall immediately upon inadvertently injuring, striking, maiming or running down any animal provide immediate notification to the Animal Control Department, furnishing sufficient facts relative to the incident. Such animal shall be deemed an uncared for animal.

Section 5.8 Animals transported in vehicles

Animals must be kept safe during transport.

A. Pickup Trucks

1. Animals that are transported in the bed of a pickup truck must be protected from extreme heat, cold or rain, and be provided with a non-metal surface to sit or stand on.

2. Overall, the owner is fully responsible for ensuring the safety and wellbeing of that animal while the animal is being transported in the bed of the pickup truck.

B. Cars, Vans and RV's. Animals riding inside vehicles that are not in crates or other enclosures must not be allowed access to a window opened wide enough for the animal to jump or fall. Animals riding in open topped or sided vehicles must be secured in a humane manner by either tethering or crating to ensure the animal cannot jump or fall.
C. Transporting more than one animal. In addition to all other regulations in this article, animals should never be overcrowded when being transported. If the animals are crated or kept in any enclosure, they may be allowed to share a crate but each animal should be able to stand up, move around, lie down and stretch out naturally. If crates or enclosures are stacked, they must be attached securely to prevent the crates or enclosures from falling or turning over. If crate or other enclosures are stacked, the crates or enclosures must have solid bottoms to prevent urine or feces from passing between crates and enclosures.

D. No person shall intentionally, knowingly or recklessly leave a dog or cat unattended in a closed vehicle for any length of time without providing adequate ventilation to prevent the temperature in the vehicle from rising high enough such that any reasonable person would know that the animal would suffer from heat exposure. An animal left in a closed vehicle without the interior of the vehicle being air-conditioned when the ambient temperature is over 80 degrees, shall be subject to a citation and seizure of the animal. If the Animal Control Officer determines that an animal in a vehicle is in immediate danger, the Animal Control Officer or Sheriff Deputy may enter the vehicle by whatever means necessary, without being liable to the owner of the vehicle for any damage, and seize the animal. The animal's owner shall be responsible for all expenses related to the removal of the animal, emergency veterinarian treatment and impoundment.

Section 5.9 Unlawful use of rabies tag

It is unlawful for any person to remove or transfer any rabies tag from one animal to another. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing or permitting required under this chapter.

Section 5.10 Improper disposal of animals

Deceased animals shall be properly disposed of in accordance with this article. Following the death of an animal, the owner shall be responsible for removing the corpse immediately and disposing of the body by burial or cremation. It is unlawful to dispose of the body of any animal by dumping the corpse on public or private property, roads or rights-of-way, or dumpsters.

Section 5.11 Road-side sales of live animals

A. The sale of live animals is prohibited if it occurs on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot.

B. The erection, maintenance, or placement of a structure by a vendor of live animals is prohibited on a public highway or road, in the right-of-way of a public highway or road, or in a parking lot.
Section 5.12 Vicious or dangerous animals

It is unlawful for any person to keep or harbor a vicious animal. When an Animal Control Officer has probable cause to believe that an animal is vicious, the officer may take up and impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this chapter, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such vicious animal to destroy it humanely or turn such animal over to the Animal Control Department for destruction. It shall be unlawful to maintain a dangerous animal in a manner which constitutes a threat to any person or other animal.

A dog shall not be declared a dangerous or potentially dangerous dog if:

A. The dog was used by a law enforcement official for legitimate law enforcement purposes;

B. The threat, injury or damage was sustained by a person or domestic animal who was:
   1. Trespassing upon premises occupied by the owner or the dog
   2. Provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, tormented, abused or assaulted the dog; or
   3. Committing or attempting to commit a crime; or

C. The dog was:
   1. Responding to pain or injury;
   2. Protecting or defending a human being or domestic animal from attack or assault or;
   3. Protecting itself or its offspring
   4. Located inside a structure or within an outside area enclosed by a secure fence at least six feet in height.
   5. Located on property which is posted warning signs stating "guard dog" and "guardia" and shall show a picture of an aggressive dog.

D. Vehicles used to transport guard dogs shall be secured so that the public is protected from injury, shall be constructed or modified to ensure that the guard dog is transported in a safe and humane manner that does not violate this Ordinance, and shall be posted with warning signs on each side of the vehicle.

Sec. 5.13 General Penalties for Violations

Except as otherwise provided, a person convicted of a violation of this Ordinance shall be guilty of a petty misdemeanor and shall be punished by a fine not exceeding $300.00, imprisonment for a term not exceeding 90 days , or both.
2. **Severability:** If any provision of this ordinance is, for any reason, held to be unconstitutional or otherwise unlawful by a court of competent jurisdiction, such decision shall not affect the legality or validity or enforceability of any other provision of this ordinance. The Board of County Commissioners hereby declares that it would have passed this ordinance irrespective of the fact that any one or more of its provisions would be declared unconstitutional or otherwise unlawful.

3. **Effective Date:** Pursuant to Section 4-37-9 N.M.S.A. 1978 Comp, the Commission declares that it is necessary for the public health, safety and welfare that this Ordinance take effect upon its final passage, adoption and recordation in the Eddy County Clerk’s Office.

**PASSED AND ADOPTED** on this 14th day of April, 2015, by the Eddy County Board of Commissioners in an open meeting in Carlsbad, New Mexico.

**EDDY COUNTY BOARD OF COMMISSIONERS**

Susan Crockett, Chairman

Robin Van Natta, County Clerk

**STATE OF NEW MEXICO COUNTY OF EDDY**
**RECORDED ON APRIL 22, 2015 AT 8:52 A.M.**
**IN BOOK 2 PAGE 641 OF THE ORDINANCE RECORDS**
**ROBIN VAN NATTA, COUNTY CLERK**

Ordinance O-14-79