

## ORDINANCE NO. 2008-01

### 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 198, the Board of County Commissioners of the County of Colfax 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 the boundaries of the County of Colfax, 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 Colfax; and

**WHEREAS**, the livestock industry is vital to the Colfax County economy; and

**WHEREAS**, the release of predators within Colfax County will have a negative impact on the livestock industry and the economy due to the loss of livestock; and

**WHEREAS**, an ordinance requiring control for 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 Colfax or 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 Colfax.

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

#### **Short Title.**

This Ordinance may be cited and the “County of Colfax *Genera* Ordinance”.

#### **Section 1. Definitions.**

As used herein, the term “release” shall mean the act of setting free to roam at large without the custody or control of any owner, custodian or other person.

As used herein, the phrase “predatory animals of *genera Canis*, *Ursus* and *Felis*” shall specifically include the following:

*Canus lupus*, which is sometimes referred to as the “Gray Wolf or Timber Wolf”;

*Canis lupus baileyi*, commonly referred to as the “Mexican Gray Wolf”;  
*Canis lupus nubilus*, commonly referred to as the “Great Plains Wolf”;  
*Canis lupus lycaon*, commonly referred to as the “Eastern Wolf”;  
*Canis lupus occidentalis*, commonly referred to as the “Mackensie Valley Wolf”  
*Ursus Arctos* or *Ursus Arctos Horribilis*, commonly referred to as the “Brown Bear or Grizzly Bear”;  
*Lynx canadensis*, commonly referred to as the Lynx; and  
*Felidae Panthera Onca*, commonly referred to as the Jaguar.

As used herein, the phrase “predatory animals of *genera Canis, Ursus* and *Felis*” shall exclude the following:

*Canis lupus familiaris*, commonly referred to as “Domestic Dog”;  
*Ursus Americanus*, commonly referred to as the “Black Bear”; and  
*Felidae Lynx Rufus*, commonly referred to as the “Bobcat”;  
*Felis silvestris catus*, commonly referred to as “Domestic Cat” and including Domestic feral cats that have been spayed and returned to the wild.

**Section 2.** **Unlawful to import for release into the wild within the boundaries of the County of Colfax, predatory animals of the *genera Canis, Ursus* and *Felis*.**

It shall be unlawful for any person, firm or entity to import for release into the wild within the boundaries of the County of Colfax 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 the 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.**

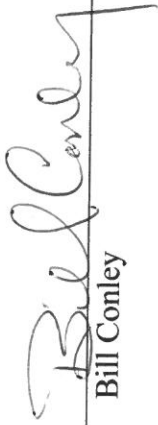
This Ordinance shall take effect immediately after recording in the Public Records of Colfax County.

**PASSED, APPROVED, and ADOPTED** this 1<sup>st</sup> day of April, 2008.

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

  
\_\_\_\_\_  
Whitney Hife, Chairman

  
\_\_\_\_\_  
Jim Maldonado, Vice Chairman

  
\_\_\_\_\_  
Bill Conley



Attest:

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Rayetta M. Trujillo  
Rayetta M. Trujillo, Clerk of Colfax County

By:   
\_\_\_\_\_  
Chris A. Wildermuth, Deputy Clerk