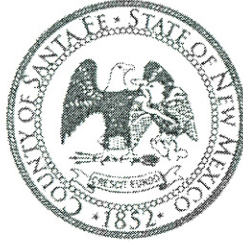


**Henry P. Roybal**  
*Commissioner, District 1*

**Anna Hansen**  
*Commissioner, District 2*

**Robert A. Anaya**  
*Commissioner, District 3*



**Anna T. Hamilton**  
*Commissioner, District 4*

**Ed Moreno**  
*Commissioner, District 5*

**Katherine Miller**  
*County Manager*

## MEMORANDUM

**DATE:** April 20, 2017

**TO:** Board of County Commissioners

**FROM:** Rachel Brown, Deputy County Attorney *RB*  
Cristella Valdez, Assistant County Attorney *CV*

**RE:** Public Hearing on an Ordinance Amending Ordinance No. 1991-6, as Amended by Ordinance No. 2017-1 to Delay the Effective Date of the Prohibition on Tethering an Unattended Dog Until January 1, 2018, and to Replace Appendix A to Ordinance No. 1991-6 Establishing Fees and Fines

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On April 11, 2017, the Board of County Commissioner (Board) authorized publication of title and general summary of an Ordinance Amending Ordinance No. 1991-6, as Amended by Ordinance No. 2017-1 to Delay the Effective Date of the Prohibition on Tethering an Unattended Dog Until January 1, 2018, and to Replace Appendix A to Ordinance No. 1991-6 Establishing Fees and Fines. There are two topics addressed through the proposed ordinance amendment.

First, the proposed ordinance amendment postpones the tethering prohibition effective date to January 1, 2018. On January 31, 2017, the Board of County Commissioners (Board) adopted Ordinance No. 2017-1, An Ordinance Amending Ordinance No. 1991-6, the Santa Fe County Animal Control Ordinance, to Increase Fees; Prohibit Fixed Point Tethering; Conform Rabies Vaccination Requirements to State Law and Regulations; Set Forth a Process for Revocation of Permits Issued; Incorporate the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6; and Establish Penalty Provisions that Comport with State Law (Ordinance No. 2017-1). The provisions in Ordinance 2017-1 that prohibit tethering do not go into effect until November 1, 2017. On March 14, 2017, through Resolution No. 2017-25, the Board established an Animal Control Ordinance Advisory Committee to develop recommendations regarding further modifications to Ordinance 1991-6 pertaining to barking and the definition of tethering. The Committee would not have enough time to meet and make recommendations regarding those matters before the tethering prohibition goes into effect. The proposed amendment to Ordinance 2017-1 will delay the effective date of the tethering prohibition until January 1, 2018, thereby

affording the Committee time to make recommendations to amend the prohibition before it is effective.

Second, the proposed ordinance amendment would again replace Appendix A, and thereby revise the fees and fines imposed to reinsert a \$10 fine and fee for a dog owner who fails to timely purchase a license for their animal. This penalty was previously imposed by Appendix A to Ordinance 1991-6 prior to the adoption of Ordinance 2017-1. The fine and fee provide necessary enforcement mechanisms for licensing requirements.

Since publication of title and general summary, no public comments regarding the proposed ordinance amendment have been received.

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

**ORDINANCE NO. 2017 – \_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 1991-6, AS AMENDED BY  
ORDINANCE NO. 2017-1, TO DELAY THE EFFECTIVE DATE OF THE  
PROHIBITION ON TETHERING AN UNATTENDED DOG UNTIL JANUARY 1,  
2018, AND TO REPLACE APPENDIX A TO ORDINANCE NO. 1991-6  
ESTABLISHING FEES AND FINES**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF  
SANTA FE COUNTY THAT ORDINANCE NO. 1991-6, AS AMENDED BY  
ORDINANCE 2017-1, IS HEREBY AMENDED AS FOLLOWS:**

**Section 1.** Appendix A is hereby replaced with the document identified as Appendix A attached hereto as Exhibit 1.

**Section 2.** Section 10 of Ordinance No. 2017-1 is hereby replaced with the following:

**“EFFECTIVE DATE.** This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9, except that Section 3 of this Ordinance shall not take effect until January 1, 2018.”

**Section 3. ORDINANCE REMAINS IN EFFECT, AS AMENDED.** Except as expressly amended hereby, Ordinance 1991-6, as amended by Ordinance No. 2017-1, remains in full force and effect.

**Section 4. EFFECTIVE DATE.** This Ordinance shall take effect thirty days after it is recorded by the County Clerk, pursuant to NMSA 1978, § 4-37-9.

**PASSED, APPROVED, AND ENACTED** this \_\_\_\_ day of \_\_\_\_\_, 2017, by the Board of County Commissioners of Santa Fe County.

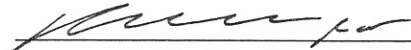
**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Henry P. Roybal, Chair

**ATTESTATION:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Gregory S. Shaffer, County Attorney

# APPENDIX A

LICENSING FEES	
Altered Dogs	\$10.00 annually
Unaltered Dogs	\$25.00 annually
Fee for Late License and/or Registration	\$10.00
Duplicate Tag	\$5.00
PERMIT FEES	
To operate a cat kennel annually	\$50.00
To operate a Kennel able to house 20 dogs or less	\$50.00
To operate all other Kennels	\$200.00
To keep an exotic animal annually	\$200.00
To keep a potentially dangerous or dangerous dog	\$200.00
IMPOUNDMENT FEES	
1 <sup>ST</sup> impoundment	\$10.00
2 <sup>nd</sup> impoundment	\$20.00
3 <sup>rd</sup> impoundment	\$40.00
4 <sup>th</sup> impoundment	\$80.00
Subsequent impoundments	The fee shall be double the previous impoundment
FEE FOR RETRIEVAL OF ANIMAL CARCASS BY ACO - \$50.00	
FINES FOR VIOLATIONS OF THIS ORDINANCE	
No License and/or Registration	\$10.00
No Rabies Vaccination	\$15.00 + proof of vaccination
Restraint of Animals/Running at Large/Trespassing/Nuisance/Disturbing the Peace	
1 <sup>st</sup> Offense in calendar year	\$25.00
2 <sup>nd</sup> Offense in calendar year	\$60.00
3 <sup>rd</sup> Offense and each offense thereafter in calendar year	\$100.00
Neglect/Care/Maintenance	

Exhibit 1



APPENDIX A

1 <sup>st</sup> Offense	\$50.00
2 <sup>nd</sup> Offense	\$200.00
3 <sup>rd</sup> Offense and each offense thereafter	\$300.00
Cruelty	
1 <sup>st</sup> Offense	\$50.00
2 <sup>nd</sup> Offense	\$200.00
3 <sup>rd</sup> Offense and each offense thereafter	\$300.00
All Other Fines	\$200.00

- a. 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



