

CHAVES COUNTY ANIMAL CONTROL POLICY

RULE 20: 20.1 GENERAL:

Relates to the policy and procedure that shall be followed by affected employees of the Chaves County Sheriff's Department in regards to dealing with animals and the enforcement of Animal Control Statutes and Ordinances.

- A. All sworn Deputies and all Animal Control Officers of the Chaves County Sheriff's Department will familiarize themselves with the Animal Control Statutes (Chapter 77, Article 1 and Chapter 30, Article 18) and the Chaves County Ordinances (Ordinance #3) pertaining to Animal Control issues.
- B. It shall be the primary duty of the Animal Control Officer to enforce these Statutes and Ordinances within Chaves County. Sworn Deputies of this department may in accordance with their normal duties, also enforce these Statutes and Ordinances.

20.2 ANIMALS RUNNING AT LARGE:

When animals, such a dogs or cats, are found running at large, Animal Control Officers and/or Deputies should:

- A. Attempt to pick up the animal, if it is still running at large, and make every effort to locate the Owner. If found, the Owner may be cited into Magistrate Court for permitting the animal to run at large or other violation of State Law and County Ordinance. If the Owner is known but you are unable to locate the Owner to issue the proper citation, then the Animal Control Officer or Deputy may go to Magistrate Court and prepare a Criminal Complaint against the Owner for the appropriate violation.
- B. If unable to locate the Owner and ownership cannot be established, then the animal shall be picked up and disposed of in a proper and discrete manner, forthwith.

20.3 DOGS KILLING OR INJURING LIVESTOCK:

When animals such as dogs (but not limited to dogs) are found injuring or molesting livestock, Animal Control Officers and/or Deputies shall:

- A. Take whatever steps are immediately necessary, up to and including killing the animal, to prevent further injury to the livestock.
- B. If the dog(s) have returned to their Owner's home, the dog may be picked up and placed into an Animal Shelter at the Owner's expense, only if the Animal Control Officer or Deputy has witnessed the animal return home or if there are reliable witnesses to the incident and the physical evidence supports the witness statement. The Owner shall be cited into Magistrate Court and arrangements made for payment of killed or injured livestock. The Court shall then decide if the animal is to be destroyed.
- C. If unable to locate the Owner and ownership cannot be established, then the animal shall be picked up and disposed of in a proper and discrete manner.

20.4 ANIMALS THREATENING HARM TO ANIMAL CONTROL OFFICER(S), DEPUTY(S) AND/OR

OTHERS: When animals, such as dogs, cats, coyotes, etc., are found to be an immediate threat to cause injury to Animal Control Officers, Deputies or others, the Animal Control Officer and/or Deputies should:

- A. Take whatever steps immediately necessary, up to and including killing the animal, to prevent injury to themselves or another.
- B. If the ownership of the animal can be established, the owner may be cited into Magistrate Court if there was a chargeable event take place such as Dogs Running at Large, violation of Vaccine Ordinance, or any other violation of State Law or County Ordinance.
- C. If unable to locate the Owner and ownership cannot be established, then the animal shall be picked up and disposed of in a proper and discrete manner.

20.5 INJURED ANIMALS:

Animals that are reported or found injured, and in the opinion of the Animal Control Officer or Deputy, to be in misery, then the animal may be destroyed to end the suffering. Every attempt should be made not to destroy animals in front of the public, especially children, because the public can be quite sensitive to the destruction of animals.

20.6 ANIMAL BITES AND QUARANTINE:

- A. When an animal bite is reported to the Chaves County Sheriff's Department, an Animal Control Officer shall conduct an investigation and prepare all paperwork as soon as possible. If an Animal Control Officer is not available, a Deputy will take the report and forward it to the Animal Control Officer. The paperwork should include:
 1. Call Sheet
 2. Animal Bite Report
 3. Department Incident Report (if serious injuries occurred).
 4. Pictures of injuries (if serous in nature)
- B. It will be the duty of the Animal Control Officer to see that the proper paperwork is submitted to the Chaves County Health Office and the Animal Shelter.
- C. The Animal Control officer shall contact the Victim and the Owner of the animal, if known. It will be up to the Animal Control Officer to decide where the required ten (10) day quarantine of the animal will take place. If the Owner of the animal can prove to the Animal Control officer that he/she can properly quarantine the animal and the animal had been properly vaccinated at the time of the bite, it may be left with the Owner. If the animal is allowed to be quarantined with the Owner, the Animal Control Officer should attempt to check on the animal at least two (2) times during the ten (10) day quarantine period. If the animal is located and the



Owner is not known or if the Owner is known but cannot provide proper quarantine, or cannot prove that the animal was properly vaccinated at the time of the bite, then the animal will be picked up and placed in quarantine at the Animal Shelter at the Owner's expense. If the animal has not had a Rabies Vaccination at the time of the bite, the Animal Control Officer should give the animal Owner at least five (5) days after the quarantine period has ended to get the animal vaccinated and then document that the vaccination has been completed by putting the tag number on the Animal Bite Form.

20.7 VACCINATION/LICENSE AND TAGS

REQUIRED: Animal Control Officers and Deputies should be familiar with the County Ordinance and State Statutes in regards to the requirement of Vaccination and Display of Animal License or Tags and see that affected residents of Chaves County are complying with these Statutes and Ordinances.

20.8 AUTHORIZED WEAPONS:

All Animal Control Officers of the Chaves County Sheriff's Department will carry only those Weapons authorized and issued to them by the Sheriff or Chief Deputy. These weapons may include:

1. Shotgun
2. Rifle

Prior to using any issued weapons, the Animal Control Officer shall undergo such training and education necessary to familiarize themselves with the proper use and safe handling of the weapon.

- A. **SHOTGUN** - A shotgun course taught by the Department Firearms Instructor. The Animal Control Officer will then qualify with the shotgun three times a year on a course prepared by the Firearms Instructor and approved by the Sheriff or Chief Deputy. This course should test the Animal Control Officer's ability to safely and proficiently use the weapon in situations that he/she could encounter in the performance of their duties. The Animal Control Officer should qualify using the same types of ammunition used in the performance of their duties.
- B. **RIFLE** - In some instances a rifle may be issued to an Animal Control Officer for special situations requiring its use. The Animal Control Officer will be required to attend a training class, given by the Department Firearms Instructor, to familiarize him/her with the rifle. The Animal Control Officer will also be required to successfully complete a qualification course using the rifle prior to being issued a rifle. This course should test the Animal Control Officer's ability to safely and proficiently use the weapon in situations that he/she could encounter in the performance of his/her duty. The Animal Control Officer should qualify with the same type of ammunition used in the performance of their duty.

20.9 HANDLING, RESTRAINING AND LIFTING ANIMALS:

Animal Control Officers should use extreme care and caution when attempting to restrain or handle animals. If the animal appears to be friendly and good natured and the Animal Control Officer feels it may be safe to pick up with out use of a control device, the Animal Control Officer may pick up the animal. If the animal is vicious or exhibiting aggressive behavior, then the Animal Control Officer should use a snare, or other control devices to get control of the animal and place it into the vehicle or cage. When handling cats, skunks or other animals trapped in animal traps, the animals should be kept in and carried in the traps until you arrive at the Animal Shelter or Landfill if the animal is to be destroyed. When lifting animals or other objects that appear to weight 25 pounds or more, the Animal Control Officer will wear a back brace belt. The wearing of the belt will reduce risk to lower back injuries when lifting.

20.10 MEDICAL TREATMENT:

As an Animal Control Officer, you will be required to handle animals of all kinds. Upon occasion these animals will be ill, possibly with Rabies. Due to this fact, all Animal Control Officers will be required to take a series of pre-exposure Rabies inoculations. Animal Control Officers will also be required to take a series of Hepatitis B vaccines, unless he/she signs a waiver form refusing the vaccine. When an Animal Control Officer is injured as a result of performing their duties as an Animal Control Officer, they shall follow the reporting requirements for Accidents and Injuries established by the Chaves County Sheriff's Department.

20.11 VEHICLES:

It is the responsibility of the Animal Control Officer to see that the vehicle assigned to him/her is kept clean and in safe operating condition. Animal Control Officers will be allowed to drive their assigned vehicle to and from work and in conjunction with the performance of their duties. An Animal Control Officer will always operate his/her vehicle in a safe and responsible manner. Animal Control Officers will not use assigned vehicles as transportation to and from. secondary employment or as part of the secondary employment. Unattended vehicles of off duty officers must be locked at all times. The security of assigned vehicles, Animal Control Equipment and materials, is the responsibility of each Animal Control Officer.

20.12 DISCHARGE OF FIREARMS

If an Animal Control Officer or Deputy must discharge his/her firearm or use other lethal means to put an end to an attack of livestock or themselves, the Animal Control Officer and/or Deputy should:

- A. Use extreme caution and be aware of the surroundings.
- B. Make every effort to ensure no person or residences are in the immediate area (or in the line of fire).
- C. If the animal is destroyed, it shall be the duty of the Chaves County Sheriff Is Department to pick up the animal or see that it is disposed of properly.

Animal Control officers and Deputies should make all rea-

sonable attempts to capture animals (dogs, cats, domesticated fowls and birds) for confinement at the Animal Shelter before just disposing of it. These animals are considered as Personal Property. This policy cannot cover every situation that will arise and there will be times when members will have to use their own discretion and judgement. Knowledge of the Statues, ordinances and rules mentioned in 20.1A will give members the basis with which to make the best possible decision in most situations.

ORDINANCE NO. 3

CHAVES COUNTY ANIMAL CONTROL ORDINANCE
 WHEREAS, Chaves County recognizes the dangers dogs pose to the public and their property when they are uncontrolled, and

WHEREAS, Chaves County took steps to require County residents to control their dogs by adopting Ordinance No. 3 in January, 1974, and

WHEREAS, the County deems it necessary to update Ordinance No. 3.

BE IT ENACTED BY THE COUNTY OF CHAVES, STATE OF NEW MEXICO, as follows, to-wit:

**ARTICLE 1
 (CONTROL OF DOGS)**

SECTION: 1 DEFINITIONS:

For the purpose of this Article the following words and phrases shall have the meanings respectively ascribed to them:

AT LARGE: Any dog shall be deemed at large when the dog is off the property of it's owner and not under restraint.

OWNER: Any person owning, keeping or harboring dogs.

RESTRAINT: A dog is considered under restraint if the dog is on their owner's property; or on a leash; or in the presence of a person and obedient to that person's commands.

KENNEL: Any one household, property or business (except licensed Animal Shelters or a Licensed Veterinarians Clinic/Hospital) keeping, maintaining, harboring or possessing more than a total of nine (9) dogs or cats over the age of three (3) months.

SECTION: 2 RUNNING AT LARGE PROHIBITED:

It shall be unlawful for any person owning, harboring, or having custody, control, or possession of any dog to cause or permit such dog to be at large. When dogs are found at large by the Sheriff or their designee, the dog may be transported to an Animal Shelter for disposal in accordance with the guidelines set forth by the Animal Shelter. If the identity of the owner can be ascertained, the officer may attempt to

return the dog to the owner, however, if the dog is transported to an Animal Shelter, the owner shall be notified and shall have three (3) business days to retrieve their dog before the dog is subject to disposal. If the dog has not been disposed of and the owner seeks its return, owner shall pay all sheltering fees incurred.

SECTION: 3 ABANDONMENT OF DOGS/CATS PROHIBITED:

It shall be unlawful for any person to willfully abandon a dog or cat anywhere within the County of Chaves, State of New Mexico. Persons wanting to dispose of unwanted dogs/cats or other pets may surrender them to any licensed Animal Shelter or Sheriff's Animal Control Officer.

SECTION: 4 INTERFERING WITH SHERIFF PROHIBITED:

It shall be unlawful for any person to interfere with, molest, hinder, or prevent the Sheriff of Chaves County, his/her Deputy or Animal Control Officer in the discharging of their duties as herein prescribed, or to violate any of the provisions of this Article.

**ARTICLE 2
 (VACCINATION AND LICENSE)**

SECTION: 1 VACCINATION. LICENSE TAX AND TAG REQUIRED:

It shall be unlawful for any person to own, harbor, or maintain in their possession within the County, any dog, male or female, over the age of three months, which dog has not been vaccinated against rabies pursuant to the laws and regulations of the State of New Mexico. Owner must maintain reasonable proof of vaccination each year. Failure to submit proof of vaccination within three (3) business days of a reasonable request shall result in a citation for violation of this Ordinance. In addition, it shall be unlawful for any person to own or have in their possession within the County any dog over the age of three months on which the metal tag provided for in this Article, evidencing the issue of a license to such dog, has not been affixed as provided in this Article.

SECTION: 2 WHEN PETS TO BE VACCINATED:

In accordance with New Mexico State Law, "Any person who owns or keeps a dog or cat over the age of three months in this State shall have them vaccinated against rabies annually with a vaccine approved by the Director of the Health Department. All anti-rabies vaccine shall be administered by or under the supervision of a licensed Veterinarian."

SECTION: 3 LICENSE FEES AND COLLECTION:

The annual license fee shall be set by the County Commission and shall commence on the date the license is issued. The County Commission hereby sets the license fee as follows; (these fees are subject to change by resolution adopted by the Chaves County Commission) \$4.00 for each spayed female or neutered male dog over three month's old. \$5.00 for each un-spayed female or un-neutered male dog

over three month's old. The County Sheriff or his/her designee shall issue a license to the owner or custodian of any such dog upon payment of the license fee provided by this section, and upon presentation of a certificate of a licensed Veterinarian that such dog has been vaccinated against rabies and the certificate showing the expiration date thereof in compliance with State law. Upon issuance of such license, the County Sheriff or his/her designee shall deliver to such owner or custodian a metal tag bearing the number of the license issued. The owner or custodian of every dog required to be licensed under this Article shall securely attach the metal tag to a collar around the neck of such dog, and such collar and tag shall be worn by such dog at all times.

SECTION: 4 APPLICATION FORMS AND RECORDS: The County Sheriff shall prepare application forms to be signed by applicants for dog licenses, and shall keep a record of all licenses issued. All taxes so collected shall be paid to the County Treasurer and deposited in a special account to be used for Administration and Law Enforcement of this Ordinance.

SECTION: 5 KEEPING, ETC., OF UNLICENCED AND UNTAGGED DOGS: (It shall be unlawful for any person to keep, harbor or maintain, or to permit any dog to be kept, maintained or to remain upon any premises under their immediate control unless such dog is licensed and wearing a tag in accordance with this Ordinance, except dogs in properly licensed kennels and veterinary hospitals.

SECTION: 6 DISPLAY OF DOG LICENSE: It shall be unlawful for any person keeping or harboring a dog for which a lawful license is required by this Article to fail or refuse to exhibit such license upon demand of the Sheriff of Chaves County, a Sheriff's Deputy or Animal Control Officer.

**ARTICLE 3
(KENNEL PERMIT)**

SECTION: 1 REQUIREMENT TO LICENSE AS KENNEL: It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household, property or business more than a total of nine (9) dogs/cats over the age of three (3) months without having obtained a kennel permit. To obtain and maintain a licensed kennel the following requirements must be met;

- (A) No permit shall be issued until a Sheriff's Deputy or Animal Control Officer has inspected the premises and found it to be in compliance with this Ordinance. The Deputy/Animal Control Officer must complete and sign the inspection form which will be submitted with the permit application.
- (B) The premises shall be maintained in good repair and kept clean and sanitary at all times so as to protect the

- health of both the animals and community from disease and injury.
- (C) Animals kept outside must be provided with adequate shelter from sun and adverse weather at all times.
- (D) Animals must be provided fresh clean water at all times and food must be provided in a container so as to keep it clean and fresh.
- (E) Animals kept in cages must have adequate space to stand up and turn around without bumping the walls or roof.
- (F) Animals kept on a chain must have at least ten (10) feet of unobstructed movement.
- (G) All animals over three (3) months of age must have currently valid rabies shots.
- (H) Provisions must be made for timely and frequent disposal of waste to prevent the spread of noxious and/or offensive odors.

SECTION: 2 FOLLOW UP INSPECTIONS: The Sheriff's Deputy or Animal Control Officer shall be authorized to conduct routine follow-up inspections during reasonable hours of any premises holding a kennel permit. By obtaining a permit, the permit holder is agreeing to surrender the premises for inspection by the Sheriff's Deputy or Animal Control Officer upon a reasonable request. Permits require annual renewal and are valid for one (1) year from the date issued. A renewal inspection report must be completed and signed by a Sheriff's Deputy or Animal Control Officer before the renewal permit will be granted.

SECTION: 3 DENIAL, REVOCATION OR SUSPENSION: A kennel permit may be denied, revoked or suspended by the County Sheriff upon a written report of a Deputy or Animal Control Officer detailing the factors supporting the recommended action. The Sheriff, or his/her designee, will notify the affected resident, in writing, within ten (10) days of the denial, revocations or suspension detailing the facts supporting the Sheriff's determination. The Sheriff may further notify the resident of the remedies necessary to comply with this Ordinance and allow the permit holder ten (10) days to comply. The Sheriff may then order the re-inspection of the premises to determine compliance. The affected resident may appeal the Sheriff's decision to deny or revoke any kennel permit to the County Commission. This appeal must be made to the County Commission, in writing, within ten (10) days of the date the Sheriff mailed the final notice to deny or revoke the kennel permit. The County Commission has thirty (30) days to review the decision of the Sheriff and enter a ruling affirming or rescinding the action. The County Commission will notify the affected resident of it's ruling in writing.

SECTION: 4 KENNEL PERMIT FEES: Kennel permits will be issued at a cost of fifty dollars (\$50) per year. Permits will be issued and fees collected by the Chaves County Sheriff's Office. Residents obtaining a kennel permit are not required to pay a separate licensing fee for

each dog over the age of three months they shelter.

SECTION: 5 EXEMPTIONS:

This Ordinance shall not apply to and shall not be construed to require a kennel permit for:

- (1) A Veterinary Hospital or Clinic operated by a licensed Veterinary.
- (2) A publicly owned Animal Control Center or Animal Shelter.
- (3) A bone fide animal shelter operated by an organization such as the Humane Society.

ARTICLE 4

(PENALTIES, AREA AND EFFECTIVE DATE)

SECTION: 1 PENALTIES:

Any person who violates the provisions of this Ordinance is guilty of a petty misdemeanor and will be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment in the county jail not to exceed ninety (90) days or both such fine and imprisonment.

SECTION: 2 AREA IN WHICH ORDINANCE IS

EFFECTIVE: This Ordinance is effective within the boundaries of Chaves County, State of New Mexico, including privately owned land, State owned land or land owned by the United States, except that this Ordinance is not in effect within the limits of any incorporated municipality.

SECTION: 3 EFFECTIVE DATE:

Revision #1 of Ordinance #3 shall become effective on the 28th day of March, 2003.

CHAVES COUNTY BOARD OF COMMISSIONERS

State of New Mexico, County of Chaves

FILED FOR RECORD Feb. 26, 2003