

**LUNA COUNTY ORDINANCE NO. 69
LUNA COUNTY GENERA ORDINANCE**

LUNA COUNTY-NM
KAREN SMYER, CLERK
200800347
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01/17/2008 09:48:12 AM
BY ANDREA

**AN ORDINANCE PROHIBITING THE IMPORT FOR RELEASE
INTO THE WILD OF CERTAIN GENERA; REPEALING
ORDINANCES IN CONFLICT; PROVIDING FOR THE
SEVERABILITY OF PARTS HEREOF; AND PROVIDING
AN EFFECTIVE DATE.**

WHEREAS, pursuant to NMSA 1978, Section 4-37-1, the Board of County Commissioners of Luna County, New Mexico, is empowered to enact an ordinance which would regulate the import for release of certain genera and specifically predators of the Canis, Ursus and Felis genera, within the boundaries of Luna County, as such an ordinance will serve a valid public purpose and will otherwise serve to promote the prosperity, public health, safety, and welfare of the residents of the County of Luna; and

WHEREAS, NMSA 1978, §4-37-2 provides that County ordinances are effective within the boundaries of the County, including privately owned land or land owned by the United States; and

WHEREAS, the livestock, recreation and tourism are vital to the Luna County economy; and

WHEREAS, the release of predators within the boundaries of Luna County can have a negative impact on the livestock, recreation and tourism industries and the economy due to the loss of livestock and domestic animals, and threats to human safety; and

WHEREAS, an ordinance requiring control of the import for release of certain genera into the wild, will serve to promote the health, prosperity, order, comfort, and convenience of Luna County and its inhabitants, would serve a valid public purpose and will otherwise serve to promote the prosperity, public health, safety and welfare of the residents of Luna County.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF LUNA COUNTY, NEW MEXICO:

Short Title.

This Ordinance may be cited as the "Luna County Genera Ordinance".

Section 1. Definitions

As used herein, the term "release" shall mean the act of setting free to roam at large.

As used herein, the phrase "predatory animals of genera Canis (e.g. Mexican Wolf), Ursus (e.g. Grizzly Bear) and Felis (e.g. Jaguar)" shall exclude the following:

Domestic feral cats that have been spayed and returned to the wild.

Section 2. Requirements pertaining to the import for release into the wild within the boundaries of Luna County, predatory animals of the genera Canis, Ursus and Felis.

It shall be unlawful to import for release into the wild, or release into the wild, within the boundaries of Luna County predatory animals of the genera Canis, Ursus and Felis unless the following requirements and conditions have been met:

- A. Any person or entity proposing to release any animals of the genera Canis, Ursus or Felis shall provide notification to Luna County at least 120 days prior to the proposed implementation of the release program.
- B. A release feasibility study must be provided to Luna County at least 90 days before the proposed release describing economic, human health and safety and biological effects to Luna County and its citizens.
- C. A public hearing on the release program shall be held at least 60 days before the proposed release.
- D. The Luna County Commission votes to approve the release program.

Section 3. Penalties.

Any person, firm or entity convicted of a violation of the provisions of Section 1 of this Ordinance shall be deemed guilty of a Petty Misdemeanor and upon conviction shall be punished by a fine of not more than three hundred dollars (\$300.00) and/or imprisonment of no more than ninety (90) days, or both for each offense.

Section 4. Severability.

It is hereby declared to be the intention of the Board of County Commissioners 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 the valid 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.

Section 5. Conflict Clause.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

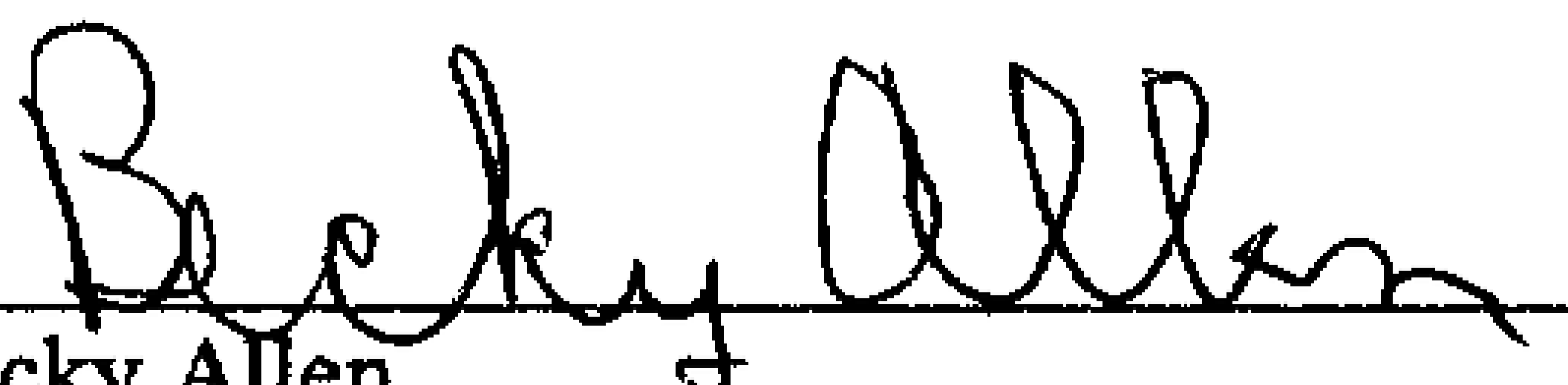
Section 6. Effective Date and Repeal of Ordinance.

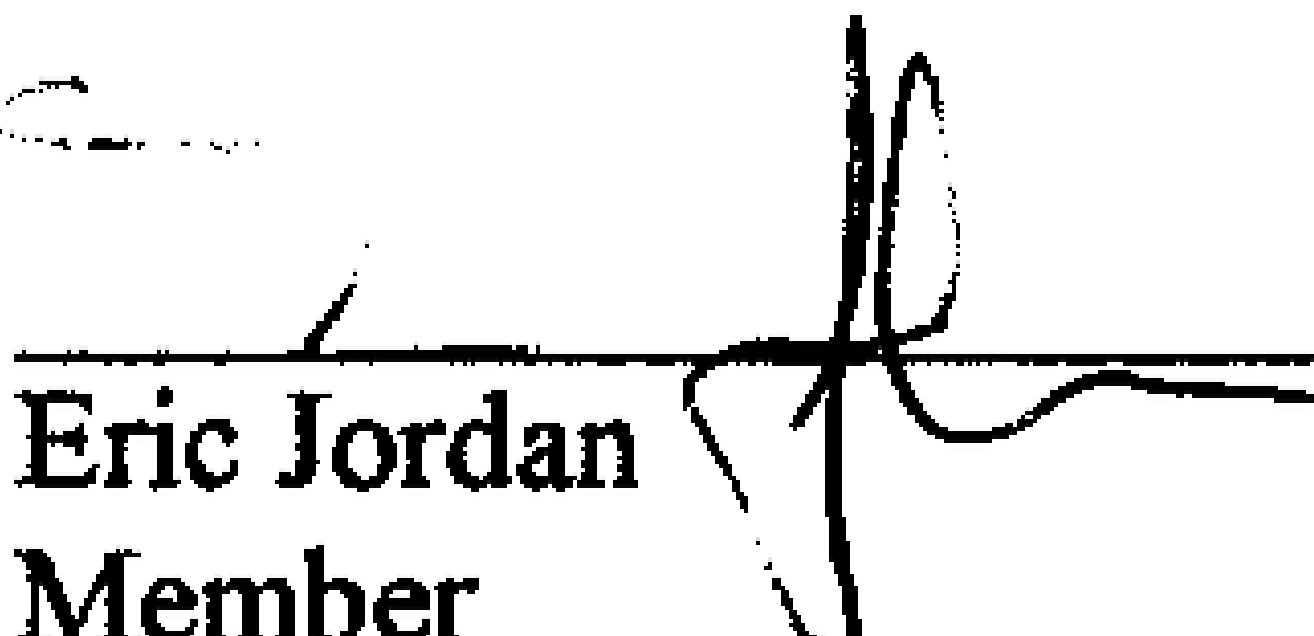
This Ordinance shall take effect immediately after recording in the Public Records of Luna County.

PASSED, APPROVED AND ADOPTED this 13 day of December 2007, by the Luna County Board of County Commissioners.

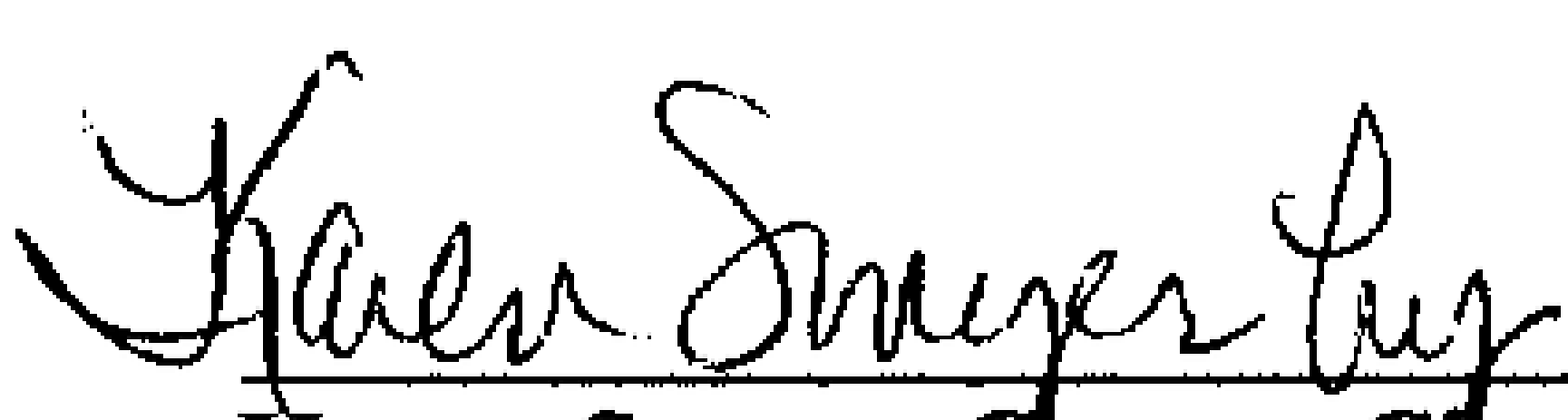
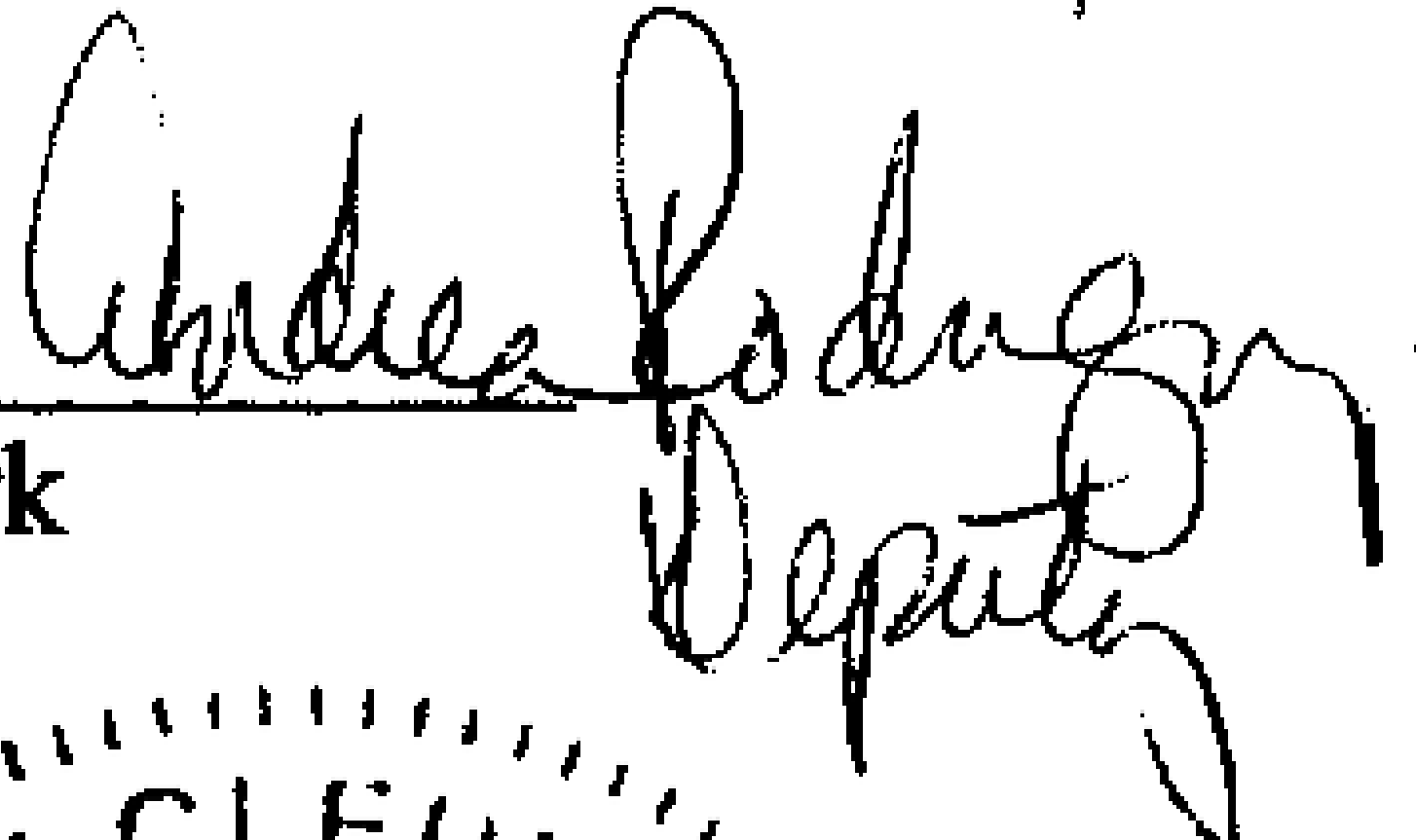
BOARD OF COUNTY COMMISSIONERS,
LUNA COUNTY, NEW MEXICO


Richard Holdridge
Chairman



Becky Allen
Member

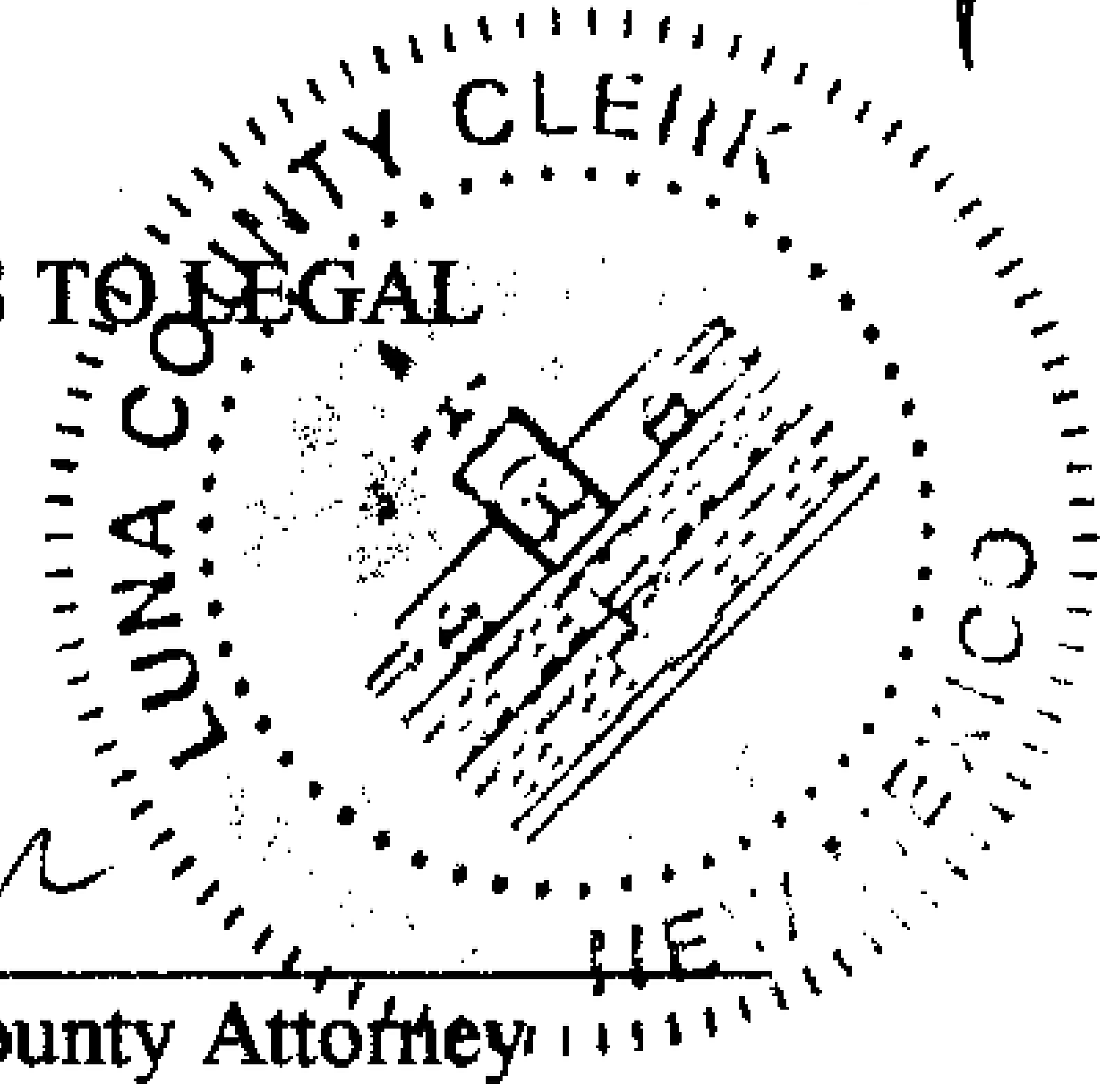

Eric Jordan
Member

Attest:


Karen Smyer, County Clerk

Deputy

APPROVED AS TO LEGAL
SUFFICIENCY:


Kent Cooper, County Attorney



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