

ORDINANCE NO. 42

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 Section 4-37-1, NMSA 1978, the Board of County Commissioners of the County of Quay is empowered to enact an ordinance which would prohibit the import for release of certain genera and specifically predators of the Canis, Ursus and Felis genera, within and adjacent to the boundaries of the County of Quay, 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 Quay; and

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

WHEREAS, the release of predators within and adjacent to the boundaries of Quay County will 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 the County of Quay 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 the County of Quay.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE COUNTY OF QUAY, NEW MEXICO:

Short Title.

This Ordinance may be cited as the "County of Quay- 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. Unlawful to import for release into the wild within or adjacent to the boundaries of the County of Quay, 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 or adjacent to the boundaries of the County of Quay predatory animals of the genera Canis, Ursus and Felis.

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) 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.

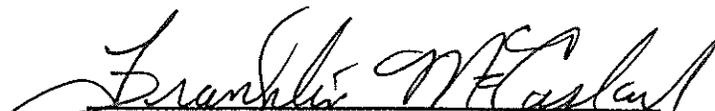
This Ordinance shall take effect immediately after recording in the Public Records of Quay County.

PASSED, APPROVED AND ADOPTED on the 10th day of December, 2007.

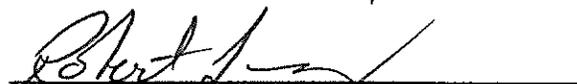
**BOARD OF COUNTY COMMISSIONERS
QUAY COUNTY, NEW MEXICO**

ATTEST:


Ellen White, County Clerk


Franklin McCasland, Chairman


Bill Curry, Member


Robert Lopez, Member

