



**TORRANCE ANIMAL CONTROL ORDINANCE  
TORRANCE COUNTY ORDINANCE NO. 2009-01**

**AN ORDINANCE ESTABLISHING REGULATIONS, REQUIREMENTS, AND  
PROCEDURES FOR THE CARE AND CONTROL OF ANIMALS IN  
TORRANCE COUNTY, NEW MEXICO;**

**WHEREAS, IT IS DEEMED NECESSARY TO HELP PROTECT PUBLIC  
HEALTH AND SAFETY; AND WHEREAS IT IS DEEMED NECESSARY TO  
PROMOTE RESPONSIBLE OWNERSHIP OF ANIMALS;**

**THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF  
TORRANCE COUNTY, NEW MEXICO:**

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Section 1. General Provisions

1-1. Title

This Ordinance shall be known and may be cited as "The Torrance County Animal Control Ordinance" and shall be referred to elsewhere as "this Ordinance."

1-2. Authority

This Ordinance is created pursuant to the enabling authority set forth in New Mexico Statutes §4-37-1 (1978 ed.).

1-3. Purpose

It is the intent of the County Commission that enactment of this Ordinance will:

- A. Provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the County and its inhabitants.
- B. Regulate, restrain, and prohibit the running at large of any animal within the county;
- C. Provide for the impounding and disposition of animals found running at large; and
- D. Prohibit neglect and cruelty to animals.

1-4. Amendments

The County Commission may amend or modify this Ordinance in accordance with the statutes of the State of New Mexico.

Section 2: Word Definitions

For the purpose of this ordinance, the following terms, phrases, words, and derivations shall have the meaning given therein, and the word "shall" is always mandatory and not merely directory. The masculine includes the feminine. The singular includes the plural, where appropriate.

- 1. "Abandonment" means the improper disposal of any animal, living or dead, or the failure to reclaim an impounded animal.
- 2. "Animal" means any vertebrate member of the animal kingdom excluding humans.
- 3. "Animal Control Officer" or "ACO" means a person designated by the County to enforce animal control laws, orders, ordinances, and regulations in the county.

4. "Animal Fighting Paraphernalia" means equipment that any reasonable person would ascertain is used for animal fighting purposes which includes, but is not limited to (1) instruments designed to be attached to the leg of a bird, such as boxing gloves, knives, gaffs, or other sharp instruments, (2) items to train and condition animals to fight, and (3) information about training or managing fighting animals such as documents, video tapes, and DVDs.
5. "Bite" means any actual puncture or tear of the skin inflicted by the teeth of an animal.
6. "Commercial Kennel Permit" means an animal facility or premises where dogs or cats are housed, kept, or maintained, and where grooming, breeding, boarding, training, or selling dogs, purebred, hybrid or mixed breed dogs or cats is conducted as a business and requires a business license. This permit is issued by the Torrance County Planning and Zoning Department, under the authority of the Planning and Zoning Board. This permit is required of persons operating kennels, grooming parlors, pet shops, shelters or private hobby breeder facilities.
7. "Dangerous Dog" means a dog that caused a serious injury to a human being or domestic animal.
8. "Domestic Livestock" means any of the large or small livestock, including, but not limited to horse, cattle, llamas, mules, donkeys, burros, swine, goats, sheep, and fowl.
9. "Estray" or "Stray" means any animal which is off and away from its home, unattended and running at large within the County of Torrance.
10. "Feral Animal" means an animal existing in a wild or untamed state having returned to an untamed state from domestication.
11. "Foster/Rescue Permit" means a qualified private home designated and authorized by Torrance County to provide temporary care for an animal. This permit is issued by the Torrance County Planning and Zoning Department under the authority of the Planning and Zoning Board.
12. "Kennel" means any animal establishment where dogs, cats, or other animals are boarded or bred.
13. "Licensed Veterinarian" is a person with a Doctor of Veterinary Medicine Degree licensed to practice in the State of New Mexico.
14. "Neglect" means to leave an animal without sufficient food, water, or shelter for more than 24 hours.

15. "Neuter" means to render a male animal permanently sterile and incapable of reproduction.
16. "Nuisance" means, but is not limited to, roaming at large, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offending the well being of the inhabitants of Torrance County.
17. "Owner" means a person who owns, harbors, or keeps, or knowingly permits an animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises.
18. "Premises" means a parcel of land owned, leased, rented, or controlled by any person.
19. "Quarantine" is to detain or isolate an animal suspected of disease.
20. "County Animal Shelter" means premises maintained by Torrance County for the holding and disposition of abandoned or stray animals pursuant to a Joint Powers Agreement between governing partners, or otherwise.
21. "Refuge/Sanctuary" means any non-profit animal facility or premise operated by a person who is a member of a recognized animal humane organization, for the purpose of bringing aid and comfort to more than five (5), but not to exceed twenty (20) animals. A refuge/sanctuary will require a "Foster/Rescue" permit issued by Torrance County Planning & Zoning Department.
22. "Residential Kennel Permit" means a premises where six (6) to nine (9) dogs and/or cats are owned. This permit is issued by the Torrance County Planning and Zoning Department.
23. "Restitution" means, notwithstanding the other penalties allowed by this ordinance, the monetary amount awarded by the Magistrate Court, in its discretion, to compensate a victim whose property or person or animal has been injured by an animal when such damage or injury is found to have resulted from a violation of this ordinance.
24. "Service-Assistance Animal" means:
  - a. A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or
  - b. an animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990, or
  - c. Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

25. "Spay" means to render a female animal permanently sterile and incapable of reproduction.
26. "To Run" or "Running at Large" means to be free of physical or verbal restraint beyond the boundaries of the premises of the owner.
27. "Vaccination" means inoculation with rabies vaccine approved by the State of New Mexico given in amount sufficient to provide immunity from rabies for either one year or three years as accepted by the State of New Mexico.
28. "Wild Animal" It shall be unlawful for a person to own, harbor, keep or exhibit on any private or public property in the county, any wild animal of a species that in its natural life is dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others, and include:
  1. Wolves, Foxes, Coyotes, Dingoes, and other members of the non domestic canine families.
  2. Lions, Bobcats, Pumas, Panthers, Mountain Lions, Wild cats, and other members of the non domestic feline families.
  3. All Bears, (Ursidae), including Grizzly Bears, black bears, brown bears, etc.
  4. Racoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.
  5. Primates (hominidae), including all non human great apes other than qualified service animals.
  6. Skunks.
  7. Bats.
  8. Non-indigenous poisonous snakes.
  9. Alligators, crocodiles, caimans, or poisonous lizards.
  10. Venomous fish and piranha.
  11. Elephants (elephantidae).

### Section 3. Administration and Enforcement of this Ordinance

- 3-1. The County of Torrance shall designate Animal Control Officer(s). The Animal Control Officer(s) shall be concerned primarily with the health and safety of the citizens of the county as affected by animals, and with the health and safety of animals within the county.
- 3-2. Torrance County Animal Control Officer(s), (ACO), the Torrance County Sheriff's Department, or any law enforcement officer authorized to enforce county ordinances shall have the authority to issue citations for violations of this Ordinance whenever there is probable cause to believe there exists a violation of this ordinance. The ACO shall also perform such other duties as prescribed by the County.

- 3-3. Animal Control Officer(s) or Sheriffs Deputies shall have the authority to investigate, upon probable cause, any alleged violation of this ordinance that relates to the care, treatment, and control of animals and to the prevention of cruelty to animals.
- 3-4. Animal Control Officer(s) are authorized to enter upon and inspect premises and animals thereon within the county as necessary to perform their duties if probable cause exists of a violation of this ordinance or an emergency requiring such action. Animal Control Officers shall first seek access by owner invitation directly or by prearranged schedule in accordance with state law, or, failing that, alternatively present a court ordered warrant prior to entering the private premises.
- 3-5. The Torrance County Planning and Zoning Department shall issue all permits required to comply with this ordinance and collect all fees dues therefor.
- 3-6. The Torrance County Planning and Zoning Department shall be responsible for collecting all non-court ordered fines payable for violation of this ordinance.

#### Section 4. Animal Control and Impounding Procedures

##### 4-1. Impounding of Animals: Notice Required

- A. The ACO or Sheriff's Deputy may take up and impound or cause to be impounded any estray animal found in the county and any other animal found in violation of this ordinance or state statute.
- B. As soon as practical after the date of impoundment, the Animal Control Officer shall attempt to notify the owner of such impoundment. If the owner is not known, or the owners address cannot be reasonably determined, the ACO has no duty to give notice to the owner.
- C. All violations of this ordinance shall be reported to the Torrance County Animal Shelter upon the animal's impoundment.
- D. No animal that has been impounded may be adopted out for the purpose of breeding or commercial resale.

##### 4-2. Impounding: Estray

- A. Any owner who claims an unlicensed animal from the Torrance County Animal Shelter must show proof of current rabies vaccination and proof of spaying or neutering or Intact Animal License, upon claiming said animal. Such owner may be cited by the ACO for violation(s) of this ordinance. If proof of the current rabies vaccination cannot be produced, the owner of the

impounded animal must have the animal vaccinated and sterilized within ten (10) working days.

- B. It shall be the responsibility of an owner to reimburse the county for animal boarding or other expenses incurred by the county when an animal is impounded or as detailed in the Torrance County Animal Shelter standard operating procedures.
  - C. If an estray is not wearing a license and bears no other identification tags, micro chip or identification tattoo, the animal shall be impounded at the Torrance County Animal Shelter for four (4) working days as defined by Torrance County Animal Shelter standard operating policy and procedures. Thereafter the animal shall become the property of Torrance County and may be humanely euthanized or impounded for an additional period or transferred to another rescue or shelter, or adopted out at the discretion of the director of the Torrance County Animal Shelter.
  - D. If an estray is wearing a license or rabies tag or is micro-chipped or identification tattooed, the animal will be impounded for 7 working days as defined in the Torrance County Animal Shelter standard operating procedures. If an animal is not claimed by the owner, it becomes the property of Torrance County and may be humanely euthanized or impounded for additional period, or transferred to another rescue or shelter or adopted out at the discretion of the director of the Torrance County Animal Shelter.
- 4-3. Animals deemed feral or dangerous may be humanely euthanized for the safety of the staff and the public entering the shelter at the discretion of the Torrance County Animal Shelter director or Animal Control Officer. No holding days are required for feral or dangerous animals. This provision includes, but is not limited to: skunks, feral cats, rabbits, and dogs.
- 4-4. If an animal which is impounded under this section is not redeemed within the specified time periods or is not adopted out, or if such animal is suffering because of sickness, injury, or age, it may be humanely euthanized according to the Torrance County Animal Shelter standards.

## Section 5. Owner Responsibilities

### 5-1. Rabies Vaccination:

- A. It is the duty of all persons owning a cat or a dog over the age of three (3) months to have such animal vaccinated against rabies. The rabies vaccination shall be given by a veterinarian licensed in the State of New Mexico. A certificate and tag from a veterinarian licensed in the State of New Mexico shall be evidence of vaccination.

- B. A veterinarian administering any rabies vaccine to any animal shall issue to the owner of the animal a numbered vaccination certificate and tag which shall contain the name and address of the owner, a description of the animal vaccinated, the date of the vaccination, and the expiration date of the period of immunity.
- C. It is unlawful for the owner of any dog or cat to fail to exhibit a certificate and tag of vaccination, upon demand, to any Animal Control Officer(s) or any Law Enforcement Officer.

5-2. Animal Biting a Person:

- A. The owner of an animal recognized by the State as being at high risk for rabies that bites a person shall report such bite to the Animal Control Officer(s) within twenty-four (24) hours of the occurrence.
- B. Any victim bitten by an animal recognized by the State as being at high risk for rabies shall report such bite to the Animal Control Officer(s) within twenty-four (24) hours of the occurrence.
- C. The owner of an animal that bites a person shall surrender said animal to the ACO to be impounded for a period of ten (10) days for observation. The animal may be quarantined at the Torrance County Animal Shelter, or licensed boarding facility, or the owner's private veterinarian. (Proof of quarantine will be required).

5-3. Restraint of Animals:

- A. All persons owning or having charge, custody, or control of any animal shall keep such animal restrained on their property to prevent damage or harm to people, other animals, and property. Animals are free to roam on owner's property, so long as they are not at large (meaning outside the perimeter of the owner's boundaries or other such methods of physical control.) Owners of animals constrained by perimeter methods shall regularly check and maintain the perimeter mechanism to prevent the animal from freely passing through, under or over a fence or gate. Gates must either be latched or secured electronically with force resistive features.

It is unlawful for any person to chain or stake any animal in a cruel or inhumane manner. An animal in estrus shall not be restrained by rope, chain, or cord but shall be contained in a six-sided enclosure or indoors which prohibits the access of an animal of the opposite sex.

- a. Restrained animals must wear a properly fitted collar or harness made of leather or nylon, and not of the choker type, with enough room between the collar and the

dog's neck through which two adult fingers may fit. Choke type or prong type collars shall be used only while the animal is under the handler's direct control.

- b. The chain or cable must be no less than ten (10) feet in length. It must have swivels on both ends and the chain or cable must be unobstructed by objects which might cause the animal to be entangled. A person may not wrap a chain or tether around a dog's neck. A person may not restrain a dog with a chain or tether that weighs more than  $\frac{1}{4}$  of the dog's body weight. Logging chains are prohibited for any dog. The dog cannot be tethered in an area which would pose a threat to public safety and health or to trespass on public or private property.
- c. Shelter must be sanitary, of sound construction, and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces, and standing water. It must have at least three sides and a weatherproof roof; have a solid floor; be adequately ventilated; and provide shelter from wind, rain, sun and the elements at all times. Suitable drainage must be provided so that water is not standing in or around the shelter. Shelter must be large enough for the animal to stand, turn around, and lie down without touching the sides or top of the shelter. The animal must have easy and constant access to adequate potable water (during cold weather, frozen water must be changed daily), and have food of good nutritional value.

B. Guard Dogs:

- a. The owner of a guard dog shall post warning signs prominently on all sides of the premises and on the entry way to the property.
- b. The enclosure surrounding the property where the guard dog is kept must be secured at all times to prevent the dog from roaming at large, and to prevent residents such as children from entering the area.
- c. An animal shall not be considered enclosed by a fence or restrained when and if the animal can pass through, under or over the fence or gate, or the gate of the fence is not securely latched

5-4. Care and Maintenance

- A. An owner must provide an injured or sick animal with adequate veterinary care so as to reduce its suffering.
- B. The area where the animal is confined must be free of garbage, feces, or other debris which may endanger the animals' health and safety. All areas where animals are kept shall be cleaned regularly of fecal matter.

- C. If an animal control officer determines that an animal in a closed vehicle is in immediate danger of serious injury or death, the officer may enter the vehicle, by whatever means necessary, and impound the animal into protective custody.
- D. No animal shall be carried in or upon any vehicle in a cruel, inhumane, or unsafe manner.
- E. Violations of these requirements will constitute an act of neglect/cruelty, and will be subject to a citation.

5-5. Disposal of dead animals:

Within twenty four (24) hours of the death of an animal, the owner shall dispose of the carcass by burial at least three (3) feet underground in a suitable location, by arranging for the lawful cremation of the animal or by disposing of the body at the county landfill in accordance with the landfill's rules and regulations.

It shall be unlawful for any person to place, put or leave a dead animal upon a public place, street, alley, right-of-way or public way or in any solid waste container or upon the property of another person without the other person's consent. No animal shall be disposed of by burning.

5-6. License Requirements:

- A. Any person keeping, harboring, or maintaining any dog over three (3) months of age within the County shall obtain a license from the Torrance County Animal Shelter for each such dog. The Torrance County Animal Shelter shall keep a record of all licenses issued and shall issue a tag for each license granted. A current rabies vaccination certificate shall be presented at the time of the application for the license. Licenses shall be issued annually, shall be renewable during the anniversary month of the originally issued license, and shall expire on the last day of the anniversary month.
- B. To encourage the alteration of dogs, the licensing fee for unaltered animals shall be higher than for altered animals.
- C. A current license tag or number shall be affixed to the licensed dog at all times and in a reasonable manner.
- D. Exemptions:
  - a. Qualified service-assistance animals are required to be licensed; however they are exempt from the pet license fee.

Section 6. Prohibited Activities

6-1. Animals Roaming at Large

It is unlawful for any owner to allow or permit any animal to run at large. Any animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety, and may be taken up and impounded. In addition, its owner shall be subject to penalties.

6-2. Dangerous Dog.

No person shall keep or harbor a dangerous dog as defined by New Mexico Statute 77-1A-1 et. seq., unless all requirements for licensing have been met as set forth in New Mexico Statute 77-1A-5.

6-3. Animals Disturbing the Peace

It is unlawful of any person to allow any animal to persistently or continuously bark, howl, or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of Tarrant County, New Mexico, or to keep or maintain animals in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of another person.

6-4. Animals Trained to Assist the Handicapped Allowed in Public Places

Animals trained to assist the handicapped, including blind or deaf persons, commonly known as service animals, shall be allowed in public places and it shall be unlawful for any person who owns, operates, or maintains any public place of business or conveyance into which the general public is invited to deny access or exclude there from any animal which has been trained to assist the handicapped, provided such animal accompanies the handicapped person it was trained to assist.

6-5. Abandonment:

A. Whenever an Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, and/or incarceration of its owner, or as a result of the absence of the owner or person responsible for care of such animal, and said animal is in danger of imminent death, the ACO may enter the property, premises or vehicle where such animal is located and may take up such animal for protective custody; and in the event of sickness or injury of the animal, upon the instruction of a licensed veterinarian and with a court order for destruction, the Animal Control Officer or Tarrant County Animal Shelter personnel may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal.

B. No person shall intentionally abandon any animal.

6-6. Other Activities Prohibited:

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- A. It is unlawful for any person to make a false report to a Law Enforcement Officer or an Animal Control Officer regarding any animal in danger or stray, or regarding any supposed violation of this Ordinance.
- B. It is unlawful for any person to, in any manner, break into or aid, directly or indirectly, breaking into the enclosure or trap in which any animal is impounded or kept under authority of the Animal Control Officer.
- C. It is unlawful for any person to willfully or intentionally hinder or obstruct any Animal Control Officer in carrying out his official duty under the provisions of this Ordinance.
- D. It is unlawful for an unauthorized person to take or let out any animals from the county animal shelter, or to take or attempt to take from any peace officer or animal control officer any animal seized by the officer in compliance with this chapter, or in any manner interfere with or hinder such animal control officer or peace officer in the discharge of duties under this chapter.

6-7. Animal Fighting:

- A. It is unlawful for any person to promote, stage, hold, manage, conduct, attend, or carry on any game, exhibition, or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves, or any other animal.
- B. It is each animal owner's responsibility to prevent their animals from fighting, injuring, mauling, or maiming another animal through a common or shared fence line regardless of who owns the common/shared fence.
- C. No person shall sell, receive, possess, transport, loan, or give away any animal fighting paraphernalia.

6-8. Cruelty to Animals

- A. It shall be unlawful for any person to willfully or maliciously kill, beat, sexually abuse, maim, poison, disfigure, burn, or scald any animal. It is also unlawful to attempt to kill or poison any animal that is not a wild animal, except that reasonable force may be employed only to drive off vicious or trespassing animals. When an ACO or other peace officer with authority and jurisdiction has probable cause to believe that an animal has been cruelly treated, the officer may impound the animal for its protection pending appropriate court proceedings.
- B. It shall be unlawful for any person to tease, annoy, disturb, or molest any animal which is on the property of its owner, or under the control of its owner.

