

**ORDINANCE NO. 5-10-23-10A**

**ORDINANCE TO BAN FEEDING OF FREE-ROAMING HORSES**

*Whereas, Sandoval County is a political subdivision of the State of New Mexico;  
and*

*Whereas, NMSA § 4-37-1 (1975) gives the Board of County Commissioners the power to “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants” and to make ordinances to carry out that authority; and*

*Whereas, the feeding of free-roaming horses makes them dependent on humans and leads them to stay in populated areas instead of moving throughout their natural range; and*

*Whereas, there is an overpopulation of free-roaming horses in Sandoval County which leads to traffic accidents and endangers the welfare of citizens; and*

*Whereas, there are residents of Sandoval County who feed the free-roaming horses foods that may cause harm to their health and may aggravate the horses if approached during mating and foaling; and*

*Whereas, the safety issues in Sandoval County are driven largely by the presence of free-roaming horses and that expanding patrols or ticketing for speeding and other criminal offenses will not be effective;*

**NOW, THEREFORE, BE IT ENACTED** by the Board of County Commissioners of the County of Sandoval, as follows:

***Section 1.*** There is enacted a new article in chapter 14 of the Sandoval County Code of Ordinances as follows:

Chapter 14, Environment.  
Article III. Wildlife.

Section. 14-40. Short title.

This article may be cited as the “Free-Roaming Horse Feeding Ordinance.”

Section 14-41. Definitions.

In this Article, terms shall be defined as follows:

- A. “Feed” shall mean to provide food, hay, salt, or other nutrients.
- B. “Horse” shall mean an animal in the taxonomic family *Equidae*.

Section 14-42. Unlawful Feeding of Free-Roaming Horses.

It shall be a crime called “unlawful feeding of free-roaming horses” to feed a horse without a horse feeding permit issued by Sandoval County.

Section 14-43. Affirmative Defenses.

- A. It shall be an affirmative defense to a charge under Section 14-43 if either:
  - 1. The feeding was of a horse owned by the person doing the feeding or was done with the permission of the horse’s owner; or
  - 2. The feeding was done on land (1) owned by the United States of America or (2) held in trust by the United States of America for an Indian tribe.
- B. The burden of proof for the defenses listed in this section shall be upon the person charged.

Section 14-43. Horse Feeding Permits.

- A. Pursuant to a resolution adopted by the Board of County Commissioners, Sandoval County may issue horse feeding permits.
- B. The failure of the Board of County Commissioners to enact a resolution establishing a horse feeding permit process shall not be a defense to a violation of this Article.

Section 14-44. Penalty.

The penalty for unlawful feeding of free-roaming horses shall be up to ninety days imprisonment, a fine of up to \$300, or both.

**Section 2.** This ordinance shall be effective immediately, except that the new Section 14-42 of the Sandoval County Code shall become effective on September 1, 2023.

Enacted May 10, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF THE COUNTY OF SANDOVAL

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David J. Heil, Chairman

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Michael Meek, Vice-Chairman

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Katherine Bruch, District 1 Commissioner

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Jay C. Block, District 2 Commissioner

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Joshua Jones, District 5 Commissioner

ATTEST:

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Anne Brady-Romero, County Clerk

APPROVED AS TO FORM:

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Michael Eshleman, County Attorney