

ORDINANCE NO. 2013-01

AN ORDINANCE PROHIBITING THE IMPORTATION AND RELOCATION OF PRAIRIE DOGS AND OTHER RODENT PESTS INTO OR WITHIN CURRY COUNTY, NEW MEXICO.

WHEREAS, the Board of County Commissioners of Curry County, New Mexico, which is the governing body thereof, has been presented with complaints and concerns by various County residents regarding concerns of injury and damage to real property and environment and significant risk to public health posed by the importation and/or relocation and/or harboring of various animals that are not confined or kept as pets or for farming, ranching or other legitimate business needs; and,

WHEREAS, the Curry County Commission has a duty to provide for the safety and preserve the health, order, comfort and convenience of the residents of the County; and,

WHEREAS, the Curry County Commission, declares that prairie dogs and feral hogs, that are imported, relocated and/or are harbored on lands in Curry County and not controlled, contained or otherwise confined, and allowed to migrate or get onto adjoining properties presents a safety issue not only to the public, but also to property and lands of other adjoining and/or neighboring property owners; and,

WHEREAS, Section 4-37-1, NMSA 2007 provides that County may adopt ordinances to discharge the powers necessary and proper to provide the safety, preserve the health, promote the prosperity, and improve the morale, order, comfort and convenience of the County and its inhabitants.

NOW, THEREFORE, BE IT ORDAINED by the Curry County Commission on this 4th day of June, 2013 that the following Ordinance is hereby adopted for Curry County, New Mexico, to-wit:

1. It shall be unlawful for any person, firm, entity or any agent, employee or representative thereof to import or bring in to Curry County, or relocate within Curry County, any animal that has been designated by Curry County, the State of New Mexico, or the United States Government, to be harmful, injurious, and detrimental to the citizens of Curry County and/or which presents serious risk of injury and damage to real property or which presents a significant risk to public health or otherwise constitutes a public nuisance as that term may be defined by state law (hereinafter referred to as "dangerous and/or nuisance animals") except as provided herein.

2. For purposes of this Ordinance, the Curry County Board of County Commissioners hereby designates that prairie dogs and feral hogs and/or feral pigs are determined to be "dangerous and/or nuisance animals".

The list of "dangerous and/or nuisance animals" that are to be governed and regulated pursuant to the terms set forth in this ordinance may be increased, modified, changed and/or amended by Resolution adopted by the Board of County Commissioners at a duly called Commission meeting so long as said Resolution is for the purpose of amending this Ordinance.

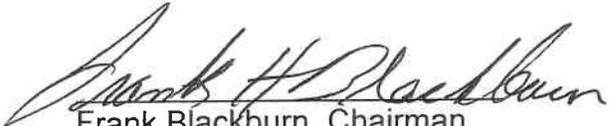
3. Any landowner, person or entity that is found to have violated this Ordinance shall be deemed guilty of a petty misdemeanor and upon conviction, shall be punished by a fine of not less than \$100.00 nor more than \$300.00 for each and every separate offense.

Any landowner, person or entity that violations this Ordinance shall also be responsible for any and all damages, costs or expenses of eradication and rehabilitation of property caused to any other landowner, tenant or other person as a result of any dangerous animal that has caused damage to said land or property.

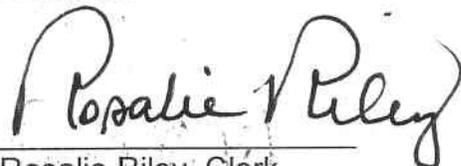
4. Any property owner, person or entity who willingly, knowingly or voluntarily imports or brings dangerous animals onto property in Curry County, or allows, permits or consents to any other person or entity importing, bringing or placing any "dangerous and/or nuisance animals" on property in Curry County shall be completely and absolutely responsible for maintaining said dangerous animals and ensuring that said animals do not migrate or get on any other properties, whether adjoining or neighboring.
5. It is the duty of all landowners or property owners in Curry County who willingly, knowingly, or voluntarily imports or brings dangerous animals onto property in Curry County, or allows, permits or consents to any other person or entity importing, bringing or placing any "dangerous and/or nuisance animals" on property in Curry County, to manage and maintain their property to prevent any "dangerous and/or nuisance animals" as defined under this Ordinance, or any amendments thereto from migrating onto and/or entering any neighboring or adjoining properties. Any landowner who does so, may be liable and responsible to said property owner for the expenses of removal/eradication of the same, as allowed by the District Court or Magistrate Courts of Curry County, New Mexico.
6. For purposes of enforcing this Ordinance, as well as any Resolutions and Orders of the Curry County Commission pertaining to this Ordinance, or dealing with the subject matter herein, the Curry County Sheriff and his/her duly authorized agents shall be the Chief Enforcement Officers.

IT IS HEREBY DECLARED to be the intention of the Curry County Commission that the sections, paragraphs, sentences, clauses and phrases of this Ordinance shall be deemed severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or otherwise invalid by a final judgment of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections hereof.

ADOPTED this 4th day of June, 2013.


Frank Blackburn, Chairman
Board of County Commissioners

Attest to:



Rosalie Riley, Clerk
Curry County

Rosalie Riley, Clerk
Curry County