

Could your dog face jail time?

Written by By Molly Adamson Sun Correspondent
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City council cracks down on dog park rules

The City of Gallup is trying to put a muzzle on vicious and/or dangerous dogs and their owners by making amendments to its animal ordinance.

City Attorney Curtis Hayes brought the ordinance to the city council's attention during its meeting May 11.

According to Hayes, the current ordinance had confusing language. It defined a vicious animal as an animal which kills or seriously injures a person or domesticated animal resulting in muscle tears or disfiguring lacerations, requiring multiple sutures or extensive corrective or cosmetic surgery.

A dangerous dog is defined as a dog that causes serious injury to a person or animal. Serious injury is an injury that results in broken bones, multiple bites, or disfiguring lacerations requiring sutures or reconstructive surgery.

Hayes explained that the ordinance's language had caused some confusion in the past, so the first goal he mentioned was getting rid of that. The second goal was to use an existing

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administrative procedure to help courts determine if an animal is vicious or dangerous.

From now on the courts won't have to be involved initially; the initial decision will be made by Animal Control. If an owner disagrees with Animal Control's decision, they can go through the administrative appeal process.

Hayes said the third goal was to simply tighten up some of the timelines and language used in the ordinance and in the administrative appeal process. He explained that a lot of it is unnecessarily lengthy. When there is an appeal, the city must board the animal, which can take up some of the limited space they have available.

The fourth goal of the ordinance has nothing to do with vicious or dangerous animals. It's about the city's dog park.

Hayes addressed the council saying that rules are posted in the dog park, but there's really nothing currently being done to enforce them.

Hayes told the council that some people treat the dog park like a doggy day care by just dropping their dogs off and leaving. Some people let their dogs attack other dogs, and some owners don't pick up their dog's feces.

Right now, Hayes said, there's not a lot the city can do to stop them.

"All we can do is say 'you have to leave,' but if you have folks that are repeat offenders it may be appropriate in some cases to actually cite these folks into court," Hayes suggested.

"Generally, like with most things, people are going to quit violating the rule when you point it out to them. But there are folks who just got to go to court sometimes," Hayes said.

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Councilor Fran Palochak, Dist. 4, asked Hayes how people would receive the citation. Hayes explained that Animal Control would probably be the ones in charge of handing out citations.

After hearing his response Palochak still questioned how Animal Control would be alerted to a situation.

“So, someone is triggering this [citation]? Another dog owner that is there is seeing this happening, several times probably,” she said. “They might not even know his name, but they know this guy comes with this dog and he never picks up his feces.

“So, is he going to call Animal Control? Because there’s not always an officer there, and it seems inappropriate for me to call the police because this guy doesn’t pick up his dog’s feces,” she said.

Hayes admitted that he hadn’t thought that part of the problem through and wasn’t sure how Animal Control would necessarily be contacted.

Palochak suggested he have another conversation with Animal Control.

“I have found that when I worked in the courts that people would write a lot of laws without thinking and ordinances without thinking about the reality of the situation and seeing how this is practically going to work in the realm of the real word,” Palochak continued.

“So, I’m looking at this and I want it to be clear in my mind as a pet owner how this would all work,” she said.

Hayes explained that the dog park is part of Animal Control’s routine patrol, but that they’re not there a lot of the time.

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"It's like anything, like traffic violations," Hayes said. "The vast majority of traffic violations go unpunished, because there's not a police officer there to witness it (sic)."

Councilor Linda Garcia, Dist. 1, is a regular at the dog park and she praised it and how Gallup's Parks and Recreation Department keeps it nice and clean.

"I have a little doggy that I take there and for the most part people follow the rules, but in the summer, it is kind of bad with the dog poop," she confessed.

"I know it's frustrating to see that owners don't do what should be common sense," Councilor Yogash Kumar, Dist. 3, said.

"But unfortunately, that's why we need to have these rules in place," he concluded.

The council unanimously agreed to approve the changes to the animal ordinance, which included simplifying the language in the current animal ordinance, having Animal Control make the initial decision about whether or not an animal should be considered vicious or dangerous, and the possibility of putting consequences in place if a dog or dog owner doesn't follow Gallup's dog park rules.

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