

MEMORANDUM

TO: Board of County Commissioners

FROM: Rachel Brown, Deputy County Attorney . *RB*

DATE: January 29, 2013

RE: First Public Hearing for The Santa Fe Animal Control Ordinance: An Ordinance Governing the Duties of Animal Owners and Others, Impoundment of Animals and Issuance of Permits, Defining Offenses and Establishing Penalties Related to Animals, and Repealing Santa Fe County Ordinances 1981-7, 1982-7, 1990-8 and 1991-6 and Santa Fe County Resolution 1982-28.

In November the Board of County Commissioners (the BCC) authorized publication of title and general summary of an ordinance intended to replace Ordinance 1991-6, the Santa Fe County Animal Control Ordinance. The proposed ordinance addresses licensing of animals, offenses involving animals, and administration of the ordinance by the Sheriff's Department. The BCC requested that staff schedule two public hearings on the draft ordinance. The first public hearing is scheduled for January 29, 2013 and the second public hearing will take place on February 26, 2013.

Attached hereto as Exhibit A is the draft ordinance presented to the BCC on November 14, 2012 with proposed revisions noted using the track changes feature of Word. The proposed revisions were compiled as a result of public comment, input from the Sheriff's Department, and to incorporate general editorial corrections.

As previously noted, the most substantial differences between this draft ordinance and the 1991 Animal Control Ordinance are:

1. An expanded definitions section;
2. More detailed minimum standards of care for animals are set forth, including enclosure guidelines;
3. The provision governing restraint of animals has been modified to prohibit animal owners from utilizing voice command rather than a physical method of restraint for animals;
4. Provisions governing feral cats are included, and those wishing to care for feral cats are allowed to obtain a feral cat colony permit authorizing the permit holder to feed feral cats on a certain property. Those without an established colony are prohibited from feeding and caring for feral cats;
5. The types of available permits have expanded to include a permit for an owner desirous of maintaining more than ten pets, breeders permits, permits for guard dogs maintained at a home, and permits for animal rescues and pet shelters;
6. Cat owners are required to obtain licenses for their animals;

7. Owners can now be cited for having a dangerous animal, where previously only owners with vicious animals were subject to citation. Dangerous animals are those whose unprovoked behavior requires a defensive action by a person or animal, which causes injury to a person, or which poses a significant hazard to the public because of its poisonous bite or sting;
8. Procedures respectful of the due process rights of animal owners are established;
9. Veterinarians are asked to provide Animal Control with a monthly report on rabies vaccinations so that the County or its licensing agent can contact pet owners to purchase an animal license;
10. Spay and neuter provisions were included to encourage spaying and neutering of all animals;
11. Fees and penalties were adjusted to accommodate current costs of administering an animal control program, taking into consideration fees and penalties of surrounding jurisdictions, and to motivate spaying and neutering.

The following is a summary of the major proposed revisions to the draft ordinance:

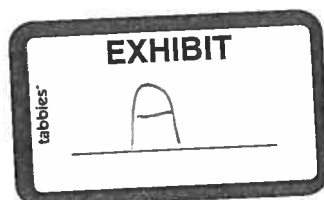
1. Both sheriff's deputies and animal control officers will have authority to enforce the ordinance;
2. The provision governing animals that bite people now comports with state law by requiring that the biting animal be quarantined for a period of ten day;
3. Dogs and cats that cannot be spayed or neutered for verified health reasons must still be licensed at the rate charged for an altered animal license;
4. Dangerous dogs must be registered, as required by State law;
5. Provisions which could have been interpreted to require fencing of livestock have been clarified;
6. The term "Professional Animal Care Permit" applies to permits for kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog, and persons maintaining more than ten (10) dogs and/or cats on their property;
7. A permit for more than ten animals on property is only necessary when the ten animals are dogs and/or cats;
8. Requirements for individuals maintaining a guard dog at a residence were modified include many of the safety precautions required of individuals maintaining a guard dog on commercial property;
9. Minimum application requirements for breeder's permits were added;
10. The provision governing litter permits was modified to clarify that it is intended for unintentional litters only;
11. Contact information is provided for those required to provide notice to the County under the proposed ordinance.

In addition to modifications to the ordinance, the fee schedule (attached hereto as Exhibit B) has been modified so that the permit for Professional Animal Care now encompasses permits for kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog, and persons maintaining more than ten (10) dogs and/or cats on their property. Additionally the fee schedule has been revised to eliminate the fee for a feral cat colony permits, and a fee has included for registration of a dangerous dog. A

copy of the originally proposed fee schedule with medications noted using track changes is attached as part of Exhibit B.

Attached as Exhibit C is a chart comparing current fees set forth in the Animal Control Ordinance, the proposed fees for the new ordinance, and the fees charged by the City of Santa Fe for similar licenses, permits and offenses. The chart and the draft ordinance were posted on the County website in November.

Attached as Exhibit D are written public comments received regarding the proposed ordinance.



**THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY**

ORDINANCE NO. 2012-__

**THE SANTA FE COUNTY ANIMAL CONTROL ORDINANCE:
AN ORDINANCE GOVERNING THE DUTIES OF ANIMAL OWNERS, AND OTHERS,
IMPOUNDMENT OF ANIMALS; AND ISSUANCE OF PERMITS; DEFINING
OFFENSES; AND ESTABLISHING PENALTIES RELATED TO ANIMALS, AND
REPEALING SANTA FE COUNTY ORDINANCES 1981-7, 1982-7, 1990-8 AND 1991-6
AND SANT FE COUNTY RESOLUTION 1982-28**

Section One. Short Title. This Ordinance shall be known and may be cited as the “Santa Fe County Animal Control Ordinance” or the “Animal Control Ordinance.”

Section Two. Authority. This Ordinance is enacted pursuant to the authority specified in NMSA 1978, §§ 4-37-3 (1975), 77-1-15.1 (1979), 77-14-4 (1909), 77-18-2 (1987).

Section Three. Purpose and Intent. This Ordinance is intended to protect animals from cruelty, neglect, and abuse; protect residents from annoyance and injury; promote the health, safety, and welfare of residents and animals; require owners to control their animals; establish a mechanism for financing the functions of licensing, permitting, and control of animals; establish requirements for spaying and neutering animals to control the unintentional reproduction of animals, reduce the number of unwanted animals, and limit the number of animals that must be euthanized each year.

Section Four. Definitions. In this Ordinance, “shall” is always mandatory, the masculine includes the feminine, and the singular includes the plural, where appropriate. The following definitions shall apply:

- A. “Abandonment” or “Abandon” shall mean to intentionally desert and/or to relinquish supervision or care of an animal.
- B. “Animal” shall mean any dog, cat, or vertebrate (including livestock and excluding humans).
- C. “Animal Services Division” or “ASD” shall mean that division of the County which is specifically charged with regulating and enforcing the laws and this ordinance dealing with animal control within its jurisdiction.
- D. “Animal Services Officer” or “ASO” shall mean an employee of the County, designated as such by the Sheriff, who has the authority of a peace officer to issue citations for violations of this Ordinance and who performs other duties relating to animal services as

described in this Ordinance.

- E. "Animal Shelter" shall mean a facility run by the County or any establishment licensed to do business in the State of New Mexico and, as appropriate, by Santa Fe County or a relevant municipality within the County, which is under contract to the County for the care and custody, impoundment, or safe-keeping of animals.
- F. "Bite" shall mean a wound inflicted by the teeth of any animal.
- G. "Breeder" shall mean a person involved in the breeding of animals.
- H. "Breeding" shall mean to intentionally cause an animal to reproduce, especially by controlled mating and selection.
- I. "County" shall mean Santa Fe County, New Mexico, a political subdivision of the State of New Mexico.
- J. "Cruelty" shall mean causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.
- K. "Dangerous Animal" shall mean any one of the following:
 - 1. An animal which, when unprovoked, engages in behavior that requires a defensive action by a person or animal to prevent bodily injury or harm to a person or animal provided that the person or the second animal are not on the premises of the owner or person having custody of the first animal; or
 - 2. An animal which, when unprovoked, causes injury to a person or animal by biting or other aggressive behavior; or
 - 3. An animal which, because of its poisonous bite or sting, constitutes a significant hazard to the public.
- L. "Direct Control" shall mean that an owner or responsible party has an animal in control on a leash held by or attached to the owner or responsible party.
- M. "Dog Park" shall mean an officially designated area where dogs are allowed to exercise and run off leash in a safe, secure environment designated for that purpose.
- N. "Domestic Livestock" shall mean any large or small livestock, including, but not limited to horses, cattle, mules, donkeys, burros, swine, goats, sheep, and fowl, including, but not limited to, chickens, guinea hens, ducks, turkeys, geese, quail, or pigeons.
- O. "Enclosed Lot" shall mean any parcel of land or portion thereof in private ownership

around the perimeter of which a wall or fence has been erected of such a height and surety so as to retain the species of animal within the bounds for which the fence was erected.

- P. "Estray" shall mean any animal which is off its owner's premises, away from its home, or not under the control or supervision of the owner or a responsible party, unattended and running at large.
- Q. "Euthanasia of Animals" or "Euthanize" shall mean the act or practice of humanely ending the life of an animal.
- R. "Exotic Animal" shall mean an animal that is rare or different from ordinary domestic animals or not indigenous to the State of New Mexico, including skunks, llamas, birds of prey, wolf hybrids and the offspring of wild animals crossbred with domestic dogs and cats, but not including parrots, toucans, or other tame and domesticated birds.
- S. "Feral" shall mean an animal that appears domestic but is untamed and uninterested in human touch, including animals that have returned to an untamed state or were born into an environment without human contact.
- T. "Grooming Parlor" shall mean an establishment, or part thereof, or premises maintained for the purpose of, offering cosmetic services to animals for profit or fee.
- U. "Guard Dog" shall mean a dog that is utilized by its owner to protect property.
- V. "Impound" shall mean the act, by an ASO or Sheriff's deputy, of picking up and confining an animal within a shelter or other facility used by the County for the confinement of said animal.
- W. "Inhumane" shall mean causing unnecessary or intentional pain or suffering to an animal.
- X. "Kennel" shall mean any establishment or premises where dogs, cats, or other animals are boarded, bred, kept, bought, sold, traded, let for hire, groomed, or trained for a fee.
- Y. "Leash" shall mean a chain, leather strap, cord, or restraining device sufficient to hold under control the animal attached thereto. A leash shall be no longer than eight (8) feet, or twelve (12) feet for training purposes.
- Z. "Licensing Agent" shall mean any organization or individual delegated responsibility for issuing licenses for dogs and cats within Santa Fe County by contract or otherwise.
- AA. "Managed Feral Cat Colony" shall mean a population of feral cats that are properly permitted with the Animal Services Division, live together in a specific location, share a common food source, are provided food, shelter, neutering, and ear-tipping by a feral cat colony caretaker who monitors the health of the colony and ensures that existing and

newcomer cats are sterilized, vaccinated against rabies and other diseases as necessary, and removed from the colony if ill or injured. ~~A managed feral cat colony is required to maintain records in compliance with this Ordinance on each member of the colony and such records shall be available to the ASD or ASO upon request.~~

BB. "Neuter" shall mean to render an animal permanently sterile and incapable of reproduction.

CC. "Nuisance" shall mean, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors, destruction of property or disturbing the property of another, including the rubbish or trash of a resident, or otherwise endangering or offending the well-being of the inhabitants of the County

DD. "Owner" shall mean a person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about the person's premises.

EE. "Pet Shop" shall mean any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange, or hire of animals of any type, including exotic animals, except that the term shall not include livestock auctions.

FF. "Premises" shall mean a parcel of land owned, leased, rented, or controlled by any person, legal or natural. Premises include all structures, including kennels, mobile homes, apartments, condominiums, and houses, which are located on a parcel of land.

GG. "Public Place" shall mean an area which is not privately owned and is open to the public.

HH. "Quarantine" shall mean to detain or isolate an animal suspected of having a contagious disease.

II. "Responsible Party" shall mean a person under whose care and custody an animal is placed by the animal's owner for any period of time.

JJ. "Run at Large," shall mean to be free of direct control beyond an enclosed lot or the premises or vehicle of an owner or responsible party. Feral cats maintained as part of a permitted feral cat colony are not running at large.

KK. "Service Animal" shall mean a guide animal or seeing-eye animal, a signal animal, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair or fetching dropped items, ~~and that~~ has documentation from a valid agency attesting to the training and ability of the animal.

LL. "Spay" shall mean to render a female animal permanently sterile and incapable of

reproduction.

MM. "Unsafe" shall mean jeopardizing the health or welfare of another person or animal.

NN. "Vaccination" shall mean the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and the State of New Mexico Department of Health pursuant to NMSA 1978, § 77-1-3 as amended, given in amounts sufficient for three years of immunization.

OO. "Veterinarian" shall mean a person with a doctor of veterinary medicine degree, licensed to practice veterinary medicine in New Mexico.

PP. "Vicious Animal" shall mean an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or corrective or cosmetic surgery) a person or domesticated animal, but does not include an animal which bites, attacks, or injures a person or an animal that is unlawfully upon its owner's premises, or an animal that is provoked.

QQ. "Wild Animal" shall mean an animal or species that in its natural life is wild, dangerous, or ferocious and though it may be trained and domesticated, is still dangerous to persons or animals and has the potential to injure or kill a person or animal. Wild animals, however domesticated, shall include but are not limited to:

1. Dog family (Canidae), all except domestic dogs, but including wolves, foxes, and coyotes;
2. Cat family (Felidae) all except the commonly accepted domesticated cats, but including lions, pumas, panthers, mountain lions, bobcats and ocelots;
3. Bears (Ursidae), including grizzly bears and brown bears;
4. Weasels (Mustelidae) all except the commonly accepted domesticated ferrets, but including the weasel, marten, mink, wolverine, badger, otter, ermine, and mongoose;
5. Raccoon (Procyonidae), including eastern raccoon, desert raccoon and ring-tailed cat;
6. Primates (Homidae);
7. Porcupines (Erthizontidae);
8. Venomous snakes;
9. Venomous lizards, alligators, and crocodiles;
10. Venomous fish and piranha.

Section Five. Administration, Enforcement, and Implementation.

A. The Sheriff of Santa Fe County shall be responsible for enforcement of this Ordinance as provided in NMSA 1978, § 4-37-4(A) (1975).

B. Citations for violations of this Ordinance may be issued by a Sheriff's Deputy, an ASO designated by the Sheriff, ~~a code enforcement officer of the County~~, or an employee or employees of the County designated by the Board of County Commissioners to issue such

citations. NMSA 1978, § 4-37-3(B).

C. An ASO with appropriate credentials may be commissioned by the Sheriff as a special deputy as provided by law and shall have the authority to issue citations for violations of the licensing provisions of this Ordinance. Such commission may be terminated by the Sheriff at any time at the Sheriff's sole discretion.

D. For a violation of this Ordinance committed outside of the presence of a person charged with enforcement of this Ordinance, the ASD may require that the complaining party submit a completed complaint form provided by the ASD. The complaint shall include the name and address of the complainant, the name and address of the animal's owner, if known, the nature of the violation, and any pertinent details.

E. An ASO is authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform the ASO's duties. If the owner or occupant of the premises is absent or objects to inspection a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless it appears to the ASO that probable cause exists of an emergency requiring such inspection. An ASO shall not enter onto the premises for the sole purpose of picking up an animal which has been alleged to be running at large by a person who is not an ASO or Sheriff's deputy.

F. The holder of a permit under this Ordinance must allow an ASO access to the permitted premises at any reasonable time for the purpose of inspection to determine compliance with this Ordinance. Failure to allow for such inspection is grounds for suspension or revocation of the permit.

G. If a citation is issued under this Ordinance that requires payment of a fine, the recipient may either pay the citation or contest the citation in Magistrate Court. If the citation is not remediable by payment of a fine, the recipient shall be directed to appear in Magistrate Court.

Section Six. Owner's Duties of Owners and Others.

A. Care and Maintenance.

1. It shall be unlawful and a violation of this ~~ordinance~~ Ordinance for any owner of an animal to fail, refuse, or neglect to provide the animal with proper and adequate food, water, shade, shelter, and ventilation.

2. A person keeping animals shall provide adequate and sanitary housing facilities for such animals. All structures used for the housing of such animals and all yards, cages, and runs provided for them shall be cleaned in a timely manner so as not to cause noxious or offensive odors and to prevent the breeding of insects. No stagnant water shall be permitted to accumulate. Such areas shall be cleaned often enough so as not to cause a health hazard for the animal or interfere with the animal's well being.

3. Any animal habitually kept outside shall be provided, by its owner, with a structurally sound, insulated weatherproof enclosure large enough to accommodate the animal in a manner suitable for that species, or other shelter suitable to the species.

4. An owner or responsible party must keep the premises where an animal is kept free of garbage, hazardous materials, feces, insect infestation, and other debris which may endanger the animal's health and safety.

5. An owner or responsible person must provide an injured or sick animal with adequate veterinary care.

6. If dogs are to be kept in an enclosure it must meet these minimum guidelines:

- a. large dogs (more than 50 pounds), at least 4 feet by 6 feet, or 24 square feet;
- b. medium-sized dogs (36-50 pounds), at least 4 feet by 5 feet, or 20 square feet;
- c. small dogs (up to 35 pounds), at least 3 feet by 4 feet, or 12 square feet;
- d. no more than two dogs shall be maintained in a single cage at any time.

7. If cats are to be kept in an enclosure it must meet the following guidelines:

- a. Cages must provide an area of at least 9 square feet for each cat and should house no more than one cat, except for nursing mothers, young litters of kittens, or pairs of adult cats who are bonded;
- b. If colony cages are used to house cats, the following standards apply:
 - i. Separate unsterilized males from females;
 - ii. Separate nursing mothers from all others;
 - iii. Separate young kittens from adult cats (except for their mothers);
- c. House no more than fifteen adult cats or twenty kittens in a room;
- d. Include one 12-inch by 18-inch cat litter pan for every three cats or five kittens.
- e. Cats must be able to move about normally.

8. If an animal is removed from an owner for violation of this Section, the impounded animal shall be spayed or neutered, vaccinated, and micro chipped at the owner's expense before being released. In addition, all boarding fees and veterinary fees incurred during the impoundment will be paid by the owner prior to release. No animal impounded as a result of violation of this Section will be returned to its owner until all violations have been remedied.

9. Failure to comply with this Section shall be deemed to be a nuisance and unlawful.

B. Rabies Vaccination.

1. It shall be unlawful and a violation of this Ordinance, and a violation of NMSA 1978, Section 77-1-3 (1901), for an owner or responsible party of a dog, ~~or cat,~~ or ferret over the age of three months to fail to provide the required vaccination against rabies.

2. A dog or cat brought into the State shall be securely confined by the owner until vaccinated against rabies, which vaccination shall be administered within one week after entry into the State unless the owner has a certificate of vaccination issued by a veterinarian in another state or foreign country and the vaccination conforms to the requirements of the State of New Mexico and this Ordinance.

3. The rabies vaccine shall be administered by or under the supervision of a licensed veterinarian who shall issue a serially numbered certificate and tag for each administration.

4. The rabies vaccination shall be given in a dose that is sufficient to provide immunity from rabies for up to three (3) years. A certificate or tag from the administering veterinarian shall be evidence of vaccination and shall be provided to the ASD upon request.

5. A titer test is not an acceptable alternative to a rabies vaccination.

6. The veterinarian administering the rabies vaccine to any animal shall issue to the owner of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of vaccination, and the expiration date of the period of immunity.

7. A veterinarian shall provide the ASD or its designated licensing agent, when requested, the following information for each rabies vaccination administered:

- a. The name, residence address, and phone number of the owner;
- b. The name, age, sex (including spay/neuter status), species, breed, and color of the animal;
- c. The date the vaccination was administered;
- d. The type of vaccination used and the vaccine's expiration date;
- e. The name of the veterinary clinic and veterinary license number of the veterinarian administering the vaccination.

8. Veterinarians shall deliver to the County the information listed in subsection (7) within thirty (30) days of administering the rabies vaccination in the form of a paper copy or in an electronic format approved by the County.

9. It shall be unlawful for the owner or responsible party of any dog, cat, or ferret to fail to exhibit its certificate of vaccination upon demand by a Sheriff's Deputy or ASO.

C. Rabid Animals.

1. It shall be unlawful for a person to keep an unvaccinated dog, cat, or ferret with any symptom of rabies.

2. It shall be unlawful to fail or refuse to destroy an unvaccinated dog, cat, or ferret with

symptoms of rabies as prescribed by regulations of the New Mexico Department of Health pursuant to NMSA 1978, § 77-1-10(C) (1901).

3. A person who knows or who has reason to know that a dog, cat, or ferret has any symptom of rabies infection or has been exposed to rabies shall immediately notify the ASD and the New Mexico Department of Health. The dog, cat, or ferret shall be surrendered to an ASO, Sheriff's Deputy, or the Department of Health.

D. Dogs Attacking or Killing. ~~Mandatory Destruction.~~

~~1. An ASO or a peace officer may impound a dog that is found running at large and unaccompanied by and not under the control of its owner or responsible party.~~

21. An ASO or peace officer may kill a dog that is in the act of pursuing or wounding any livestock, wounding or killing poultry, or attacking a human whether or not the dog wears a rabies tag required by NMSA 1978, § 77-1-3; Pursuant to NMSA 1978, § 77-1-9(B) (1975), there shall be no liability of the ASO or peace officer in damages or otherwise for the killing. NMSA 1978, § 77-1-9(B) (1975).

E. Animal Biting a Person.

1. The owner or responsible party of an animal that bites a person and the person bitten by an animal shall both report that occurrence to the ASD within twenty-four (24) hours of the occurrence. The owner or responsible party of an animal that bites a person shall surrender the animal to the ASD. The animal will be impounded for a ten day quarantine. ~~A observation period deemed reasonably necessary by the ASD.~~ The ASD may authorize that a vaccinated animal be quarantined ~~confined~~ on its owner's premises during the observation. The premises where the home quarantine ~~confinement~~ is to occur shall be inspected and approved for such purposes by the ASD.

2. The owner of an animal shall bear the cost of impoundment and quarantine ~~or confinement~~ resulting from biting.

3. A physician who renders treatment to a person bitten by an animal shall report the fact that he has rendered such treatment to the ASD within twenty-four (24) hours of his first professional attendance to the bite wound. The physician shall report the name, sex, and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and other facts that may assist the ASD in ascertaining the immunization status of the animal.

4. A person who has custody of an animal that has bitten a person shall immediately notify the ASD if the animal shows any signs of sickness, abnormal behavior, or if the animal escapes quarantine ~~confinement~~. If the animal dies while it is in quarantine ~~confinement~~, the person having custody of the animal shall immediately notify the ASD and relinquish the body to an ACO ~~claims to the animal~~.

F. Restraint of Animals.

1. It shall be unlawful for an owner or responsible party to allow an animal to run at large on property not belonging to the owner or responsible party, except at a Dog Park.

2. Animals located upon the property of the owner or responsible party without an enclosed lot shall be physically restrained to prevent the animal from reaching outside the perimeter of the property in compliance with Section Six (1J) of this Ordinance. Voice command is not an acceptable form of restraint.

3. A dog is permitted on the public streets, walkways, and in other public places only if the dog is on a secured leash under the direct control of its owner or responsible party, except while in a Dog Park. The leash shall be continually secured to the dog. All other animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must maintain direct control of the animal. This section does not apply when an animal is participating in a bona fide animal show authorized by the County or appropriate authorities.

4. It shall be unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure unless the dog is muzzled and restrained by a leash and under the physical restraint of a responsible person.

5. Nothing in this section shall be construed as allowing any animal under physical restraint to commit any act defined as unlawful in this Ordinance.

G. Licenses for Cats and Dogs.

1. The owner of a dog or cat three (3) months of age or over shall pay the applicable license fee and obtain a license for such animal. Licenses valid for one (1) year, two (2) years, or three (3) years may be obtained from the ASD or its Licensing Agent. The ASD shall keep a record of all licenses issued and shall issue a tag for each license granted. Proof of compliance with Section 6(B)4-2 must be presented at the time of the license purchase. In the event a tag is lost, replacement tags shall be purchased.

2. A current license tag shall be affixed to the licensed dog or cat at all times unless the licensed dog or cat is appearing in an approved show, provided that the person showing the dog or cat shall have in their possession a valid license tag for each dog or cat.

3. Dogs or cats belonging to nonresidents of Santa Fe County who do not keep the animals within the County limit for thirty (30) consecutive days shall be exempt from this sub-section; provided, however, that all the other provisions of this Ordinance must be complied with.

4. License fees do not apply to service animals.

5. Proof of license shall be provided upon request by an ASO. The owner of an animal who fails to show proof of a license will be cited for a violation of this Section and the animal may be impounded for failure to have proper license.

H. Spay and Neuter.

1. No person shall own or harbor within the County any dog or cat over the age of six (6) months that has not been spayed or neutered unless that person obtains an annual license from the ASD or its licensing agent to keep an unaltered dog or cat or obtains written verification from a veterinarian that the dog or cat should not be neutered for health reasons and obtains an altered animal license.

2. Proof of neutering, if not apparent upon visual inspection, may be made by a notarized statement or affidavit from a veterinarian.

3. A vasectomy is not an acceptable form of neutering.

4. Any female in the stage of estrus (heat) shall be confined to a well-ventilated building, escape proof kennel, or a boarding facility so that contact with male animals is prevented except for intentional breeding purposes.

5. Any unneutered animals impounded by the ASD shall be spayed or neutered before being released, subject to the following exceptions:

- a. Competition animals who have attained champion status from a nationally recognized club;
- b. Service animals; and
- c. Animals which are unable to be neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity where the owner of the animal has obtained written confirmation of that fact from a licensed veterinarian in the state of New Mexico.

I. Feral Cats.

The ASD will not respond to requests to retrieve feral cats unless the property owner where the cats are located agrees at the property owner's expense to have the feral cats spayed or neutered and re-released on the property where the feral cats are located.

J. Animal Premises.

1. A person owning or having charge, custody, care, or control over an animal, ~~including livestock,~~ shall keep the animal upon the premises by either a secure run or kennel area, an enclosure surrounding the perimeter of the property, or any other acceptable means associated with a particular species of animal. Direct point chaining to stationary objects is prohibited. An

animal not deemed dangerous and not within a secure enclosure or enclosed lot may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run on its owner's property, subject to the following conditions:

- a. Only one animal may be tethered to each cable run;
- b. There must be a swivel on at least one end of the tether to minimize tangling of the tether;
- c. The tether and cable run must be of adequate size and strength to effectively restrain the animal. The size and weight of the tether must not be excessive, as determined by the ASO, considering the age, size and health of the dog;
- d. The cable run must be mounted either at ground level or at least four (4) feet above ground level;
- e. The tether must be at least ten (10) feet in length unless such length allows the animal to move beyond the legal boundary of the property, in which case the tether shall be no less than eight (8) feet in length;
- f. The tether must be affixed to an animal by use of a non-abrasive, comfortably fitted collar or harness. Prong-type, pinch-type, or choke collars shall not be used;
- g. The device must be fastened so that the animal can sit, walk, and lie down comfortably, and must be unobstructed by objects that may cause the device or animal to become entangled or strangled;
- h. The animal must have easy access to adequate shelter, shade, food, and potable water;
- i. The area where the animal is confined must be kept free of garbage, debris or other hazard that might endanger the animal's health or safety. Feces shall be cleaned up regularly.
- j. The area where the animal is confined must be kept free of insect infestations, such as anthills, wasp's nests, fleas, ticks, and maggots.

2. A dangerous animal shall be confined in a secure manner indoors or outdoors, by use of a fenced yard, locked pen, or other structure that is capable of preventing the animal from escaping the confined area and preventing anyone other than the owner or an authorized adult from entering the confined area. An acceptable means of confinement does not include chaining, restraining, or otherwise tying the animal to a stationary object.

3. A person who uses electric or invisible fencing designed to confine an animal on their property must clearly post a notice in two separate locations upon the property that such a device is in use.

4. A person who chooses to confine their dog by means of a pen type enclosure must adhere to the minimum space requirements set forth in Section ~~6(A)(6)~~.

K. Vicious and Dangerous Animals.

1. It shall be unlawful and a violation of this ordinance to keep or harbor a vicious animal.

2. A person attacked by a vicious animal may use reasonable force to repel the attack.

3. A vicious animal shall be immediately surrendered to the ASD to be euthanized or the owner shall provide acceptable proof to the ASD that the animal has been euthanized.

4. ~~It shall be unlawful and a violation of this ordinance for any person to keep or harbor a dangerous animal except in compliance with Section Six (I)(2). The animal must be unless the animal is muzzled, on a leash no longer than three (3') feet, and under the immediate physical control of the owner or responsible party whenever the animal is not on the premises of the owner or responsible party.~~

54. Registration and handling of potentially dangerous and dangerous dogs.

A. It shall be unlawful and a violation of this ordinance for any person to keep or harbor a potentially dangerous or dangerous animal except in compliance with Section Six (J)(2).

B. The owner of any dog that is either deemed potentially dangerous by admission of its owner or that is adjudicated dangerous, shall register the dog with ASD. The owner shall comply with all registration requirements established in NMSA 1978, Section 77-1A-5 and shall pay the registration fee set forth on Exhibit A in order to register the dog.

C. The owner of any dog that is either deemed potentially dangerous by admission of its owner or that is adjudicated dangerous shall comply with all handling requirements set forth in NMSA 1978, Section 77-1A-5, however any leash used to secure the animal when it is not on the premises of the owner or responsible party shall be no longer than three (3') feet.

D. If a dog previously deemed potentially dangerous has not exhibited any of the behaviors specified in NMSA 1978, Section 77-1A-2(D)(2005) for thirty-six consecutive months, the owner may request the ASD to lift the requirements for registration pursuant to this Section. If the ASD has no reasonable basis to believe that the dog has exhibited the behaviors specified, it shall relieve the owner of the requirements of this section.

L. Animals Disturbing the Peace.

1. It shall be unlawful and a violation of this ordinance to own, keep, or harbor any animal which habitually howls, yelps, whines, barks, or makes other noises in a manner which tends to unreasonably disturb the public peace.

2. A person who violates the provisions of this Section shall be fined in accordance with Appendix A and may be prosecuted in accordance with this Ordinance and other applicable laws.

3. Upon receipt of the first and second complaints of an animal disturbing the peace, the ASD shall notify the owner in person or in writing of the complaint filed and shall ask the owner to eliminate the disturbance. If the complaint is not resolved and a third complaint is filed, the ASD may issue a citation.

M. Animal Nuisances on Sidewalks, Parks, Alleys, and Other Public Places.

1. It shall be unlawful and a violation of this ordinance for the owner of an animal to permit, either willfully or through failure to exercise due care or control, the animal to create a nuisance upon a sidewalk, park, alley, or public place or upon any property other than that of the owner of the animal.

2. The term nuisance shall include, but is not limited to, defecation that is not immediately removed in a sanitary manner by the owner, destruction of property, disturbance of trash contained in a trash receptacle, disturbing the property or quiet enjoyment of another, and urination on the private property of anyone other than the owner of the animal.

3. Anyone walking an animal in a public place shall have in his or her possession a sanitary and disposable means of removing the animal's feces. The feces must be placed in a refuse container for sanitary removal. The person shall present such means upon request of an ASO.

N. Animals Trained to Assist the Handicapped Allowed in Public Places.

Service Animals shall be allowed in public places. It shall be unlawful for a person who owns, operates, or maintains a public place of business or conveyance into which the general public is invited to exclude a Service Animal, provided the Service Animal accompanies the individual it was trained to assist.

O. Birds.

It shall be unlawful and a violation of this ordinance to confine a bird unless provisions are made for the proper feeding and the furnishing of water to such bird at intervals not longer than forty-eight (48) hours. No person shall confine any bird in a crate, box, or other enclosure which does not permit each bird confined therein to stand in a naturally erect position, spread

their wings fully, and perch.

P. Disposal of Dead Animals.

1. Within twenty-four (24) hours of the death of an animal, the owner shall dispose of the animal's carcass by burying it at least three (3) feet underground in a suitable location, by cremation at a licensed pet crematorium, or by other means approved by the ASD.

2. An ASO may pick up and dispose of dead animals immediately upon discovery or notification. Prior to disposal the ASO may cause the animal to be checked for identification, including microchip scanning, to determine any owner identification.

3. The ASD is not responsible for pick up or disposal of domestic livestock, wild animals, or animals killed on interstate highways or state roadways.

4. At the request of the owner, an ASO may pick up the carcass of dogs and cats weighing less than twenty (20) pounds from the homes of the owners who are residents of the County. The fee for this service is set forth in Appendix A.

5. An animal carcass picked up under this Section of the Ordinance shall be disposed of by the County in whatever way is determined to be the most feasible to protect the health, safety, and welfare of the residents of the County and in such a manner as to minimize expense to the ASD and the County.

Q. Keeping of Diseased or Painfully Crippled Animals.

It shall be unlawful and a violation of this ordinance to have, keep, or harbor an animal which is afflicted with an incurable or infectious disease or which is in a painfully crippling condition. An ASO may impound a diseased or painfully crippled animal in accordance with the provisions of this Ordinance. This section does not apply to animals receiving adequate veterinary care for their incurable or infectious disease or painfully crippling condition.

R. Injury to Animal by Motorists.

1. A person operating a motor vehicle or other self propelled vehicle upon the streets and ways of the County, immediately upon hitting, striking, maiming, or running down any animal, shall render reasonable aid. In the absence of the owner, the operator shall immediately notify the ASD and shall furnish sufficient facts relative to the incident to identify the location of the injury, the type of animal injured, and the name and address of the operator.

2. It is the duty of the operator to remain at or near the scene until such time as the appropriate authorities arrive, unless permission is granted from those authorities to leave the scene after providing the operator's name, address, and other relevant information as requested by the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a licensed veterinarian or to an animal control shelter after notifying an

ASO.

3. Emergency vehicles in the course of emergency duties are exempt from this provision except the requirement to report the incident.

S. Animals Used for Entertainment.

Owners of animals used in exhibits, circuses, rodeos, and otherwise used for entertainment purposes must comply with all provisions of this Ordinance.

Section Seven. Impoundment.

A. Impound of Estrays.

1. An ASO or an officer of the Sheriff's Department, or a peace officer may impound a dog that is found running at large and unaccompanied by and not under the control of its owner or responsible party.

~~1. The ASD may impound any stray animal found in the County.~~

2. If an estray is wearing a license, or bears other identification tags, the ASD shall notify the owner by telephone or by delivering notice in writing to the owner's residence. The notice shall inform the owner where the impounded animal may be redeemed. All efforts to notify the owner shall be documented.

3. The ASD shall confine the animal at an appropriate animal shelter pending notification of and response from the owner. The animal shall be held for a period of at least seven (7) days. The day the estray animal is impounded constitutes the first day.

4. After notification of the owner, any animal wearing a license or other identification tag not redeemed within seven (7) days shall be deemed forfeited by the owner, shall become the property of Santa Fe County, and may be subject to adoption, transfer, or euthanasia at the discretion of the ASD.

5. If an estray animal is not wearing a license and bears no other identification tags, the animal shall be impounded at an appropriate animal shelter for five (5) days. An animal not claimed within five (5) days of the date of impoundment shall be deemed forfeited by the owner, shall become the property of Santa Fe County, and may be subject to adoption, transfer, or euthanasia at the discretion of the ASD.

6. To redeem an animal that has been impounded, the owner or responsible party shall pay all fines and impoundment fees to the ASD or an ASO. The owner or responsible party must also comply with all licensing requirements of this Ordinance. Payments shall be made by cash, money order, or certified funds.

7. The owner or responsible party shall reimburse the County or the County's designated agent for all boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or an animal shelter, whether or not the animal is redeemed.

8. If an impounded animal is certified by a veterinarian as suffering because of sickness, injury or age, it may be euthanized pursuant to Section 7(E) of this Ordinance, after the ASD gives notice or attempts to give notice to the owner in a reasonable manner.

9. No person shall, without knowledge and consent of the owner, hold or retain possession of any animal of which the person is not the owner, when such person has knowledge of or could reasonably discover the owner of such animal, without first reporting the possession of such animal to the owner or, if this cannot be done, to the ASD or the animal shelter. ~~This provision shall not conflict with~~ Possession of livestock shall be governed by NMSA 1978, Section 77-14-1 et seq.

10. Any person who holds or retains possession of any animal of which it is not the owner shall immediately surrender such animal to its owner or to an ASO upon request.

11. If a person exercises control and custody of an estray animal for a period of fourteen (14) days and makes all reasonable efforts to determine its owner or responsible party, the person shall be considered the owner of the animal and shall be responsible for all provisions under this Ordinance. Reasonable efforts to determine the estray animal's owner shall include the following:

- a. Contacting the Animal Shelter to report the found animal;
- b. Having the animal scanned for microchip identification by the County, its designated agent, a licensed veterinarian, or any animal shelter; and
- c. Making such other reasonable efforts as recommended by the ASD.

12. ~~All~~ Violations and fine amounts assessed by the ASD shall ~~may~~ be reported to the Animal Shelter upon the animal's impoundment at the Animal Shelter.

13. No animal that has been impounded may be adopted for purposes of breeding or sale.

B. Impound of Other Animals.

1. If an ASO reasonably believes that the life or health of an animal is endangered due to cruel treatment, or that other violations of this Ordinance justify seizure of an animal, the ASO may apply to a court of competent jurisdiction for a warrant to seize the animal.

2. If the court finds probable cause that the animal is being cruelly treated or finds probable cause that a violation of this Ordinance justifies seizure of the animal, the court shall issue a warrant for the seizure of the animal. The court shall also schedule a hearing on the matter as expeditiously as possible.

3. Written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

4. If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.

5. At the option and expense of the owner, the seized animal may be examined by a veterinarian of the owner's choice.

6. The disposition of animals impounded under this Section shall be pursuant to NMSA 1978, § 30-18-1.2 as amended.

C. Impound in Cases of Emergency.

1. If an ASO determines that the life or health of an animal is in immediate danger, or that a violation of this Ordinance poses an immediate threat to the health, safety, or well-being of an animal or a person, the ASO may take such action as the ASO reasonably determines to be necessary to alleviate the emergency, including impounding the animal in accordance with Section 7(B)(1).

2. If an animal is impounded due to an emergency, a citation shall be issued to the owner and the owner shall have the opportunity to remedy the citation or contest the impoundment and the citation as provided in Section 5(G).

D. Impoundment Fees.

The owner of an impounded animal is responsible for impoundment fees, fees required for adoption of an impounded animal, boarding costs, and additional fees for the redemption of impounded animals as set forth in Appendix A to this Ordinance.

E. Euthanasia of Impounded Animals.

1. If an impounded animal is not redeemed within the specified time period, is not successfully adopted out, is suffering because of sickness, injury, or age as certified by a Veterinarian, or is otherwise unsuitable for adoption, the animal may be euthanized under the supervision of a veterinarian by an intravenous or intracardial injection of a dose of barbiturates (sodium pentobarbital), or any other method deemed humane and painless by the veterinarian.

2. An animal which is vicious, infected with an incurable disease, or is in a painfully crippled condition, and consequently cannot be brought to an animal shelter, may be euthanized in the field by an ASO or a veterinarian in an appropriate and reasonable manner and as humanely as possible.

F. Protective Care.

When an ASO finds or learns that an animal is or will be without proper care because of injury, illness, incarceration, or absence of the owner or responsible party, the ASO may take the animal for protective care in accordance with the process for estrays set forth in Section 7(AB)(4). In the event of sickness or injury of the animal, upon the advice of a veterinarian, the ASO may take or recommend such action as called for to prevent undue pain and suffering, including euthanasia. The animal shall be held by ASD or the animal shelter and the owner shall be required to pay applicable fees.

Section Eight. Permits.

A. Permits for Kennels, Grooming Parlors, Pet Shops, Pet Shelters, Breeders, Animal Rescues, Persons Using a Guard Dog on Commercial Property and persons maintaining more than ten (10) dogs and/or cats on their property.

1. Kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog on commercial property, and individuals maintaining more than ten dogs and/or cats ~~animals other than livestock~~ on their property must obtain a Professional Animal Care Permit from the ASD and pay the applicable fees under this Ordinance.

2. Kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog on commercial property, and individuals maintaining more than ten dogs and/or cats ~~animals other than livestock~~ on their property may obtain a Professional Animal Care Permit if an inspection of their property demonstrates compliance with the relevant permit standards. For all permit applicants other than individuals maintaining more than ten dogs and/or cats ~~animals~~, in order to obtain a permit the applicant shall also furnish proof of a valid business license and proper zoning and other necessary development authorizations required under the Santa Fe County Land Development Code (as amended) and any other applicable land use regulations. No Professional Animal Care Permit will be issued without the written approval of the Santa Fe County Land Use Department.

3. It shall be unlawful to operate a kennel, grooming parlor, pet shop, pet shelter, as a breeder, animal rescue, or to use a guard dog on commercial or residential property ~~a commercial property with a guard dog~~, or to maintain more than ten dogs and/or cats ~~animals other than livestock~~ without a Professional Animal Care Permit. The cost of the permit is set forth in Appendix A and shall be paid by cashier's check, cash, or money order to the ASD.

4. Standards for Kennels, Grooming Parlors, Pet Shops, Pet Shelters and Animal Rescues.

The following standards, in addition to those provided in Section ~~7~~6(A), shall be complied with for a kennel, grooming parlor, pet shop, pet shelter, or animal rescue to obtain and maintain a Professional Animal Care Permit and failure to comply with these standards may result in the imposition of a fine and/or revocation of a permit:

a. Animal enclosures must be provided which allow adequate protection against all weather extremes. Floors of buildings, runs, and walls must be constructed with an impervious material to permit proper cleaning and disinfecting.

b. Building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.

c. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.

d. Cages are to be of material and construction that permits adequate cleaning and sanitizing.

e. Cages are to be radiantly heated, and shall have a resting board or some kind of bedding.

f. Rooms shall provide an adequate exercise area and protection from the weather.

g. All animal quarters and rooms are to be kept clean, dry, and in a sanitary condition.

h. Animal food shall be free from contamination, shall be wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.

i. All animals shall have fresh, potable water in kennel cages and in common areas where the animals may be kept. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable.

B. Guard Dogs at Residences.

1. A person owning or keeping a dog for the sole purpose of guarding a residence, and enclosed not as a pet or for hunting uses, must obtain a permit and follow the restrictions set forth in this Section, in addition to all other applicable provisions of this Ordinance.

2. ~~The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large, unless the owner complies with Section 4-44. Whenever there is a guard dog on the premises, the following minimum requirements must be maintained:~~

a. Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house and securely enclose the guard dogs.

b. The enclosure surrounding the property protected by a guard dog must be

secure at all times so as to prevent the dog from running at large. All gates and entrances to the premises where guard dogs are housed, used, or trained shall be locked when not in use. In order to control noise, the ASD may require a sight barrier which breaks the dog's line-of-sight.

- c. Additional measures found necessary by the ASD shall be taken to protect the public from accidental contact with any guard dog.

3. If tethered, the animal must be located within 10 feet of the entrance of the building to be guarded and tethered in such manner as set forth in Section ~~4-11(A)6~~ (1)(e).

4. The building and yard in which a guard dog is housed shall be posted with bilingual, English and Spanish, or visual guard dog signs, approved by the ASD that shall not be more than two hundred feet (200') apart, and shall be at all corners of the premises and at every entrance into the premises. The owner of the guard dog shall post warning signs prominently on all sides of the premises and on the entryway to the premises, stating that a guard dog is on the premises.

5. The ASD shall inspect the facilities where the guard dog is to be used and housed when the Professional Animal Care Permit is applied for or renewed and at such additional times as the ASD determines prudent.

6. If the inspection confirms compliance with all applicable laws and regulations, a Professional Animal Care Permit for the approved residential property shall be issued by the ASD. The permit shall be displayed at the approved residential property. An identification tag shall be affixed to the collar of each guard dog. A valid Professional Animal Care Permit for a guard dog shall satisfy the licensing fee in Section Six (G).

7. A Professional Animal Care Permit is valid for one (1) year unless earlier revoked. The permit may be transferred to a new residence inhabited by the same applicant during the permitted year. Such transfer shall not be permitted until the ASD inspects and approves the premises. Applicants for transfer must provide at least five (5) business days notice to the ASD for a permit transfer.

8. A Professional Animal Care Permit must be obtained prior to housing or utilizing guard dogs upon residential property.

C. Guard Dogs on Commercial Property.

1. The following standards, in addition to those provided in Section ~~7S~~ 7S(A), shall be complied with by a person using a guard dog on a commercial property to obtain and maintain a Professional Animal Care Permit:

- a. Permit applications shall include the following information:

- i. The business name, address, and telephone number of the commercial property where a guard dogs is to be used;
- ii. The name, address, and telephone number of the guard dog's handler who can be reached at any time during the day or night;
- iii. The number and breed of dogs to be used and a general description of their use;
- iv. The location where a guard dog is to be housed; and
- v. Any other information that the ASD requires. Permit holders shall notify the ASD if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.

2. The ASD shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for or renewed and at such additional times as the ASD determines prudent.

3. If the inspection confirms compliance with all applicable laws and regulations, a Professional Animal Care Permit-guard dog permit for the approved commercial property shall be issued by the ASD. The permit shall be displayed at the approved commercial property. An identification tag shall be affixed to the collar of each guard dog. A valid Professional Animal Care Permit for a guard dog permit shall satisfy the licensing fee in Section Six (C)8.

4. A Professional Animal Care Permit-guard dog permit is valid for one (1) year unless earlier revoked. The permit may be transferred to a new location operated by the same business entity during the permitted year. Such transfer shall not be permitted until the ASD inspects and approves the premisses. Applicants for transfer must provide at least five (5) business days notice to the ASD for a permit transfer.

5. A Professional Animal Care Permit-guard dog permit must be obtained prior to housing or utilizing guard dogs upon commercial property.

6. Whenever there is a guard dog on the premises, the following minimum requirements must be maintained:

- a. Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house and securely enclose the guard dogs.
- b. All gates and entrances to the premises where guard dogs are housed,

used, or trained shall be locked when not in use.

- c. Additional measures found necessary by the ASD shall be taken to protect the public from accidental contact with any guard dog.

7. Where guard dogs are used outside buildings, the property must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall, or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the ASD.

8. In order to control noise, the ASD may require a sight barrier which breaks the dog's line-of-sight.

9. In buildings where guard dogs are housed, glass doors or windows shall be adequate, or additional protective measures shall be taken by the owner, as required by the ASD, to prevent guard dogs from jumping through the door or window.

10. The building and yard in which a guard dog is housed shall be posted with bilingual, English and Spanish, or visual guard dog signs, approved by the ASD that shall not be more than two hundred feet (200') apart, and shall be at all corners of the premises and at every entrance into the premises.

11. For guard dogs transported or used in vehicles, measures approved by the ASD must be taken to protect the public from accidental contact with a guard dog.

12. A handler is required to be physically present while guard dogs are being used at temporary sites which do not comply with this subsection.

13. The provisions of this subsection do not apply to dogs used on the owner's private residence, unless the residence is located on a premises used for commercial purposes.

D. Breeder's Permit Required.

It shall be unlawful and a violation of this ~~ordinance~~ Ordinance to breed cats or dogs without a breeder's permit. A separate permit is required for each animal which will be bred. A permit application shall be available at the ACD, which will require at a minimum proof of rabies vaccination and licensing as well as identification of the gender and breed of the animal to be bred.

E. Litter Permit Required.

An owner who ~~intentionally or unintentionally~~ breeds dogs or cats and does not have a current breeder's permit must obtain a litter permit for each litter in accordance with this Ordinance. An owner who does not have a valid breeder's permit or litter permit shall not advertise, sell, barter, exchange, give away, or otherwise transfer ownership or control of any

dog or cat unless the owner has a litter permit. An advertisement for the sale, barter, exchange, or give away shall include the litter permit number. An owner shall furnish the litter permit number to anyone requesting the number. If the owner purchases a breeder's permit, litter permit, or provides proof of sterilization of the female animal which produced the litter within thirty (30) days of being cited for violation of this Section, no further action will be pursued against the owner for failure to obtain a breeder's permit or litter permit for the litter. If the owner surrenders the litter to the Animal Shelter, pays requisite surrender fees in accordance with this Ordinance, and sterilizes the animal that produced the litter, the requirement to obtain a litter permit will be waived.

F. Wild or Exotic Animals.

1. No person or entity shall receive, own, or keep a wild or exotic animal within the limits of the County without first applying for and receiving from the ASD an annual permit to do so. The applicant must provide evidence of knowledge of and facilities for the care and feeding of the animal. The ASO is permitted to enter the premises of the permit holder hereunder at any reasonable time for the purpose of inspection or re-inspection to determine compliance with this Ordinance. The ASO may deny, revoke, or suspend a permit for failure to comply with this Ordinance. Wild and Exotic Animal permits shall be valid for a period of one year. The fee for an annual permit is set forth in Appendix A.

2. No person shall keep an animal which is vicious, noxious, or naturally inclined to do harm, except in a zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, or educational facility, and then only if there are adequate protective devices to prevent the animal from escaping or injuring the public.

3. No person shall keep a wild or exotic animal in such a manner as to constitute a likelihood of harm to the animal or other animals, to humans, or to property, or which constitutes a nuisance.

G. Managed Feral Cat Colony Permits

1. A permit is required for a managed feral cat colony. Permit requirements are as follows:

- a. The proposed permit holder must be an individual over the age of 18 or a legal entity.
- b. No proposed permit holder, or if a legal entity any member of the board of directors, partners or employees and agents of the legal entity, can have a conviction for a violation of this Ordinance or other laws whose purpose is to prevent animal cruelty, neglect or abuse within the past ten years.

2. The following process must be followed to obtain a managed feral cat colony permit:

- a. The proposed permit holder shall file an application and pay the applicable permit fee with the ASD for issuance of the permit;
- b. The ASD shall inspect the premises and investigate the applicant's compliance with this Ordinance in determining whether to issue a permit for a managed feral cat colony;
- c. An application to establish a managed feral cat colony shall contain: a description of all the feral cats in the colony; proof that all feral cats in the colony have been sterilized, ear-tipped, and vaccinated against rabies; the address of the private property at which the colony will be maintained; a notarized statement from the private property owner authorizing the applicant to maintain the colony at the proposed address; contact information for the applicant, or if a legal entity the individual, who shall be the feral cat colony caretaker; authorization for a background check or if a legal entity the names of all board members, partners, agents and employees and authorization from each for a background check together with funds sufficient to pay for each background check at the then current rate charged to Santa Fe County for that service; and such other information as may be required by the ASD.

3. A managed feral cat colony permit authorizes the permit holder to maintain a feral cat colony for a period of up to two years, unless the permit is revoked.

4. The following are grounds for an ASO to commence permit revocation proceedings:

- a. conviction of the permit holder or any of the members of its board of directors, partners, employees or agents of any violation of this Ordinance or any state or local law whose purpose is to prevent animal cruelty, neglect or abuse;
- b. failure to permit an ASO periodic inspections of the address at which the feral cat colony is maintained to ensure that the animals are being provided adequate food, water and shelter, that the feral cats are all sterilized, ear-tipped and vaccinated against rabies and that all other permit requirements are being met;
- c. inability of the caretaker to provide care for the feral cat colony or failure to maintain a feral cat colony caretaker;
- d. failure of the caretaker to actively work toward decreasing the number of feral cats within the colony through the humane method of trap, neuter and return;
- e. failure of the permit holder to update application information as the cats in

the permitted managed feral cat colony increase, decrease or change.

5. The holder of a managed feral cat colony permit may reclaim from the animal control authority a feral cat belonging to the colony for which the permit is issued and which has been described on the permit application. No impound fees shall be charged for the return of the feral cat to the permitted managed feral cat colony.

H. Suspension and Revocation of Permits.

1. All permits issued by the County under this Ordinance are subject to revocation for failure to comply with the requirements established in this Ordinance.

2. Notice of proposed revocation shall precede any permanent revocation of a permit issued under this Ordinance.

3. The notice of proposed revocation shall specify the following:

- a. The specific violation or violations alleged, including dates and times of the alleged violation or violations, and any specific section of this Ordinance or state law that is alleged to have been violated;
- b. A specific date by which the alleged violations shall be corrected to avoid further revocation proceedings, if the violation is of a nature that may be corrected;
- c. A warning that failure to correct the violation or request a hearing shall result in revocation of the permit; and
- d. Procedures for requesting a hearing regarding the alleged violation and proposed revocation of the permit.

4. If the period in which the permit holder was allowed to correct the violation passes without correction of the violation, and the permit holder has not requested a hearing as described in this Section, the ASD shall issue a notice of revocation. The revocation shall be effective thirty (30) days from service of the original notice of proposed revocation.

5. A permit holder may appeal the proposed revocation by requesting a hearing. The request for hearing shall be made within five (5) days of service of the notice of proposed revocation. The request for hearing shall be in writing, sent by certified mail, return receipt requested. The request for hearing shall briefly state the reasons why the permit holder believes the revocation is not justified under the circumstances.

6. The ASD shall give written notice of the date, time, and place of the hearing to the permit holder. The date of the hearing shall be not less than ten (10) days or more than thirty (30) days from the date of service of the notice of the hearing. The ASD may designate an

employee of the ASD or Sheriff's Department or any other suitable individual to be the hearing officer.

7. The hearing officer may uphold, modify, or reverse the permit revocation. In conducting the hearing, the hearing officer shall not be limited by formal rules of evidence; evidence may be considered which is of a type upon which responsible people are accustomed to rely in the conduct of serious affairs. During the pendency of an appeal, the permit may be placed in suspended status pending resolution of the appeal. During the pendency of the appeal, the ASD may take such action as is deemed appropriate for the health and safety of the animals and the general public, including temporarily prohibiting the permit holder from operating under the permit. Within fifteen (15) business days of the hearing, the hearing officer shall send written findings and conclusions to the permit holder, by certified mail, return receipt requested. Permit holders may be represented by counsel at the hearing.

8. A person aggrieved by the hearing officer's decision may appeal the decision as otherwise provided by law.

9. Notices provided for under this subsection shall be deemed served when the notice is delivered personally or mailed by registered or certified mail, return receipt requested, to the address on record for the permit holder.

10. During the pendency of the appeal, the ASD may take such action as is deemed appropriate for the health and safety of the animals and the general public, including temporarily prohibiting the permit holder from operating under the permit.

11. A permit holder whose permit has been revoked shall not be eligible to apply for another permit for a period of one year after the revocation of the permit.

12. Upon revocation of a permit, the permit holder shall cease operating under the permit within five (5) days of the effective date of revocation. If necessary, the permit holder shall give away, sell, or surrender all animals previously covered by the permit in compliance with relevant laws, regulations, and in a manner satisfactory to the ASD.

Section Nine. Offenses.

A. Cruelty to Animals Prohibited, Physical Abuse.

1. It shall be unlawful and a violation of this Ordinance to willfully or maliciously do the following to any animal:

- a. Kill;
- b. Maim;
- c. Poison;
- c. Disfigure;
- e. Burn or scald;

- f. Torture;
- g. Kick;
- h. Beat with a stick, chain, club, or other object;
- i. Molest.

2. A person may use reasonable force to defend against vicious or threatening animals. Such actions shall not constitute a violation of this Section.

B. Teasing, Annoying, or Disturbing Animals.

It shall be unlawful and a violation of this ~~ordinance~~ Ordinance to tease, annoy, or disturb an animal which is on the property of its owner or under the control of its owner.

C. Work Cruelty.

It shall be unlawful and a violation of this ~~e~~Ordinance to drive or work an animal cruelly.

D. Abandonment.

It shall be unlawful and a violation of this ~~e~~Ordinance for an owner or responsible party to abandon an animal. In lieu of being abandoned, an animal may be turned over to an ASO or the animal shelter.

E. Animal Fights.

It shall be unlawful and a violation of this Ordinance for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition, or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or another animal.

F. False Report.

It shall be unlawful and a violation of this Ordinance for any person to make a false report of an offense described in this Ordinance.

G. Animals Running at Large.

An animal that runs at large in violation of this Section shall be declared to be an estray, a nuisance, or a menace to the public health and safety and may be picked up and impounded.

H. Number of Dogs, Cats and Other Pets Allowed:-

It shall be unlawful to keep, harbor, possess, or maintain, or allow to be kept, harbored, possessed, or maintained more than ten (10) dogs and/or cats, ~~or other pets~~ more than three (3) months old upon or within any premises without a professional animal care permit.

I. Animals in Vehicles.

1. It shall be unlawful and a violation of this Ordinance to carry an animal in or upon a vehicle in a cruel, inhumane, or unsafe manner.

2. It shall be unlawful and a violation of this Ordinance for a person to keep or transport an animal in the bed of a pickup truck unless the animal is properly restrained and confined in a humane and safe manner.

3. It shall be unlawful and a violation of this Ordinance to leave an animal in a closed vehicle for a length of time that is dangerous to the health or safety of the animal. An ASO or Sheriff's deputy may immediately remove such an animal whose health or safety is in danger and impound the animal. The cost associated with impounding the animal shall be assessed to the owner.

4. A violation of this Section constitutes an act of cruelty or neglect.

J. Unlawful Use of License and Tag.

1. It shall be unlawful and a violation of this Ordinance for a person to remove a license tag from an animal and attach it to another animal.

2. It shall be unlawful and a violation of this Ordinance for a person to manufacture, cause to be manufactured, or to have in the person's possession or control a stolen, counterfeit, or forged animal license tag, rabies vaccination certificate, or other form of license required under this Ordinance.

K. Breaking Into Enclosure.

It is unlawful to break into or aid, directly or indirectly, in breaking into the enclosure in which any animal is trapped, impounded, or kept under authority of an ASO or a Sheriff's deputy.

L. Hindering an ASO.

It is a violation of this Ordinance to willfully or intentionally hinder or obstruct an ASO in the discharge of the ASO's official duties under this Ordinance.

M. Feral Cats.

It is a violation of this Ordinance to feed, shelter and care for feral cats without a feral cat colony permit which identifies the cats being fed, sheltered and cared for.

Section Ten. Notice, Penalties, Savings Clause, Effective Date.

A. Notice.

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All notices and other communications required to be given as provided in this Ordinance will be in writing, and unless otherwise specifically provided in this Ordinance, will be deemed to have been given if delivered in person, or mailed by certified or registered mail, postage pre-paid, and addressed to the County at the following address:

Animal Control Supervisor

Animal Services Division

Sheriff's Department

35 Camino Justicia

Public Safety Complex

Santa Fe, NM 87508

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B. Penalty Clause.

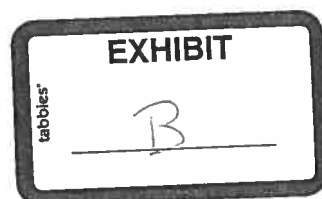
A person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding \$300.00, imprisonment for a period not exceeding 90 days, or both a ~~the~~ fine and imprisonment. ~~NMSA 1978, § 4-37-3(A) (1975).~~

C. Savings Clause and Repeal Provisions.

If any of the sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not thereby be affected since it is the express intent of the Board of County Commissioners to pass each section, phrase, paragraph, and word separately. Santa Fe County Resolution 1990-8 is hereby unaffected by this Ordinance. Santa Fe County Ordinances 1981-7, 1982-7, 1990-8, 1991-6 and Santa Fe County Resolution 1982-28 are hereby repealed.

D. Effective Date.

This Ordinance will take effect on _____



LICENSING FEES	
Altered Dogs and Cats	\$8.00 annually
Unaltered Dogs and Cats	\$100.00 annually
Duplicate Tag	\$3.00
PERMIT FEES	
Professional Animal Care Permit	\$200.00 annually
Managed Feral Cat Colony Permit	No charge – valid for up to two years
Wild and Exotic Animals Permit	\$200.00 annually
Breeder's Permit	\$125.00 annually per breeding animal
Circus and Animal Acts Permit	\$250.00 each series of consecutive events in Santa Fe County
Litter Permit	\$25.00 per litter
Dangerous or Potentially Dangerous Dog Registration	\$200.00 annually
IMPOUNDMENT FEES	
1 st impoundment	\$10.00
2 nd impoundment	\$20.00
3 rd impoundment	\$40.00
4 th impoundment	\$80.00
Subsequent impoundments in 12-month period	The fee shall double
FEE FOR RETRIEVAL OF ANIMAL CARCASS BY ACO - \$100.00	
FINES FOR VIOLATIONS OF THIS ORDINANCE	
Resisting or Obstructing an Animal Services Officer	\$300.00
No Rabies Vaccination	
1 st Offense	\$75.00 + proof of vaccination
2 nd Offense	\$150.00 + proof of vaccination
3 rd Offense	\$300.00 + proof of vaccination

4 th Offense and each offense thereafter		Refer to Court	
Harboring an Animal that has Bitten		\$300.00	
Restraint of Animals		Unaltered Animal	Altered Animal
1 st Offense		\$50.00	\$25.00
2 nd Offense		\$100.00	50.00
3 rd Offense		250.00	125.00
4 th Offense		\$300.00	\$250.00
5 th Offense and each offense thereafter		Refer to Court	Refer to Court
No Animal License		Unaltered Animal	Altered Animal
1 st Offense		\$100.00	\$25.00
2 nd Offense		\$200.00	\$50.00
3 rd Offense		\$300.00	\$100.00
4 th Offense and each offense thereafter		Refer to Court	Refer to Court
Permit Violations			
1 st Offense		\$100.00	
2 nd Offense		\$250.00	
3 rd Offense and each offense thereafter		Refer to Court	
Animals Disturbing the Peace			
1 st Offense		Refer to Court	
2 nd Offense		Refer to Court	
3 rd Offense	Refer to Court. Upon conviction, the County may deem a nuisance and file a lawsuit in district court.		
Nuisance			
1 st Offense		\$75.00	
2 nd Offense		\$150.00	
3 rd Offense		\$300.00	
4 th Offense and each offense thereafter		Refer to Court	
Unlawful use of Tags		\$100.00 or refer to Court	

Confining Animals in or upon a Motor Vehicle	
1 st Offense	\$100.00
2 nd Offense	\$200.00
3 rd Offense	\$300.00
4 th Offense and each offense thereafter	Refer to Court
Cruelty (Physical Abuse)	Refer to Court
Neglect	
1 st Offense	\$150.00
2 nd Offense	\$250.00
3 rd Offense	\$300.00
4 th Offense and each offense thereafter	Refer to Court
Abandonment	
1 st Offense	\$200.00
2 nd Offense and each offense thereafter	Refer to Court
Poisoning	Refer to Court
Animal Fights	Refer to Court

In addition to the fines due to the County, the pet owner shall also be responsible for any and all boarding fees accrued at the shelter and the state spay/neuter deposit if applicable.

Any combination of kennel, grooming parlor, pet shop or shelter operating as a single business at one location shall only be required to obtain a single permit. Multiple locations shall require a permit for each location.

LICENSING FEES	
Altered Dogs and Cats	\$8.00 annually
Unaltered Dogs and Cats	\$100.00 annually
Duplicate Tag	\$3.00
PERMIT FEES	
Kennels <u>Professional Animal Care Permit</u>	\$200.00 annually
Grooming Parlors	\$200.00 annually
Pet Shops	\$200.00 annually
Shelters	\$200.00 annually
Guard Dog	\$200.00 annually
<u>Managed Feral Cat Colony Permit</u>	<u>No charge – valid for up to two years</u>
Individuals Maintaining More Than Ten Animals On Their Property	\$200.00 annually
<u>Wild and Exotic Animals Permit</u>	\$200.00 annually
<u>Breeder's Permit</u>	\$125.00 annually per breeding animal
<u>Circus and Animal Acts Permit</u>	\$250.00 each series of consecutive events in Santa Fe County
<u>Litter Permit</u>	\$25.00 per litter
<u>Dangerous or Potentially Dangerous Dog Registration</u>	<u>\$200.00 annually</u>
IMPOUNDMENT FEES	
1 st impoundment	\$10.00
2 nd impoundment	\$20.00
3 rd impoundment	\$40.00
4 th impoundment	\$80.00
Subsequent impoundments in 12-month period	The fee shall double
FEE FOR RETRIEVAL OF ANIMAL CARCASS BY ACO - \$100.00	

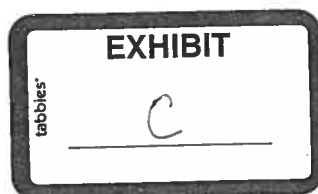
FINES FOR VIOLATIONS OF THIS ORDINANCE		
Resisting or Obstructing an Animal Services Officer	\$300.00	
No Rabies Vaccination		
1 st Offense	\$75.00 + proof of vaccination	
2 nd Offense	\$150.00 + proof of vaccination	
3 rd Offense	\$300.00 + proof of vaccination	
4 th Offense <u>and each offense thereafter</u>	Refer to Court	
Harboring an Animal that has Bitten	\$300.00	
Restraint of Animals	Unaltered Animal	Altered Animal
1 st Offense	\$50.00	\$25.00
2 nd Offense	\$100.00	50.00
3 rd Offense	250.00	125.00
4 th Offense	\$300.00	\$250.00
5 th Offense <u>and each offense thereafter</u>	Refer to Court	Refer to Court
No Animal License	Unaltered Animal	Altered Animal
1 st Offense	\$100.00	\$25.00
2 nd Offense	\$200.00	\$50.00
3 rd Offense	\$300.00	\$100.00
4 th Offense <u>and each offense thereafter</u>	Refer to Court	Refer to Court
Permit Violations		
1 st Offense	\$100.00	
2 nd Offense	\$250.00	
3 rd Offense <u>and each offense thereafter</u>	Refer to Court	
Animals Disturbing the Peace		
1 st Offense	Refer to Court	
2 nd Offense	Refer to Court	
3 rd Offense	Refer to Court. Upon conviction, the County may deem a nuisance	

	and file a lawsuit in district court.
Nuisance	
1 st Offense	\$75.00
2 nd Offense	\$150.00
3 rd Offense	\$300.00
4 th Offense <u>and each offense thereafter</u>	Refer to Court
Unlawful use of Tags	\$100.00 or refer to Court
Confining Animals in or upon a Motor Vehicle	
1 st Offense	\$100.00
2 nd Offense	\$200.00
3 rd Offense	\$300.00
4 th Offense <u>and each offense thereafter</u>	Refer to Court
Cruelty (Physical Abuse)	Refer to Court
Neglect	
1 st Offense	\$150.00
2 nd Offense	\$250.00
3 rd Offense	\$300.00
4 th Offense <u>and each offense thereafter</u>	Refer to Court
Abandonment	
1 st Offense	\$200.00
2 nd Offense <u>and each offense thereafter</u>	Refer to Court
Poisoning	Refer to Court
Animal Fights	Refer to Court

In addition to the fines due to the eCounty, the pet owner shall also be responsible for any and all boarding fees accrued at the shelter and the state spay/neuter deposit if applicable.

Any combination of kennel, grooming parlor, pet shop or shelter operating as a single business at one location shall only be required to obtain a single permit. Multiple locations shall require a permit for each location.

Any person who breeds animals shall be required to obtain a breeder permit for each breeding animal.



	A	B	C	D	E
	OFFENSE DESCRIPTION	CURRENT FEES IN COUNTY ANIMAL CONTROL ORDINANCE	PROPOSED FEES FOR NEW COUNTY ORDINANCE	CITY ANIMAL CONTROL FEES	
1	Licensing				
2	Unaltered Male	\$10.00 (Oogs Only)	\$100.00 annually (Oogs & Cats)	\$100.00 annually (Oogs & Cats)	
3	Unaltered Female	\$10.00 (Oogs Only)	\$100.00 annually (Oogs & Cats)	\$100.00 annually (Oogs & Cats)	
4	Altered Male	\$3.00 (Oogs Only)	\$8.00 annually (Oogs & Cats)	\$8.00 annually (Oogs & Cats)	
5	Altered Female	\$3.00 (Oogs Only)	\$8.00 annually (Oogs & Cats)	\$8.00 annually (Oogs & Cats)	
6	Duplicate Tags	\$5.00 (Oogs Only)	\$3.00 (Oogs & Cats)	\$3.00 (Oogs & Cats)	
7					
8	Permit Fees				
9	Kennels	\$50.00 (Cats Kennel Per year)	\$200.00 annually	\$250.00 annually	
10		\$50.00 (House 20 Oogs or Less)	\$200.00 annually Grooming Parlors	\$250.00 annually	
11		\$200.00 All other Kennels	\$300.00 annually Pet Shops	\$250.00 annually	
12			\$200.00 annually Shelters	\$250.00 annually	
13			\$200.00 annually Guard Oogs	\$250.00 annually	
14	Managed Feral Cat Colony		\$200 every two years		
15	More than ten animals		\$200 annually		
16	Exotic Animals	\$200.00 per year, up to	\$200.00 annually Wild & Exotic	\$250.00 annually	
17	Breeding		\$125.00 annually per breeding animal	\$125.00 annually per breeding animal	
18	Circus and Animal Acts		\$250.00 each series of consecutive events in Santa Fe County	\$250.00	
19	Utter		\$25.00 per litter	\$25.00 per litter	
20					
21	Impoundment Fees				
22	Per Offense Oogs	\$15.00	\$10.00 1st Impoundment	\$10.00 1st Impoundment in 12-month period	
23	Per Offense Cats	\$10.00	\$20.00 2nd Impoundment	\$20.00 2nd Impoundment in 12-month period	
24			\$40.00 3rd Impoundment	\$40.00 3rd Impoundment in 12-month period	
25			\$80.00 4th Impoundment	\$80.00 4th Impoundment in 12-month period	
26			subsequent impoundment in 12 month period, the fee shall double.	subsequent impoundment in 12 month period, the fee shall double	
27					
28	Fee for Retrieval of Animal Carcass by ACO	\$50.00	\$100.00		
29					
30	Fines for Violations Of This Ordinance				
31	Resisting or Obstructing an Animal Services Officer	guilty of a petty misdemeanor	\$300.00	up to \$500.00 and/or 90 days in jail	
32	No Rabies Vaccination	\$15.00	\$75.00 • proof of vaccination 1st Offense	\$75.00 1st conviction	
33			\$150.00 • proof of vaccination 2nd Offense	\$150.00 2nd in 36-month period	
34			\$300.00 • proof of vaccination 3rd Offense	\$500.00 and/or up to 90 days in jail 3rd in 36-month period or subsequent	
35			Refer to Court 4th Offense		
36	Harboring an Animal that has Bitten		\$300.00	\$500.00 and/or up to 90 days in jail	
37	Running At Large (Old Provisions)	\$25.00 1st Offense in a calendar year	Unaltered Animal \$50.00 1st Offense Altered Animal \$25.00 1st Offense	Unaltered Animal \$25.00 1st conviction Altered Animal \$25.00 1st conviction	
38	Restraint of Animals (New Provisions)	\$60.00 2nd Offense in a calendar year	\$100.00 2nd Offense \$50.00 2nd Offense	\$100.00 2nd conviction \$50.00 2nd conviction	
39		\$100.00 3rd Offense in a calendar year	\$250.00 3rd Offense \$125.00 3rd Offense	\$250.00 3rd conviction \$125.00 3rd conviction	
40			\$300.00 4th Offense \$250.00 4th Offense	\$500.00 and/or up to 90 days in jail \$250.00 and/or up to 90 days in jail	
41			Refer to Court 5th Offense Refer to Court 5th Offense		
42			Unaltered Animal \$100.00 1st Offense Altered Animal \$25.00 1st Offense	Unaltered Animal \$100.00 1st conviction Altered Animal \$25.00 1st conviction	
43	No Animal License	\$10.00 Oogs Only	\$200.00 2nd Offense \$50.00 2nd Offense	\$200.00 2nd conviction \$50.00 2nd conviction	
44			\$300.00 3rd Offense \$100.00 3rd Offense	\$300.00 3rd conviction \$100.00 3rd conviction	
45			Refer to Court 4th Offense Refer to Court 4th Offense	\$500.00 and/or up to 90 days in jail \$250.00 and/or up to 90 days in jail	
46					
47	Permit Violations				
48	1st Offense		\$100.00	\$100.00 in a 12-month period	
49	2nd Offense		\$250.00	\$250.00 in a 12-month period	
50	3rd Offense		Refer to Court	\$400.00 in a 12-month period	
51	4th Offense			\$500.00 and/or up to 90 days in jail. Upon conviction, revocation of permit as set forth	
52					
53	Animals Disturbing the Peace				
54	1st Offense	\$25.00 in a calendar year	Refer to Court	Referred to Municipal Court	
55	2nd Offense	\$60.00 in a calendar year	Refer to Court	Referred to Municipal Court	
56	3rd Offense	\$100.00 in a calendar year	Refer to Court. Upon conviction, the County may deem a nuisance and file a lawsuit in district Court.	Referred to Municipal Court. Upon conviction, the City may deem a nuisance pursuant to Section 1-4 SFCC 1987 and file a lawsuit in district court.	
57					
58	Nuisance				
59	1st Offense	\$25.00 in a calendar year	\$75.00	\$75.00	
60	2nd Offense	\$60.00 in a calendar year	\$150.00	\$150.00	
61	3rd Offense	\$100.00 in a calendar year	\$300.00	\$300.00	
62	4th Offense		Refer to Court	\$500.00 and/or up to 90 days in jail	
63					
64	Unlawful Use Of Tags		\$100.00 or refer to Court	\$100.00	
65					
66	Confining Animals In or upon a Motor Vehicle				
67	1st Offense		\$100.00	\$100.00 in a 12-month period	
68	2nd Offense		\$200.00	\$200.00 in a 12-month period	
69	3rd Offense		\$300.00	\$500.00 and/or up to 90 days in jail	
70	4th Offense		Refer to Court	Court Action	
71	Cruelty (Physical Abuse)				
72	1st Offense	\$50.00	Refer to Court	Court Action	
73	2nd Offense	\$200.00			
74	3rd Offense or more up to	\$500.00			
75	Neglect, Care and Maintenance				
76	1st Offense	\$50.00	\$150.00	\$150.00	
77	2nd Offense	\$200.00 up to	\$250.00	\$250.00	
78	3rd Offense or more up to	\$500.00	\$300.00	\$500.00 and/or up to	
79	4th Offense		Refer to Court		
80	Abandonment				
81	1st Offense		\$200.00	\$200.00	
82	2nd Offense		Refer to Court		
83	Poisoning		Refer to Court	Court Action	
84	Animal Fights		Refer to Court	Court Action	
85					
86					
87					





January 14th, 2013

Deputy County Attorney Rachel Brown
102 Grant Avenue
Santa Fe, NM 87504-0276

RE: Amending the proposed animal ordinance to achieve more spaying and neutering of feral cats

Dear Deputy County Attorney Rachel Brown:

Thank you for inviting public comment on the proposed animal control ordinance in Santa Fe County. Alley Cat Allies is the only national advocacy organization dedicated to the protection and humane treatment of cats. We have promoted the neutering and returning of feral cats since our founding in 1990, and we regularly advise individuals, nonprofit groups, local governments, and state policymakers on humane approaches to cats.

We applaud Santa Fe County for recognizing that Trap-Neuter-Return is the best approach for feral cats. We respectfully recommend that the County make several language changes to the proposed ordinance to best encourage volunteer feral cat caretakers and to ensure adequate protection for the feral cats themselves. These recommendations are based on our experiences with other local governments and will help to ensure that Santa Fe County's ordinance reflects the most up-to-date, effective, and humane approach.

First, it is counterproductive and unfair to prohibit people without permits from feeding and caring for feral cats. Permits have nothing to do with whether feral cats exist or not. This is because caretakers don't create feral cat colonies. **Feral cats exist long before a volunteer arrives to provide care.** Cats will breed—unless a volunteer steps in to spay or neuter them. Restrictive requirements make it more difficult to limit the population of feral cats because they discourage volunteer caretakers from spaying and neutering feral cats.

By neutering and vaccinating feral cats, feral cat caretakers not only help reduce the number of intact and unvaccinated cats in the community, they also address cat behaviors that can be objectionable to some residents. Many cat behaviors that cause calls to animal control, including yowling and spraying, are mating behaviors. After neutering, these behaviors are greatly reduced or eliminated. As a result of caretakers' efforts, fewer "nuisance" cat calls will come into Animal Control, and fewer cats will be handled by the shelter. This will reduce demands on your staff time, stress that your staff may be experiencing, and your overhead costs.

We recommend that Section Eight (Permits), Provision (G) (Managed Feral Cat Colony Permits) be struck to allow for easier and more efficient administration and also to encourage full participation by feral cat caretakers. A new section about Trap-Neuter-Return should be added to

set out permissive registration of colonies and outline how to perform Trap-Neuter-Return. Feral cat colony caretakers are volunteers who spend their time and money to spay and neuter cats and organize foster programs for adoptable cats and kittens. Because their time is limited, we suggest a program that allows the volunteers to spend as much time as possible spaying and neutering cats and then caring for the colonies. For example, it has been our experience that requiring written approval from property owners severely curtails Trap-Neuter-Return programs. People are often reluctant to sign legal documents even if they support Trap-Neuter-Return, and existing laws on trespassing are sufficient to protect property owners.

The amendments also make small changes to the proposed code to better allow for Trap-Neuter-Return and protect feral cat caregivers and the cats they care for. For example, feral cat caretakers are exempted from the definition of "Owner." It also clarifies that a feral cat may not be impounded merely for being at large. These minor changes will protect cats from needless killing.

In sum, Alley Cat Allies suggests the draft feral cat ordinance be amended to: (1) revise the definitions of "Abandonment," "Managed Feral Cat Colony," and "Owner," (2) include the definitions of "Eartipped," "Feral Cat Caretaker," and "Trap-Neuter-Return," (3) protect eartipped cats from impoundment, (4) strike Section Eight (Permits) (G), (5) strike Section Nine (Offenses) (M), and (6) add Section Eleven (Trap-Neuter-Return Programs). **These specific amendments are outlined as follows:**

- Section Four. (Definitions)
 - Amend the definition of "Abandonment."
 - A sentence should be added at Section Four (A) to read: A feral cat caretaker who provides care to or has temporary custody of a feral cat in conjunction with Trap-Neuter-Return is not deemed to have abandoned the cat.
 - Add the definition of "Eartipped "
 - "Eartipped" shall mean a mark identifying a feral cat as being in a Trap-Neuter-Return program, specifically, the removal of a quarter inch off the tip of the cat's left ear in a straight line while the cat is anesthetized.
 - Add the definition of "Feral Cat Caretaker."
 - "Feral Cat Caretaker" shall mean any person, who in accordance with a good faith effort to trap, neuter, vaccinate and return the feral cat, provides care to or has temporary custody of a feral cat.
 - Amend the definition of "Managed Feral Cat Colony"
 - "Managed Feral Cat Colony" shall mean a population of feral cats that live together in a specific location, share a common food source, are provided food, shelter, neutering, and ear-tipping by a feral cat caretaker.
 - Amend the definition of "Owner"
 - "Owner" shall mean a person who owns, keeps, harbors, or knowingly permits an animal to remain in, on, or about the person's premises. Owner does not include a person caring for or having temporary custody of a feral cat as a feral cat caretaker.
 - Add the definition of "Trap-Neuter-Return"

- “Trap-Neuter-Return” shall mean a nonlethal approach to feral cat population control where feral cats are sterilized and vaccinated, eartipped, and then returned to the location where they were humanely trapped.”
- Section Seven (Impoundment) should be amended to clarify that feral cats in a Trap-Neuter-Return program, as indicated by their eartip, may not be impounded simply for being at large.
 - A new section should be added after (A)(13) to read: “Eartipped cats shall not be impounded for being at-large. An eartipped feral cat received by ASD or an animal shelter will be returned to the location it was trapped unless veterinary care is required. An eartipped feral cat trapped by ASD will be released as close as possible to the trap site unless veterinary care is required.”
- Section Eight (Permits)
 - Provision (G) should be struck.
- Section Nine (Offenses)
 - Provision (M) should be struck.
- Section Eleven (Trap-Neuter-Return Programs) should be added.
 - (A) Organizations and individuals that engage in Trap-Neuter-Return are encouraged to register with the animal shelter under contract with the County for the care and custody of animals.
 - (B) The animal shelter shall attempt to notify the appropriate feral cat caretaker, if registered, when notified by ASD about feral cats.
 - (C) ASD shall provide information to persons contacting the County about stray or feral cats about feral cats and Trap-Neuter-Return, and shall refer persons to organizations that provide Trap-Neuter-Return services. A person contacting the County with a complaint about feral cats shall be given information on how to humanely deter feral cats.
 - (D) Feral cat caretaker shall ensure, for all cats that can be captured, that:
 - (1) Cats are trapped using humane trapping techniques,
 - (2) Cats are assessed by a veterinarian and deemed healthy at the time of spay/neuter surgery,
 - (3) Cats are spayed or neutered,
 - (4) Cats are vaccinated for rabies,
 - (5) Cats are eartipped,
 - (6) Cat bites are reported to Animal Control

Alley Cat Allies is happy to supply feedback and input as you develop an effective and humane program that will reduce the number of stray and feral cats living in your community and entering your shelters. We believe that the efforts of your county to improve conditions for feral cat caretakers will grow and enhance the benefits these individuals and groups already provide for the whole community.

Thank you for your time and consideration.

Sincerely,

Elizabeth Hatz

Staff Attorney

Rachel A. Brown

From: Kathy Holian [Kathleen.Holian@comcast.net]
Sent: Sunday, December 23, 2012 9:40 AM
To: Rachel A. Brown
Subject: Animal control ordinance

Hi Rachel,

Here is one of the comments I got. I will send more.

Thanks,
-Kathy

From: Lois Lockwood [lokinlo@cybermesa.com]
Sent: Sunday, December 02, 2012 11:07 AM
To: Kathy S. Holian
Subject: new animal control ordinance

Kathy,

I just read the draft of the new animal control ordinance. I suggest that under definitions, O, that invisible/electronic fences be included for an "enclosed lot" or else add a definition for fences to include invisible/electronic fencing. Also, there should be other places to get a license besides at the shelter, perhaps at County satellite offices, it's a long way from Edgewood to Caja del Rio Road.

I think the ordinance revision is needed and is very comprehensive.

Thank you, Lois Lockwood

Regulations for Registered Animal Shelters, Sanctuaries, Foster Homes, and Feral Colonies

It is recognized that non-profit animal rescue organizations, registered animal shelters, sanctuaries and foster homes play an important roll in both provision of shelter to otherwise homeless animals and controlling and placing animals in appropriate "forever" homes.

It is also recognized that due to unforeseen circumstances, such unregulated organizations and private shelters can sometimes become detrimental to the welfare of the animals under their care.

The following regulations strive to both encourage the formulation of animal rescue and sanctuary organizations, and insure that such organizations and private facilities provide appropriate levels of care.

Registered Sanctuary: A Registered Sanctuary is a facility licensed by the County to provide long term care for dogs or cats, the numbers by which are regulated by the license and the conditions set forth in this ordinance for a "Registered Sanctuary". There is little or no expectation that a sanctuary animal will be placed in an adoption program.

Registered Shelter: A Registered Shelter is a facility licensed by the County to provide short term care for dogs and cats, the numbers by which are regulated by the license and the conditions set forth in this ordinance for a "Registered Shelter". Shelters are managed with the intent that animals under the shelters care will be placed in an ongoing adoption program.

Registered Foster Home. A Registered Foster Home licensed by the County to provide short term care for dogs and cats under the auspices of a recognized Non-Profit Corporation. Registered Foster Homes accept temporary custody of animals under the direction of the parent Non-Profit Organization.

Registered Feral Cat Colony. A Registered Feral Cat Colony licensed by the County recognizes a feral cat population that is maintained by a resident of Santa Fe County for the purpose of pest control, or for purposes of population control.

General Regulations:

All animals placed in Registered Sanctuaries, Shelters, or Foster Homes, must be spayed/neutered, micro-chipped, and brought up to date on all shots within three months of receipt. Records of these and any other procedures must be kept for each animal either at the Sanctuary, Shelter or Foster Home or at the Non-Profit Corporation Headquarters.

Regulations for Registered Sanctuary Shelter or Foster Home not affiliated with a Non-Profit Corporation recognized by the State of New Mexico.

To obtain a license to operate a registered sanctuary, shelter, or foster home not affiliated with a Non Profit Corporation, the applicant must submit the following documents:

- a. A declaration of Intent: This declaration states the applicant's humanitarian reason's for creating a shelter, sanctuary or foster home, and provides a basic description of the applicant's ability to meet the general care requirements for animals as dictated by this ordinance.
- b. Declaration of Responsibility: This declaration states the applicant's willingness to abide by the standards of care dictated by this ordinance.
- c. Declaration of Fiscal Responsibility: This declaration states that the applicant has the financial means to care for the number of animals requested to be under the applicant's care.
- d. Agreement for Release: This statement authorizes sheltered animals to be released to either an agreed upon non-profit or the County's authority, should agreed upon facility conditions reach unacceptable levels or such financial conditions warrant immediate release to protect the welfare of the cared for animals.
- e. Each licensee shall deposit a one month primary care account with either the agreed upon non-profit or the County Animal shelter, the purpose for which will be the care of the licensed animals in the event of a determination that the license should be revoked and the animals placed with the contingency organization or agency.
For example: if it is determined that it costs one dollar per day to feed a cat, then the number of cats identified by the license times thirty days would equal the required primary care account (10 cats would equal \$300). Revocation of the License releases the fund. This requirement does not apply to licensees for unsheltered feral cat populations.

Required Minimum Conditions for Sheltered Animals

Caretakers of Sheltered animals must adhere to the following conditions or risk forfeiture of the animals licensed by Santa Fe County:

1. All animals must be spayed or neutered within thirty days of receipt.
2. All animals must be kept up to date on all appropriate vaccinations.
3. All animals must be micro-chipped.
4. All animals must be provided with clean water, adequate food, and dry and sanitary housing.
5. Records for each animal under a licensed caretakers care must be maintained.
These records must include the following:
 - a. Vaccination Record
 - b. Spay or neuter Record
 - c. micro chip record

- d. all Vet records pertaining to the animal
 - e. an image of the animal
 - f. A primary Care reference
6. Animals that are housed within a facility, house, or kennel must be provided with clean bedding, and must be provided with a sanitary environment. "Sanitary environment" means that urine and fecal materials can not be allowed to stand longer than one day in a home environment, or two days in a especially built kennel, enclosure, or structure. Indoor cat colonies must have access to boxes at a three to one ratio (three cats to one box). fecal materials must be removed from boxes no less than twice daily.
 7. Licensed animal rescue facilities must not house animals in cat or dog carriers.
 8. Licensed animal rescue facilities must not house animals in cages that do not permit the animal to stand, sit up, turn around, and easily sleep.
 9. Licensed animal rescue facilities must provide legitimate exercise opportunities, at least once a day to any caged animal.

Minimum Requirements for Feral Cat Colonies

Licensed Feral Cat Colonies, while recognized by the County, are not under the day to day maintenance or control of the licensee. The licensee, however, shall make every effort to trap, spay/neuter, and vaccinate cats that are part of the colony, through either County or Non-profit trap and release programs. The License shall determine an approximate number of animals that make up the colony.

Records shall be kept for All feral animals that are caught and released.

The Licensee shall provide water for the colony and is permitted to provide food in a controlled space that will not attract other wild species such as rats,skunks, raccoons, or bears.

Licensee's who feed a feral cat population must employ "best practices" such as night time food bowl removal, feeding area clean-up, etc. to insure that the feeding site will not become an "attractive nuisance.

Fecal material must not be allowed to accumulate to the extent that the waste becomes unsightly or becomes odorous to neighboring residents or businesses.

Individual County Licensing Requirements and Fees

Animals under the care of a licensed animal care provider do not require individual licenses and fees associated with such licenses are waived. Once an animal is transfered to an unlicensed care provider (a "forever home"), the new owner must apply for a county animal license for the animal.

A Registered Sanctuary, Shelter, or Foster Home will be required to pay an annual license fee to be determined by the County.

Non-Profit Organizations and their affiliates whose primary charter is animal protection, care, and adoption, are exempt from County animal licensing fees and organizational fees associated with operating Sanctuaries, Shelters, or Foster homes. They must, however, conform to all other sections of this ordinance.

All registered sanctuaries, shelters, foster homes, and feral colonies may be subject to inspection by Santa Fe County in order to insure that the welfare of the animals under the licensed facilities care conforms to this ordinance.

Non Compliance

Facilities that are not conforming with the requirements of this ordinance will be issued a warning detailing any shortcomings found. A second warning will come with a notice that any subsequent violations of the ordinance will lead to a retraction of the license and a release of all animals in accordance with the license provisions.

Non Profit Institutions that have facilities that are not in compliance with these regulations must close those facilities that are not in compliance or risk loss of County approval and risk certain complaint by the County to the State.

What is a Feral Animal

All animals that are not in the possession of a licensed breeder and are not spayed or neutered and are un-micro-chipped are considered "feral".

Feral animals are not associated with any individual, family, or organization and cannot be claimed as property.

"Found" animals and puppies and kittens over the age of three months are considered "feral" unless they have been chipped and the chip information leads to a specific individual owner or rescue organization.

Puppies and kittens under the age of three months are considered feral if they cannot be transferred to an appropriate rescue facility, or individual by the time that they are three months old. Individuals must license, spay/neuter, microchip, and vaccinate any puppy or kitten adopted prior to three months old.

Found animals lacking microchips may be considered as feral and may be freely adopted by the finder, providing that the finder licenses, microchips, vaccinates and fixes the animal.

Cats associated with a registered feral colony are not considered property even if they have been microchipped, vaccinated, and fixed. A finder may adopt a feral cat from a

colony providing that all licensing fees for the animal have been paid and that the licensed feral colony manager has been notified.

"Barn cats" are considered feral cats provided that they are not domiciled in the home. "Barn Cat" populations, even if represented by a single cat, are considered a feral colony, and requires a license to support.

Annual Census

The County is responsible for providing an annual census of dogs and cats sheltered in the County based on licensing information. The census shall be presented as a report to the Board of County Commissioners.

Rachel A. Brown

From: Kathy Holian [kathleen.holian@comcast.net]
Sent: Sunday, December 23, 2012 9:44 AM
To: Rachel A. Brown
Subject: Fwd: Animal Control

-Kathy Holian
4 Camino Cielo Azul
Santa Fe, NM 87508
505-995-9979
Kathleen.Holian@comcast.net

Begin forwarded message:

From: "Michael Montgomery" <michael.montgomery5@comcast.net>
Date: November 29, 2012 5:50:57 AM MST
To: "Kathy Holian" <kathleen.holian@comcast.net>
Subject: Animal Control

I haven't looked at the website mentioned in the SF New Mexican yet.

Preface: Wish I'd know SFCC was working on this long-overdue project. As a result of loose animal problems including maulings and one death in Eldorado, including the fact that I was bitten three times, I worked on an ad hoc committee here to define expectations of pet owners.

Result: some sign postings, as well as brochures distributed to every current owner, as well as new home purchasers. The result is anecdotally mostly positive.

Additionally, in 2009, I attempted to work with the sheriff's department and Animal Control to effect changes to the most recent, but quite obsolete 1991 SFE County Ordinance. Frequent personnel employee turnover undermined my efforts here. FYI, I had both the county and the ECI pull numbers on animal attacks. Interesting stats.

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If my readings of the SFE County Animal Control Ordinance are still correct, we have "Running at large/ Trespassing" fines of \$25/ 60/ 100 per calendar year." There's also a cap at three complaints, which is crazy.

This is ridiculous. I have it on good authority from one officer that violators of means simply laugh the current minor fines off, especially with the calendar year cap. This cap needs to be removed.

I think it's well-worth pointing out that animal cruelty incurs penalties, misdemeanors at minimum. Pet owners should also realize that the rules governing loose animals are subject to the rules of self-defense, up to and including deadly force.

I propose a stiff increase more in line with inflation and administration. Inflation alone calls \$25 from 1991 to \$41. Round up to \$50. Second offense? \$100, but I'd round to \$125. Third offense? \$163. Round to \$200. Preferred MINIMUMS:

First Offense	\$50
Second	\$125
Third	\$300

Your thoughts?

Also, there are at least TWO ancient county signs in Eldorado I can point out which refer to the older pre-1991 ordinance. There WAS a third which I can't locate anymore. I also propose these be replaced.

Please share your ideas. I'd be happy to work with you on this issue.

■ Mike

Rachel A. Brown

From: Daniel Mayfield
Sent: Thursday, November 29, 2012 10:52 PM
To: Rachel A. Brown
Cc: Stephen C. Ross
Subject: FW: animal control

Please have this added to the record.

Thank you,

-danny mayfield

From: TJ Taub [swpr@swcp.com]
Sent: Thursday, November 29, 2012 9:41 PM
To: Kathy S. Holian; Liz Stefanics; ranay@santafecountynm.gov; Daniel Mayfield; Virginia Vigil
Subject: animal control

May I suggest if you're seeking additional revenues that the County stage periodic surprise blitzes in public places - parks, walkways, football fields, etc. where people walk their dogs, and fine all those whose dogs are off leash, or not under their owners voice control (most aren't). You'd make a fortune. And I might be able to start walking my dog - ALWAYS on leash - with less concern about how I am going to keep a leashed dog and an unleashed dog apart if they encounter each other. Apparently dog owners in this community have no fear that their unleashed, uncontrolled dog is going to cost them a fine. And it appears they are correct. Wish it wasn't.

TJ Taub



