

MEMORANDUM

TO: Board of County Commissioners

FROM: Rachel Brown, Deputy County Attorney *RB*

DATE: February 26, 2013

RE: Second 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 took place on January 29, 2013 and the second public hearing is scheduled for February 26, 2013.

Attached hereto as Exhibit A is the draft ordinance presented to the BCC on November 14, 2012 with revisions which were proposed at the January 29, 2013 meeting 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. Additional public comment has since been provided along with the feedback given by members of the public during the January 29, 2013 hearing.

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 presented at the January 29, 2013 hearing:

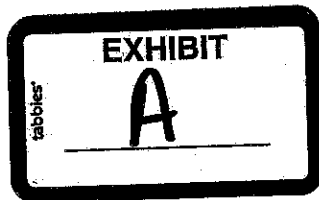
1. Both sheriff's deputies and animal control officers will have authority to enforce the ordinance;
2. The provision governing animals that bite people now comports with state law by requiring that the biting animal be quarantined for a period of ten day;
3. Dogs and cats that cannot be spayed or neutered 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 was modified prior to the January 29, 2013 hearing and that modified schedule is attached hereto as Exhibit B. The schedule was 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 was 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 the January 29, 2013 proposed modifications 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 additional written public comments received following preparation of the packet for the January 29, 2013 hearing.



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.~~ 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. ~~n 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 (~~11~~) 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 ~~J6(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 stray 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 stray 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 stray 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)(1). 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 76(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 4-41. 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 (H)(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 78(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 (G)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 premises. 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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AB. 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).

BC. 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.

CD. 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 Professional Animal Care Permit	\$200.00 annually
Grooming Parlors	\$200.00 annually
Pet Shops	\$200.00 annually
Shelters	\$200.00 annually
Guard Dog	\$200.00 annually
Managed Feral Cat Colony Permit	No charge – valid for up to two years
Individuals Maintaining More Than Ten Animals On Their Property	\$200.00 annually
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 <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

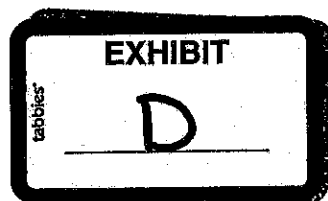
In addition to the fines due to the eCounty, the pet owner shall also be responsible for any and all boarding fees accrued at the shelter and the state spay/neuter deposit if applicable.

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
1	OFFENSE DESCRIPTION	CURRENT FEES IN COUNTY ANIMAL CONTROL ORDINANCE	PROPOSED FEES FOR NEW COUNTY ORDINANCE	CITY ANIMAL CONTROL FEES	
2	<u>Licensing</u>				
3	Unaltered Male	\$10.00 (Dogs Only)	\$100.00 annually (Dogs & Cats)	\$100.00 annually (Dogs & Cats)	
4	Unaltered Female	\$10.00 (Dogs Only)	\$100.00 annually (Dogs & Cats)	\$100.00 annually (Dogs & Cats)	
5	Altered Male	\$3.00 (Dogs Only)	\$8.00 annually (Dogs & Cats)	\$8.00 annually (Dogs & Cats)	
6	Altered Female	\$3.00 (Dogs Only)	\$8.00 annually (Dogs & Cats)	\$8.00 annually (Dogs & Cats)	
7	Duplicate Tags	\$5.00 (Dogs Only)	\$3.00 (Dogs & Cats)	\$3.00 (Dogs & Cats)	
8					
9	<u>Permit Fees</u>				
10	Kennels	\$50.00 (Cats Kennel Per Year)	\$200.00 annually	\$250.00 annually	
11		\$50.00 (House 20 Dogs or Less)	\$200.00 annually Grooming Parlors	\$250.00 annually	
12		\$200.00 All other Kennels	\$200.00 annually Pet Shops	\$250.00 annually	
13			\$200.00 annually Shelters	\$250.00 annually	
14			\$200.00 annually Guard Dogs	\$250.00 annually	
15	Managed Feral Cat Colony		\$200 every two years		
16	More than ten animals		\$200 annually		
17	Exotic Animals	\$200.00 per year, up to	\$200.00 annually Wild & Exotic	\$250.00 annually	
18	Breeding		\$125.00 annually per breeding animal	\$125.00 annually per breeding animal	
19	Circus and Animal Acts		\$250.00 each series of consecutive events in Santa Fe County	\$250.00	
20	Litter		\$25.00 per litter	\$25.00 per litter	
21					
22	<u>Impoundment Fees</u>				
23	Per Offense Dogs	\$15.00	\$10.00 1st Impoundment	\$10.00 1st Impoundment in 12-month period	
24	Per Offense Cats	\$10.00	\$20.00 2nd Impoundment	\$20.00 2nd Impoundment in 12-month period	
25			\$40.00 3rd Impoundment	\$40.00 3rd Impoundment in 12-month period	
26			\$80.00 4th Impoundment	\$80.00 4th Impoundment in 12-month period	
27			subsequent Impoundment in 12 month period, the fee shall double.	subsequent Impoundment in 12 month period, the fee shall double	
28	Fee for Retrieval of Animal Carcass by ACO	\$50.00	\$100.00		
29					
30	<u>Fines for Violations Of This Ordinance</u>				
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 subsequent	
35			Refer to Court 4th Offense	3rd in 36-month period or subsequent	
36	Harboring an Animal that has Bitten		\$300.00	\$500.00 and/or up to 90 days in jail	
37			Unaltered Animal Altered Animal	Unaltered Animal Altered Animal	
38	Running At Large (Old Provisions)	\$25.00 1st Offense in a calendar year	\$50.00 1st Offense \$25.00 1st Offense	\$50.00 1st conviction \$25.00 1st conviction	
39	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	
40		\$100.00 3rd Offense in a calendar year	\$250.00 3rd Offense \$125.00 3rd Offense	\$250.00 3rd conviction \$125.00 3rd conviction	
41			\$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	
42			Refer to Court 5th Offense Refer to Court 5th Offense		
43			Unaltered Animal Altered Animal	Unaltered Animal Altered Animal	
44	No Animal License	\$10.00 Dogs Only	\$100.00 1st Offense \$25.00 1st Offense	\$100.00 1st conviction \$25.00 1st conviction	
45			\$200.00 2nd Offense \$50.00 2nd Offense	\$200.00 2nd conviction \$50.00 2nd conviction	
46			\$300.00 3rd Offense \$100.00 3rd Offense	\$300.00 3rd conviction \$100.00 3rd conviction	
47			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	
48					
49	<u>Permit Violations</u>				
50	1st Offense		\$100.00	\$100.00 in a 12-month period	
51	2nd Offense		\$250.00	\$250.00 in a 12-month period	
52	3rd Offense		Refer to Court	\$400.00 in a 12-month period	
53	4th Offense			\$500.00 and/or up to 90 days in jail. Upon conviction, revocation of permit as set forth	
54					
55	<u>Animals Disturbing the Peace</u>				
56	1st Offense	\$25.00 in a calendar year	Refer to Court	Referred to Municipal Court	
57	2nd Offense	\$60.00 in a calendar year	Refer to Court	Referred to Municipal Court	
58	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 1997 and file a lawsuit in district court.	
59					
60	<u>Nuisance</u>				
61	1st Offense	\$25.00 in a calendar year	\$75.00	\$75.00	
62	2nd Offense	\$60.00 in a calendar year	\$150.00	\$150.00	
63	3rd Offense	\$100.00 in a calendar year	\$300.00	\$300.00	
64	4th Offense		Refer to Court	\$500.00 and/or up to 90 days in jail	
65					
66	<u>Unlawful Use Of Tags</u>		\$100.00 or refer to Court	\$100.00	
67					
68	<u>Confining Animals in or upon a Motor Vehicle</u>				
69	1st Offense		\$100.00	\$100.00 in a 12-month period	
70	2nd Offense		\$200.00	\$200.00 in a 12-month period	
71	3rd Offense		\$300.00	\$500.00 and/or up to 90 days in jail	
72	4th Offense		Refer to Court	Court Action	
73	<u>Cruelty (Physical Abuse)</u>				
74	1st Offense	\$50.00	Refer to Court	Court Action	
75	2nd Offense	\$200.00			
76	3rd Offense or more (up to)	\$500.00			
77	<u>Neglect, Care and Maintenance</u>				
78	1st Offense	\$50.00	\$150.00	\$150.00	
79	2nd Offense	\$200.00 (up to)	\$250.00	\$250.00	
80	3rd Offense or more (up to)	\$500.00	\$300.00	\$500.00 and/or up to	
81	4th Offense		Refer to Court		
82	<u>Abandonment</u>				
83	1st Offense		\$100.00	\$200.00	
84	2nd Offense		Refer to Court		
85	Poisoning		Refer to Court	Court Action	
86	Animal Fights		Refer to Court	Court Action	
87					



Rachel A. Brown

From: Daniel Mayfield
Sent: Monday, February 11, 2013 5:04 PM
To: Lucy Cornwell
Cc: Stephen C. Ross; Rachel A. Brown
Subject: RE: Proposed county animal control ordinance (please put on record)

Ms. Cornwell,

Thank you for your comments they will be included into the record.

-Danny Mayfield

From: Lucy Cornwell [lmcornwell@gmail.com]
Sent: Monday, February 11, 2013 12:15 PM
To: Daniel Mayfield
Subject: Proposed county animal control ordinance (please put on record)

Hi Danny,

It was a delight meeting you last week at Ed Maez's house, and I really appreciate the attention and energy you are giving as commissioner for our district. Below is a draft of some thoughts I've had after perusing the proposed animal ordinance. Please feel free to contact me with any questions about the issues. I may write again to add some of the other concerns I've been hearing from other pet owners. Meanwhile please forward this version to the committee members, other council members, or whomever you think will insist upon a more reasonable ordinance (or tabling it altogether). As it stands, I feel quite sure that the proposed ordinance will not net higher revenues, but will result in higher euthanasia numbers which will reflect poorly on the county.

Thanks for your willingness to hear the voice of your constituency.

Lucy Cornwell

To Whom it May Concern:

In reading the 38 page proposed new animal ordinance for Santa Fe County I am struck by the amount of time that was put into its creation without enough consideration of broader consequences. The county's emulation of the city ordinance is not realistic for the rural area and lifestyles the county includes. The overall theme of greater financial penalty to those who violate the amped-up ordinance may not really add up to a better life for Santa Fe County's animals. Or make more money for Santa Fe County. The very people who should most frequently be cited are those least likely to be able to pay the fines. The idea that these fines should foot the some of the county's bills and/or the increased cost of animal control services required to enforce the ordinance is not realistic, or in the service of improved animal welfare. In this economy, choosing to pay hefty fines they can't afford (if they chose not to afford fencing or neutering) will be harder and harder. More people will be more likely leave their pets to the fate of our already over-populated shelters. This would then incur greater expense to the shelters, housing and adopting out more pets; or the need to euthanize and cremate those who do not get re-homed. With this ordinance, the prospect of adopting a pet --even for responsible owners-- looks a bit more daunting, and could result in less adoptions from shelters to make a bad problem even worse.

A few specific items in the ordinance that seem problematic:

Requiring dogs to be leashed at all times when not contained, except in dog parks. ...Many of us who live in the less urban open spaces of the county live here in order to be able to exercise our dogs in arroyos, on forest trails, or BLM lands. Especially for larger dogs (or less athletic owners) getting a daily off-leash run with owner under voice command is a realistic way

for good health and behavioral balance. Also, training for herding, flyball, and some obedience/protection work requires being off leash, or using very long leads. In that there are no dog parks outside Santa Fe, the carbon pawprint of a rural dog needing some off leash time starts to get very big if that means driving into Santa Fe. Does the county wish to budget in a number of fully-contained off leash dog parks outside Santa Fe for their new program?

Requiring a property owner to foot the bill to humanely care for feral cats that have taken up residence seems like a policy that may invite more negligence. A small county subsidy for the organizations that know how to stabilize colonies and educate people on feral colony maintenance would be a more streamlined approach to sensibly control the growing problem before it becomes unmanageable.

Also, I object to the unwillingness to recognise a documentation of antibody blood titer as a valid indication of rabies protection. Any pet owner willing to foot the considerable expense of a blood titer is probably doing so for a valid reason of vaccination sensitivity, old age, and/or overall concern for their pet's health. These are not the people to worry about.

As a former board member of the Espanola Valley Humane Society I am unfortunately aware of the statistics for intake and euthanasia, and the budgets of our local shelters. I am also aware that it has not always been easy for the EVHS shelter (in Rio Arriba) to obtain an adequate (or timely) subsidy from Santa Fe County to cover the cost of receiving animals brought in from Northern Santa Fe County (Tesuque, Pojoaque Valley, etc.) Taking full responsibility to understand the overall impact, and to support the non-profit shelters that contract to do the actual work generated by the county animal services must be part of the overview in enforcing more animal ordinances. Looking at animal control infractions from the angle of revenue generation is short-sighted and the county will not be serving its people or animals.

If the amount of time and energy spent on this piece of ordinance could be devoted to creating more community humane education programs to encourage spay and neuter and responsible pet stewardship, the county would be supporting humane animal care in its communities. This ordinance will not achieve that end.

Lucy Cornwell
(29B Old Callejon Road, Santa

Fe, NM 87506)

Rachel A. Brown

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 4:45 AM
To: Stephen C. Ross; Rachel A. Brown
Cc: Juan R. Rios
Subject: FW: Draft animal control ordinance
Attachments: County_Commissioners_Animal_Control_ltr.docx

For the record.

Thanks,

-Danny M.

From: jndlcrensh@aol.com [jndlcrensh@aol.com]
Sent: Tuesday, January 29, 2013 2:37 PM
To: Kathy S. Holian; Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Liz Stefanics
Subject: Draft animal control ordinance

Dear commissioners,

I had hoped to personally attend this evening's hearing on the draft county animal control ordinance, but a scheduling conflict makes that impossible. I have instead attached a letter expressing my suggestions and concerns, in hopes that the comments may be helpful. I have attempted humor in a place or two, but in seriousness hope that comments are looked at and given consideration.

I appreciate the work of Commissioner Holian and others on the drafting committee; such tasks are always demanding and sometimes thankless: So, Thank You.

I appreciate your time, effort and service.

Sincerely,

John Crenshaw
Santa Fe

Rachel A. Brown

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 5:03 AM
To: Stephen C. Ross; Rachel A. Brown
Cc: Juan R. Rios
Subject: FW: Animal Control Ordinance Public Hearing
Attachments: Feral Cats and the Public - A Healthy Relationship.pdf

For the record.

Thank you,

-Danny M.

From: Liz Holtz [EHoltz@alleycat.org]
Sent: Wednesday, January 30, 2013 10:18 AM
To: Daniel Mayfield
Cc: Juan R. Rios
Subject: Animal Control Ordinance Public Hearing

Dear Commissioner Mayfield,

I am the staff attorney at Alley Cat Allies, and I viewed the public hearing last night via the live webcast. I really appreciated your questions and comments. I hope that we can work together to make the section on feral cat colonies something that Santa Fe County can be proud of. I also wanted to send you more information about the public health and feral cats. Feral cats are safe members of our communities. I've attached one of Alley Cat Allies' documents debunking the myths about feral cats, but I also thought you might want to see a third party source. The Center for Disease Control confirms our information regarding Toxoplasmosis (the illness mentioned by the gentleman representing the local Audubon Society)
<http://www.cdc.gov/parasites/toxoplasmosis/>.

The most common cause of transmission is from eating undercooked meat.

Please contact me if you have any questions or would like to discuss any of these issues further.

Best,

Elizabeth Holtz
Staff Attorney

Alley Cat Allies
7920 Norfolk Ave. Suite 600
Bethesda, MD 20814-2525
www.alleycat.org<blocked::http://www.alleycat.org/>
Tel: 240-482-1997
Fax: 240-482-1990



Research

Fact Sheet

FERAL CATS AND THE PUBLIC— A HEALTHY RELATIONSHIP

THE SCIENCE BEHIND WHY FERAL CATS ARE SAFE MEMBERS OF OUR COMMUNITIES

Public health policies all over the country reflect the scientific evidence: feral cats live healthy lives outdoors and don't spread disease to people. But, advocates of catch and kill programs continue to justify this cruel practice by insisting that feral cats represent a threat to public health because they do spread disease. "There's simply no evidence to back up these claims," says Deborah L. Ackerman, M.S., Ph.D., an adjunct associate professor of epidemiology at UCLA School of Public Health.

More and more, public health officials are embracing Trap-Neuter-Return for feral cats and replacing outdated policies based on unfounded fears.

"I'm not a cat or animal lover," says Ron Cash, director of the Atlantic City Department of Health and Human Services, "But I believe the complaints and hysteria about disease as result of feral cats are overblown."

Most diseases that infect cats can only be spread from cat to cat, not from cat to human. You are much more likely to catch an infectious disease from the person standing in line with you at the grocery store than from a cat.¹ In fact, a 2002 review of cat-associated diseases published in the *Archives of Internal Medicine* concluded that, "cats should not be thought of as vectors for disease transmission."²

Infectious diseases can only spread from cats to humans via direct contact with either the cat or its feces, and feral cats typically avoid humans. Statistics from the Centers for Disease Control and Prevention (CDC) show that cats are rarely a

source of disease, and that it is unlikely for anyone to get sick from touching or owning a cat.³ "Feral cats pose even less risk to public health than pet cats because they have minimal human contact, and any contact that does occur is almost always initiated by the person," says Ackerman.

Science Shows Feral Cat Colonies Pose No Disease Risk to Humans

The health risks that catch and kill advocates most often blame on cats are intestinal parasites, rabies, flea-borne typhus, and toxoplasmosis. Yet the spread of these diseases has never been conclusively linked to feral cats.

Parasites are Species Specific

Ackerman says that the risk of catching an intestinal parasite like *Cryptosporidium* and *Giardia* from cats has been vastly over-hyped. Molecular studies show that these parasites are

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usually species specific—meaning that the type that infects cats does not infect humans—and “some studies even suggest that cats and other animals are more likely to catch these parasites from humans than vice-versa,” according to Ackerman.

No Danger From Rabies

The notion that stray cats spread rabies is another empty argument used by advocates of catch and kill programs, says Ackerman. The last confirmed cat-to-human transmission of rabies occurred in 1975 and the risk of catching rabies from a feral cat is almost non-existent. Statistics from the CDC show that as a source of rabies infections, cats rank way behind wild animals like bats, skunks, and foxes who account for more than 90% of reported cases of the disease.⁴

And, Trap-Neuter-Return is a safeguard against rabies, because “the vaccination component of TNR programs ensures that the cats in managed colonies cannot catch or spread rabies,” says Ackerman.

Even in the unlikely event that a feral cat develops rabies, it can't spread the disease to people without biting them, and feral cats rarely seek direct contact with humans. The idea that cats will unexpectedly jump out of alleys and bite children is just as ridiculous as it sounds. A 1998 analysis showed that about 90% of cat bites were provoked, and the vast majority of cat bites are caused by pets.⁵

Cash says that since Atlantic City began its TNR program, he hasn't had a single complaint about feral cat bites or scratches. Learn more about why feral cats do not spread rabies at www.alleycat.org/PublicHealthVictory.

Flea-borne Typhus is Rare and Cats Don't Play a Part in the Fleas Arrival or Growth

Flea-borne typhus is another infectious disease sometimes erroneously blamed on feral cats. The disease is caused by Rickettsia bacteria that infect fleas, and most U.S. cases occur in Texas, Hawaii, and California. Although infected fleas may hitch a ride on feral cats, the chance of becoming infected with flea-borne typhus via a feral cat is extremely low. In fact, Ackerman says, “flea-borne typhus is rare even in areas such as Southern California, where the disease is endemic.” For instance, in 2009, Orange County, California reported 12 cases of flea-borne typhus out of a population of 3 million residents⁶,

making the chance of infection just 1 in 250,000—about the same as the risk of being hit by an asteroid.⁷

Removing cats does not halt the spread of flea-borne typhus, because cats don't spread the disease—the fleas themselves do. Cats are merely a host for fleas and if the cats are eliminated, the fleas simply find another host like squirrels and raccoons. “Fleas are very versatile. They live on cats, dogs, opossums, rats, and mice,” Ackerman says.

For this reason, public health officials in Texas, where flea-borne typhus is endemic, have focused their efforts on controlling fleas, rather than their hosts. Outbreaks are rarely traced to cats. In 2008, the CDC and Texas health authorities examining a cluster of flea-borne typhus in Austin found the Rickettsia bacteria in only 18% of cats, as compared to 44% of dogs and 71% of opossums, near the homes of people infected with the disease.⁸

Most Cases of Toxoplasmosis Stem from Undercooked Food, Not Cats

Catch and kill advocates sometimes argue for killing feral cats because they can transmit toxoplasmosis, a parasitic disease that spreads via *Toxoplasma* oocysts shed in the feces of an infected animal. But studies show that the overwhelming majority of toxoplasmosis cases actually result from eating undercooked meat. According to CDC statistics, toxoplasmosis is the third leading cause of food-borne illness-related death in the U.S.⁹

Pregnant women and their fetuses face a higher risk from the disease—a fact that catch and kill advocates often abuse to incite public paranoia—but a study published in the *Archives of Internal Medicine* in 2002 concluded that pregnant women were unlikely to catch toxoplasmosis from a cat.¹⁰

It's rare for anyone to catch toxoplasmosis from a household pet (cats are not the only carriers; dogs, birds, and other mammals can also carry the parasite), let alone a feral cat with whom they have no contact. Even if a cat is infected with *Toxoplasma*, it typically only sheds the disease-spreading oocysts for a few weeks. To catch an infection, a person would need to have direct contact with these infected feces. Most people go out of their way to avoid touching the contents of their pet cat's litter box, and they're even less likely to touch feral cat feces. In other words, even if a feral cat leaves feces in your garden, you would need to touch it and then somehow ingest the feces to get toxoplasmosis.

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Colony Caregivers are as Healthy as Everyone Else

Maybe the best proof that feral cats pose no health risk to people is that feral cat caregivers are healthy. “If feral cats transmitted disease to humans,” says Ackerman, “colony caregivers, who spend more time around feral cats than most people, would experience a heightened rate of disease, and this simply isn’t the case.”

None of the many caregivers she’s interviewed have ever reported becoming sick from their work with feral cats. No study has ever shown that colony caregivers have any increased risk of disease, despite their regular contact with feral colonies.



Catch and Kill Doesn’t Improve Public Health

“Catch and kill policies are fear-based and rely on old wives’ tales and flawed research to justify prejudice against cats,” says Ackerman. Removing feral cats is never a sustainable solution, because that only opens up new territory for other feral cats to use. (Learn more about this vacuum effect at www.alleycat.org/VacuumEffect.) According to Ackerman, there’s absolutely no evidence that catch and kill policies reduce the incidence of human disease.

Trap-Neuter-Return Programs Protect Public Health and Prevent the Spread of Disease

Trap-Neuter-Return programs help to stabilize feral cat populations, and the vaccination component ensures that cats are protected against disease. These programs also allow cat caregivers and public health officials to monitor the health of cats

in the community and ensure that they’re immunized—and that “protects the health of cats and humans alike,” says Cash. Catch and kill programs offer no such similar benefits, because cats are simply removed without regard to their health.

“TNR is good public health policy,” says Cash. Atlantic City has been collaborating with Alley Cat Allies for the past ten years to manage feral cat colonies under the city’s famous boardwalk. The TNR program that Atlantic City developed with Alley Cat Allies has never posed any health problems to the community, says Cash.

“Before our relationship with Alley Cat Allies, I was getting numerous complaints about feral cats,” he said. But since Alley Cat Allies began managing these colonies with TNR, the problems have ceased entirely, he says. “The [cat] population that’s here is much healthier,” says Cash. “They’re coexisting with people very well now. Most people don’t even know the cats are there.”

While catch and kill advocates cling to outdated thinking and hyped-up stories, the people studying, teaching, and defending public health recognize that feral cats do not spread disease to people. Policies based on fear, hype, and hysteria serve neither the public nor the cats, and will only end in more cats being killed.

Instead, feral cat policies should reflect the science and the facts—feral cats are healthy animals. From a public health standpoint as well as a humane one, the best approach for feral cats is Trap-Neuter-Return because it benefits the cats and the community.

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FERAL CATS AND THE PUBLIC—A HEALTHY RELATIONSHIP, page 4 of 4

¹ American Association of Feline Practitioners and the Cornell Feline Health Center, Cornell University, College of Veterinary Medicine. *Zoonotic Disease: What Can I Catch From My Cat?* 2002.

² Kravetz, Jeffrey D., and Daniel G. Federman. "Cat-Associated Zoonoses." *Arch. Intern Med* 162, no. 17 (2002): 1945-1952.

³ Centers for Disease Control and Prevention. *Diseases from Cats*. July 28, 2010. <http://www.cdc.gov/healthypets/animals/cats.htm> (accessed October 25, 2010).

⁴ Centers for Disease Control and Prevention. *Rabies - Epidemiology*. September 18, 2007. <http://www.cdc.gov/rabies/epidemiology.html>.

⁵ Patrick, G.R., and KM O'Rourke. "Dog and Cat Bites: Epidemiologic Analyses Suggest Different Prevention Strategies." *Public Health Report*, 1998: 252-257.

⁶ *Notifiable Diseases in Animals: Joint Meeting of the CCLHO Communicable Disease Control and Environmental Health Committees*, April 15 (2010) (written statement of Deborah L. Ackerman, M.S., Ph.D., Adjunct Associate Professor of Epidemiology, UCLA School of Public Health on Free-Roaming Cats and the Public Health).

⁷ Britt, Robert Roy. *The Odds of Dying*. January 5, 2005. http://www.livescience.com/environment/050106_odds_of_dying.html (accessed October 25, 2010).

⁸ Adjemian, Jennifer, et al. "Murine Typhus in Austin, Texas, USA, 2008." *Emerging Infectious Diseases*, 2010: 412-417.

⁹ Centers Centers for Disease Control and Prevention. *Toxoplasmosis*. January 11, 2008. <http://www.cdc.gov/toxoplasmosis/> (accessed October 25, 2010).

¹⁰ American American Association of Feline Practitioners and the Cornell Feline Health Center, Cornell University, College of Veterinary Medicine. *Zoonotic Disease: What Can I Catch from My Cat?* 2002.

Rachel A. Brown

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 5:31 AM
To: Stephen C. Ross; Rachel A. Brown
Subject: FW: Anti-Tethering Ordinance

For the record.

Thank you,

-Danny M.

From: Karen H [khackey@gmail.com]
Sent: Wednesday, January 30, 2013 8:12 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Kathy S. Holian; Liz Stefanics
Subject: Anti-Tethering Ordinance

Dear Santa Fe County Commissioners,

Please pass an anti-tethering ordinance for Santa Fe County. You will set the pace for the rest of New Mexico and make life better for so many animals who are tethered & forgotten. Maybe it will make people stop taking in dogs that they really don't want or have time for. It's not fair for local dog/cat fosters, rescuers & shelters to have to bear the burden for others who are lazy and irresponsible for their animals. Thank you for considering my request to ban tethering in Santa Fe County.

Sincerely,

Karen Hackey

5157 Silver King Rd.

Las Cruces, NM 88011

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"The most common trait of all primitive peoples is a reverence for the life-giving earth, and the Native American shared this elemental ethic: The land was alive to his loving touch, and he, its son, was brother to all creatures."

~Stewart Udall~

Rachel A. Brown

From: Kate Ellenwood [kate@glorykennel.com]
Sent: Monday, February 04, 2013 1:30 PM
To: Rachel A. Brown
Subject: RE: Dog licensing fees in Santa Fe County
Attachments: Chance license bill.pdf; Libby License Bill.pdf

Ms. Brown-

Thank you for your quick response. I appreciated the information.

I will tell you that the bills (I am attaching Chance's for your information) did not in any way indicate that the fee charged was something other than a license fee, as opposed to any administrative fee. And it is certainly unreasonable that there would be a \$90.00 administrative fee tacked on to a \$10.00 license fee. In addition, the bill for Libby (also attached) was for the new fee of \$8.00 and also did not indicate any administrative fee. It would be odd that the "administrative fees" would just happen to equal the amount of the new fee schedule.

Unfortunately, my husband and I paid the bill as issued since our current licenses expire on February 21, 2013, so I will now have to get our money refunded, which I am sure will not be an easy task.

I am hoping to make the public hearing on February 12, 2013. I did receive a call from Commissioner Holian and we chatted a bit about the proposal. One of my suggestions to her was to try and discover why people do not license their dogs. The vast majority of dogs are not licensed and my husband and I have inquired of people we know, educated people who have the resources to pay the licensing fees, and we were shocked to learn that none of them have licensed their dogs. Many of the comments included that they did not need to since their dogs do not run free. Others indicated they did not even know how to go about it. Obviously there is a misunderstanding of the requirement as well as information on how to go about the licensing. If there was greater compliance with the licensing law, the Animal Shelter would have far more funds to run their facility.

Thank you again for your assistance.

Kate Ellenwood
505-470-6313
kate@glorykennel.com

_____ Information from ESET Smart Security, version of virus signature database 7970 (20130204)

The message was checked by ESET Smart Security.

<http://www.eset.com>



Santa Fe Animal Shelter
Licensing Department
100 Caja Del Rio Road
Santa Fe, NM 87507

W. A. ELLENWOOD
PO BOX 310
GLORIETA, NM 87535

Important information:

Please contact the Licensing Department of the Santa Fe Animal Shelter if Chance is no longer on the property or is deceased. It is required by law that Chance wears the license tag.

After 03/23/2013 a penalty fee of \$20 will be assessed.
Pet License Fees: Altered \$8/yr Un-altered \$100/yr

City licenses can be purchased for 1-3 years.
License fees are subject to change.
For questions, call 505-983-4309 ext. 606
licensing@sffhumanesociety.org

Hi W. A.,
It's time to renew Chance's license. To help you along in this process we have provided all the information we have for Chance below. Please make any necessary corrections in the space provided.

1. Make sure that Chance's rabies vaccine is still valid. If necessary, submit a photocopy* of a new one.
2. Return the bottom portion of this letter and payment** for the license to:

Santa Fe Animal Shelter
Licensing Department
100 Caja del Rio Road
Santa Fe, NM 87507

Please allow 2-3 weeks to receive Chance's updated license certificate.

*You can obtain a rabies certificate from your veterinarian. Please don't send your original rabies certificate.

**Please don't send cash! Payment by check, money order or credit card is best. Make checks payable to the Santa Fe Animal Shelter.

For low-cost vaccinations or spay/neuter procedures, please contact the Spay/Neuter & Wellness Clinic at 505-474-6422.

Owner	W. A. ELLENWOOD	Pet Name	CHANCE	License Tag Number	LSF-005921
Address	2610044242 PO BOX 310 GLORIETA, NM 87535	Color	BLUE MERLE	License Type	County
		Breed	AUST CATTLE DOG	License Expires	02/21/2013
Phone	470-6308 (505) 757-2589	Age	1 Yr, 1 Mo	Rabies Vaccine Expires	01/13/2014
		Sex	Intact Male		

Credit Card Visa Discover Amex Master Card

Amount Due \$100

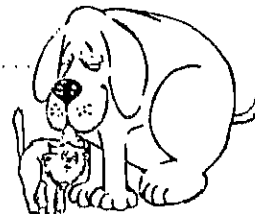
Credit Card # _____ Expiration Date _____ Billing Zip _____

Signature of Card Holder _____

Date _____

I would like to add a donation in the amount of \$1, \$5, \$10, or other \$ _____ to my renewal fee to help the Santa Fe Animal Shelter save lives.

P037585 A055314





Santa Fe Animal Shelter
Licensing Department
100 Caja Del Rio Road
Santa Fe, NM 87507

W. A. ELLENWOOD
PO BOX 310
GLORIETA, NM 87535

Important information:

Please contact the Licensing Department of the Santa Fe Animal Shelter if Liberty is no longer on the property or is deceased. It is required by law that Liberty wears the license tag.

After 03/23/2013 a penalty fee of \$20 will be assessed.
Pet License Fees: Altered \$8/yr Un-altered \$100/yr

City licenses can be purchased for 1-3 years.
License fees are subject to change.
For questions, call 505-983-4309 ext. 606
licensing@sffhumanesociety.org

Hi W. A.,
It's time to renew Liberty's license. To help you along in this process we have provided all the information we have for Liberty below. Please make any necessary corrections in the space provided.

1. Make sure that Liberty's rabies vaccine is still valid. If necessary, submit a photocopy* of a new one.
2. Return the bottom portion of this letter and payment** for the license to:

Santa Fe Animal Shelter
Licensing Department
100 Caja del Rio Road
Santa Fe, NM 87507

Please allow 2-3 weeks to receive Liberty's updated license certificate.

*You can obtain a rabies certificate from your veterinarian. Please don't send your original rabies certificate.

**Please don't send cash! Payment by check, money order or credit card is best. Make checks payable to the Santa Fe Animal Shelter.

For low-cost vaccinations or spay/neuter procedures, please contact the Spay/Neuter & Wellness Clinic at 505-474-6422.

Owner	W. A. ELLENWOOD	Pet Name	LIBERTY	License Tag Number	LSF-005923
Address	2610tyhane PO BOX 310 GLORIETA, NM 87535	Color	BLUE MERLE	License Type	County
		Breed	AUST CATTLE DOG	License Expires	02/21/2013
Phone	470-6308 (505)-737-2589	Age	7 Yr, 11 Mo	Rabies Vaccine Expires	11/08/2014
		Sex	Spayed Female		

Credit Card Visa Discover Amex Master Card

Amount Due \$8

Credit Card # _____

Expiration Date _____

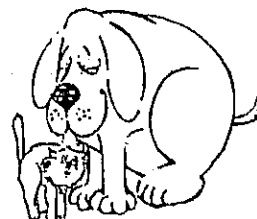
Billing Zip _____

Signature of Card Holder _____

Date _____

I would like to add a donation in the amount of \$1, \$5, \$10, or other \$ _____ to my renewal fee to help the Santa Fe Animal Shelter save lives.

P037585 A055311



From: Daniel Mayfield
Sent: Saturday, February 02, 2013 5:34 AM
To: Stephen C. Ross; Rachel A. Brown
Cc: Juan R. Rios
Subject: FW: Change in fee to SF County Dog licenses--What happened to the public hearings?

For the record.

Thank you,

-Danny M.

From: Kate Ellenwood [kate@glorykennel.com]
Sent: Thursday, January 31, 2013 6:05 PM
To: Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Liz Stefanics
Cc: Kathy S. Holian
Subject: Change in fee to SF County Dog licenses--What happened to the public hearings?

In December, 2012, I sent the below message to Kathy Holian, the District 4 commissioner. I decided to send it on to the remaining commissioners as well, since you all have a vote.

My understanding was that this fee change would be subject to two public hearings, and as Ms. Holian said to me in an e-mail "all the people who want to speak will be able to give input." I was not available for the first public hearing on January 29, 2013 and intended to appear at the 2nd public hearing. So imagine my surprise when the license bills for 2013 appeared in our mail, already indicating the NEW license fees even though they have not yet been passed and finalized by the County Commission. The bills were postmarked January 23, 2013, which was 6 days BEFORE the first public hearing.

I wonder why you are even having the public hearings, if the new fees are already a forgone conclusion?

Obviously you have decided that you will get the money from the people who follow the law, no matter its fairness and continue to let those that do not register their animals off the hook while they play the odds that their dogs will never be picked up. And if they are, they will never claim them, they will just get another unlicensed dog. Do you really think that the people who do not pay the current \$10.00 fee, will now pay \$100.00? If so, you really do not have a good grasp on the reality of life in Santa Fe County.

So will you decide next year you need more money and then charge \$500 per dog to license them?

As a lawyer, I will follow the law, but I have to tell you how you went about this really stinks. I would like to believe that government is fair and the way we go about passing new laws allows for people to be heard and your decisions to be affected by the people who elected you. Sadly, I was wrong.

I am writing to state my opposition to the Commissioner's proposal to raise license fees on unneutered dogs from \$10.00 to \$100.00 per dog. This tenfold increase is unfair and unwarranted, placing the burden of supporting the animal shelter on the "few" people in the county who actually pay their license fee, and are responsible dog owners, as opposed to the many who do not spay or neuter their dogs, let their dogs run free and do not license their dogs.

The answer "we need more money" is not a good one. As a lawyer, I would never think of raising my fees tenfold because "I need more money." I could understand if you doubled your fee from \$10.00 to \$20.00, but tenfold? That is unacceptable.

My husband and I own four Australian Cattle Dogs. They are all licensed. One dog is neutered, the others are not. So we are now facing fees of \$308.00 to license our dogs under your proposal. So your answer may be well spay and neuter them and you will not have to pay so much. No, that is not a good answer. We show our dogs and enjoy doing it. We cannot show an altered dog, except in very limited circumstances. It is a hobby we enjoy. Your proposal will make this more difficult and unfairly burden us with the cost of supporting animal control.

We are not a puppy mill. We bred our oldest bitch one time, and we placed all three puppies in very good homes. We know for a fact the people still have the dogs and they are licensed, but in Colorado where they live. Their fees are \$10.00 for an altered dog and \$25.00 for an unaltered dog.

If you placed your energy in enforcing the current license law against the people who do not license their dogs, that would produce your much needed revenue. My guess would be that the vast majority of dog owners do not license their dogs. This is unacceptable. We live in Glorieta and there are often packs of dogs running the streets and threatening those who walk the streets. Most likely these dogs are not spayed and neutered and produce unwanted puppies that are then dumped on the streets or at the animal shelter. Enforce the law against these people.

Certainly other funds can be found to help support the animal shelter and animal control, in addition to a reasonable increase to license fees. My understanding is that each commissioner has a "discretionary" fund to do with what they want, perhaps some of that money could be donated to animal control.

Do not assume that people in our position will blindly pay this unfair and onerous fee. Most people who show dogs have co-owners, allowing the dogs to be licensed in the state of the co-owner. Unfortunately some will chose not to license their dogs rather than to pay \$100.00. So instead of getting \$20.00, you will get nothing.

I do not mind paying my fair share, but I truly resent paying more because other people will not follow the law. Enforce the current law, don't punish those who are following it.

Kate Ellenwood
2 Glory Lane
Glorieta, NM 87535
505-470-6313
kate@glorykennel.com<mailto:kate@glorykennel.com>

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<http://www.eset.com>

Rachel A. Brown

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 5:42 AM
To: Stephen C. Ross; Rachel A. Brown
Cc: Juan R. Rios
Subject: FW: Animal ordinances

For the record.

Thank you,

-Danny M.

From: Cjbwilliams@aol.com [Cjbwilliams@aol.com]
Sent: Monday, January 28, 2013 3:22 PM
To: Daniel Mayfield
Subject: Animal ordinances

I have a concern regarding line 68 of the proposed ordinance fee structure. I have cats and during many months of the year in Santa Fe I could leave my cats in my car without doing them any harm. (They are a desert animal and can tolerate high temperatures, or low temperatures, without harming them.) I have done so in the past and would object to someone saying I was putting the animal at risk. Although I don't own dogs, I have many times seen dogs left in the car while the owner runs an errand, i.e. dropping a package off at the post office, dropping by a restaurant to pick up take-out, a quick stop at a grocery or drug store. I don't believe this activity warrants a \$100 fine.

Thank you for considering this line-item.

Carol Williams

Rachel A. Brown

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 5:44 AM
To: Stephen C. Ross; Rachel A. Brown
Cc: Juan R. Rios
Subject: FW: Santa Fe County Animal Ordinance

For the record.

Thank you,

-Danny M.

From: Cindy Katz [cindykatz28@yahoo.com]
Sent: Monday, January 28, 2013 2:49 PM
To: Daniel Mayfield
Subject: Santa Fe County Animal Ordinance

Danny: We cannot attend your commission meeting tomorrow evening, but John Gordnier and Cindy Katz support the County Animal Controll Ordinance and applaud the county for their actions.

Rachel A. Brown

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 6:28 AM
To: Stephen C. Ross; Rachel A. Brown
Cc: Juan R. Rios
Subject: FW: ordinances for Jan. 29 session, 2013

For the record.

Thank you,

-Danny M.

From: colleen dougherty [apainterand5cats@yahoo.com]
Sent: Monday, January 28, 2013 9:36 PM
To: Daniel Mayfield
Subject: ordinances for Jan. 29 session, 2013

Dear Mr. Mayfield,

I hope you will support, as I do, the proposed changes to the animal welfare laws in Santa Fe. As a former SF animal shelter employee (over 5 1/2 years) I know that these two proposals will benefit the community, the shelter and the animals. I'm sure you are aware of all the good, dedicated and pro-active work that is done by the shelter staff every day. Passage of these ordinances will be a positive step forward in helping with the day to day efforts of these dedicated people, and will also show the community and the nation that we walk our talk, that we have vision, and that we care about all life. Please share these thoughts with your fellow commissioners, and please encourage all of them to support these measures on behalf of everyone involved - two and four. Thank you, Sir!

Most Sincerely,
Colleen Dougherty

From: Stephen C. Ross
Sent: Monday, February 04, 2013 10:19 AM
To: Rachel A. Brown
Subject: Fwd: Unchain Santa Fe

Sent from my iPhone

Begin forwarded message:

From: Daniel Mayfield <dmayfield@co.santa-fe.nm.us>
Date: February 2, 2013, 5:49:34 AM MST
To: "Stephen C. Ross" <sross@co.santa-fe.nm.us>
Subject: FW: Unchain Santa Fe

Steve,

Following up to the email that was sent to me.

-dm

From: Murphy C [carolynmurphy14@msn.com]
Sent: Monday, January 28, 2013 10:26 AM
To: Daniel Mayfield
Subject: Re: Unchain Santa Fe

I am travelling out of state for a funeral for the next few days. It's probably easiest to contact me via e-mail. It was suggested through a FB site that people contact their commissioners. All I am asking is that it gets support from those who can make it happen, or make something happen for the sake of animals around here. Since I cannot be there to voice my opinion, I prefer that my name not be used. Saying it seems to be a "cultural", was not in the least directed towards any particular culture, hence the quotes. It's more meaning that tethering or neglect of animals in any way seems almost to be acceptable to a point and it would be great to see some enforcement for the sake of animals.

From: "Daniel Mayfield" <dmayfield@co.santa-fe.nm.us>
Sent: Monday, January 28, 2013 9:09 AM
To: "Murphy C" <carolynmurphy14@msn.com>
Cc: "Stephen C. Ross" <sross@co.santa-fe.nm.us>; "Rachel A. Brown" <rabrown@co.santa-fe.nm.us>
Subject: RE: Unchain Santa Fe

Ms. Murphy

Please contact me when ever you have a chance.

Thank you,

-Danny Mayfield
505-986-6200

From: Murphy C [carolynmurphy14@msn.com]
Sent: Monday, January 28, 2013 8:51 AM
To: Daniel Mayfield
Subject: Re: Unchain Santa Fe

I will be out of town on the 29th. Being that I won't be able to be there,
please do not use my full name.

Thank you.

From: "Daniel Mayfield" <dmayfield@co.santa-fe.nm.us>
Sent: Monday, January 28, 2013 7:11 AM
To: "Murphy C" <carolynmurphy14@msn.com>
Cc: "Stephen C. Ross" <sross@co.santa-fe.nm.us>; "Rachel A. Brown" <rabrown@co.santa-fe.nm.us>; "Audrey Velasco" <avelasco@co.santa-fe.nm.us>;
"Juan R. Rios" <jrios@co.santa-fe.nm.us>
Subject: RE: Unchain Santa Fe

Ms. Murphy,

I will have your comments added to the record for public comment.
Hopefully you can make the meeting on the 29th.

Thank you,

-Danny Mayfield
Santa Fe County Commissioner
District 1

From: Murphy C [carolynmurphy14@msn.com]

Sent: Sunday, January 27, 2013 8:11 PM

To: Liz Stefanics; Kathy S. Holian; Daniel Mayfield; Robert A. Anaya

Subject: Unchain Santa Fe

Please support making chaining/tethering dogs illegal in SF County.

Also,

we need more law enforcement involvement in dealing with neglected and

abused animals around here. It almost seems to be accepted as a, "cultural", thing in these parts. Bernalillo County Sheriff's along with Bernalillo Animal Care Unit has great involvement in the welfare of animals.

Santa Fe County really should follow suit. Perhaps inviting someone from

one of the Bernalillo programs to educate and inform would be helpful.

Thanks,

Caroline Murphy

1923 Hopi Road
Santa Fe, NM 87505

Board of County Commissioners
Santa Fe County, NM

Dear Commissioners:

Santa Fe County's draft animal control ordinance contains what I believe are omissions and drafting errors that need to be addressed. While reviewing the draft, I also turned to nearby counties' and the Santa Fe city ordinances for guidance, so when I recommend exceptions to the draft language below, those have been incorporated in other jurisdictions' animal control ordinances.

The proposed requirement for dogs to be physically leashed when off the owner's property needs serious debate from dog owners and others. However, if it is passed, the ordinance needs to include exceptions for working dogs (search and rescue, tracking, hunting, herding) to be off-leash while working or being trained. It also needs to clarify that dogs or other animals may run loose on public or private property with the land manager's or private property owner's permission. As it stands, a dog owner couldn't legally run his dogs on another person's property even with that person's permission. And although this may sound silly, as I read it, the current draft would inadvertently make it unlawful for a grazing lessee to turn his cows out on his Forest Service lease.

Some problems stem from the draft's definition of "animal": "any dog, cat or vertebrate (including livestock and excluding humans)." "Animal" is frequently used loosely, when "dogs" or "cats" or "animals typically kept as pets" would be more accurate. The over-usage creates difficulties within the ordinance.

Under "restraint of animals," for instance, the draft makes it unlawful for an owner to allow an "animal" to run at large off the owner's property, except at a dog park. "Dog" would accurately reflect intent, I believe.

The definition of "direct control," which essentially means physically leashed, also creates a technical problem when paired with "animal:" The animal restraint section requires "direct control," not only of dogs but of "animals." So be ready to keep a tight leash on that Hereford (or better, revise the draft).

The draft makes poisoning "any animal" unlawful; it needs exceptions for householders to poison vermin (mice, rats, gophers and the like) and for health authorities to poison rodents to prevent the spread of diseases.

Some other concerns I have:

The "dangerous animal" draft definition extends to any animal whose behavior requires a defensive action by "a person or animal." Other jurisdictions specify defensive actions by *domestic* animals, such as other dogs or livestock. This draft over-reaches, labeling a dog that chases a rabbit or a cat that chases a mouse as "dangerous," which would require the owner to keep them on a three-foot leash.

The draft would require veterinarians to report names and contact information of anyone whose animal they vaccinate for rabies, along with details of

the animal's species, gender, whether neutered, and more. I've found no other jurisdiction with that requirement, which I can only guess is aimed at ferreting out unlicensed and/or unaltered animals. At least one vet has expressed concern to me that the requirement might drive some pet owners or breeders underground, actually reducing the number of vaccinated animals rather than increasing the numbers of licensed ones. It's an issue that bears discussion.

The ordinance draft also specifies that any unneutered *animal* impounded *shall* be spayed or neutered before being released to its owner. It makes exceptions for service animals, those with health problems, and "competition animals who have attained championship status." (You gotta feel sorry for first runner-up.) Seriously, the ordinance again uses "animal" when it probably means dogs and cats, but as written would make a capon out of a runaway rooster. Perhaps the county could at least give the impounded animal's owner a chance to pay the unaltered animal fee instead.

I would hope that with public input during this evening's meeting and additional circulation of a revised draft that the county can enact an enforceable and fair ordinance after at least one additional hearing.

Sincerely,

John Crenshaw
Santa Fe
505 988-5948

From: Stephen C. Ross
Sent: Monday, February 04, 2013 10:21 AM
To: Rachel A. Brown
Subject: Fwd: Draft animal control ordinance
Attachments: County_Commissioners_Animal_Control_ltr.docx; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: Daniel Mayfield <dmayfield@co.santa-fe.nm.us>
Date: February 2, 2013, 4:45:20 AM MST
To: "Stephen C. Ross" <sross@co.santa-fe.nm.us>, "Rachel A. Brown" <rabrown@co.santa-fe.nm.us>
Cc: "Juan R. Rios" <jrios@co.santa-fe.nm.us>
Subject: FW: Draft animal control ordinance

For the record.

Thanks,

-Danny M.

From: jndlcrensh@aol.com [jndlcrensh@aol.com]
Sent: Tuesday, January 29, 2013 2:37 PM
To: Kathy S. Holian; Daniel Mayfield; Miguel Chavez; Robert A. Anaya; Liz Stefanics
Subject: Draft animal control ordinance

Dear commissioners,
I had hoped to personally attend this evening's hearing on the draft county animal control ordinance, but a scheduling conflict makes that impossible. I have instead attached a letter expressing my suggestions and concerns, in hopes that the comments may be helpful. I have attempted humor in a place or two, but in seriousness hope that comments are looked at and given consideration. I appreciate the work of Commissioner Holian and others on the drafting committee; such tasks are always demanding and sometimes thankless: So, Thank You.

I appreciate your time, effort and service.

Sincerely,

John Crenshaw
Santa Fe

From: Daniel Mayfield
Sent: Saturday, February 02, 2013 4:37 AM
To: Stephen C. Ross; Rachel A. Brown
Subject: FW: County Animal control Ordinance

For the record please.

-danny m.

From: Linda Kastner [puppause@yahoo.com]
Sent: Tuesday, January 29, 2013 11:54 AM
Subject: County Animal control Ordinance

Dear Santa Fe County Commissioner,
I think we need to find a creative solution to the issue of hobbyist breeders. Since I volunteer at the Santa Fe animal shelter I am well aware of the problem of unspayed or neutered animals in our county. As the owner of 2 spayed and neutered pit bulls I understand how frustrating it is to be singled out with proposed laws and rules(sic BSL) that target "responsible dog owners" in an attempt to reach irresponsible owners.

Why should responsible breeders have to pay more. It is not like they really make money as breeders. What if a dog is working on getting enough points to become a registered champion but is not there yet? Why not just say if an animal is registered with a nationally recognized club they would be exempt.

I ask you to please amend the language and costs about breeders I thank-you for your consideration, Sincerely Linda Kastner

1923 Hopi Road
Santa Fe, NM 87505

Board of County Commissioners
Santa Fe County, NM

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Sincerely,

John Crenshaw
Santa Fe
505 988-5948

Rachel A. Brown

From: Kristine Mihelcic
Sent: Tuesday, January 29, 2013 10:13 AM
To: Rachel A. Brown; Audrey Velasco
Cc: Kristine Mihelcic
Subject: FW: Santa Fe County Public Comment Form

We received this comment from the Online Comment Form. Please copy me if you respond by email to Katherine Moss. Thanks!

Kristine Mihelcic (Mi-hel-sick)
Public Information / Media Production
Kbustos@santafecountynm.gov
505.986.6224

-----Original Message-----

From: Katherine Moss [<mailto:moss.kitty@gmail.com>]
Sent: Tuesday, January 29, 2013 9:54 AM
To: Kristine Mihelcic; Jennifer Jaramillo
Subject: Santa Fe County Public Comment Form

Web form results:

Katherine Moss
61 Canada Village Road
Santa Fe, NM 87505
Email: moss.kitty@gmail.com
Phone: 992-3393

Comments:

I am writing to support the proposed Santa Fe County Animal Control Ordinance. There are three dogs in my neighborhood who stalk the fence to my yard throwing themselves against it and through the fence tearing off 1/4 of one of dog's noses. Because of the current law the dog owners can only be cited if the animal control officers see the dogs off leash. Although I am scared to go out to my car the dog owners can only be cited if the dogs bite me, growling and having damaged my dogs is not sufficient. The officers at animal control are wonderful but the law does not have the strength they need to do their jobs. Please pass this law so that people in the county can be protected from irresponsible dog owners and their dogs. Katherine Moss

Rachel A. Brown

From: Daniel Mayfield
Sent: Monday, January 28, 2013 7:02 AM
To: Diane McGregor
Cc: Stephen C. Ross; Rachel A. Brown; Audrey Velasco; Juan R. Rios
Subject: RE: Animal Control Ordinance

Ms. McGregor,

Thank you for your email and comments, I will have them added to the the record for public comment. I look forward to seeing and meeting with you on the 29th.

Kindest regards,

-Danny Mayfield
Santa Fe County Commissioner
District 1
505-986-6200

From: DIANE MCGREGOR [dianefmcgregor@gmail.com] On Behalf Of Diane McGregor
[diane@dianemcgregor.com]
Sent: Sunday, January 27, 2013 12:03 PM
To: Daniel Mayfield
Subject: Animal Control Ordinance

Dear Commissioner Mayfield,

I plan to attend the upcoming first public hearing on the proposed Santa Fe County Animal Control Ordinance on January 29th. One issue is extremely important to me - the practice of permanently tethering dogs. Bernalillo County Commissioners recently voted against tethering dogs, and the city of Las Vegas also has passed such a law. I feel strongly that Santa Fe County needs to crack down on this widely used practice, and pass a law forbidding the permanent tethering of dogs.

The humane implications of persistently tethered dogs are clear. Through domestication, dogs have been bred to form strong attachments to their human family members. They thrive on interaction with their families. Without exception, experts on the humane treatment of animals and animal behavior agree that a solitary life on the end of a chain is a cruel sentence for these social animals. Dogs persistently tethered are denied companionship and socialization. They soon become lonely, bored, anxious, and aggressive. They are frequently left exposed to the elements because they are often denied access to basic shelter and shade. Tethered dogs are left vulnerable to attacks by other animals, people, and vermin. They are often denied access to food and/or water. Evidence of cruel treatment and neglect commonly seen in persistently tethered dogs includes embedded collars or chains in the neck, choking, and entangled chains that lead to injury or death. Dogs confined by chaining are also targets for thieves who sell stolen dogs to dog-fighting rings.

Please consider changing the law to an anti-tethering law and, additionally, supporting the County to enforce such laws.

Thank you,
Diane McGregor
PO Box 70
Tesuque, NM 87574
(505) 983-0703

Rachel A. Brown

From: Daniel Mayfield
Sent: Monday, January 28, 2013 7:11 AM
To: Murphy C
Cc: Stephen C. Ross; Rachel A. Brown; Audrey Velasco; Juan R. Rios
Subject: RE: Unchain Santa Fe

Ms. Murphy,

I will have your comments added to the record for public comment. Hopefully you can make the meeting on the 29th.

Thank you,

-Danny Mayfield
Santa Fe County Commissioner
District 1
505-986-6200

From: Murphy C [carolynmurphy14@msn.com]
Sent: Sunday, January 27, 2013 8:11 PM
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Thanks,
Caroline Murphy

Rachel A. Brown

From: Daniel Mayfield
Sent: Monday, January 28, 2013 5:15 PM
To: Tom Nance
Cc: Stephen C. Ross; Rachel A. Brown; Juan R. Rios
Subject: RE: Animal Welfare

Dear Mr. Nance,

Thank for your comments regarding the ordinance. I will have your comments forwarded to the record for public comments.

Kindly,

Daniel Mayfield

From: Tom Nance [<mailto:tnance@comcast.net>]
Sent: Monday, January 28, 2013 4:20 PM
To: Daniel Mayfield
Subject: Animal Welfare

The Honorable Danny Mayfield

Dear Commissioner Mayfield:

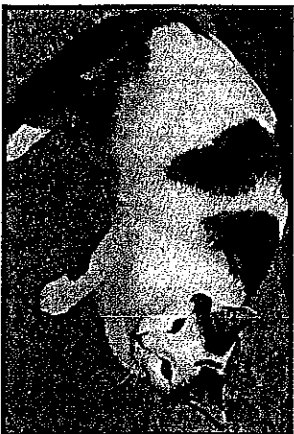
As a resident of Santa Fe County District 1, a Director and Officer of the Historic Saint Catherine's Neighborhood Association, and a Volunteer at Santa Fe Animal Shelter & Humane Society, I urge you to support effective animal welfare in our County through the proposed animal control ordinance changes to be considered at your meeting on Tuesday, January 29, 2013.

Your favorable consideration of these changes will be sincerely appreciated.

Yours very truly,
Thomas J. Nance

PROGRAMS & SERVICES

- Referrals to low cost spay/neuter for cats and dogs
- Trap/Neuter/Return assistance for community members caring for feral colonies
- Subsidized vet care and food for adopted special needs cats
- Godparent program to support special needs cats through monthly donations
- Second chance surgeries in preparation for adoption
- Lucky Fund program to pay for second chance surgeries



Duran (3 legs) - Adopted 2005

HELP THE CATS

- Become a foster parent
- Volunteer at our adoption events
- Care for cats at Petco Adoption Center
- Assist with fundraising
- Become a financial supporter
- Donate your professional services
- Provide transportation for cats
- Become a Godparent
- Support the Lucky Fund
- Donate food, litter, and other supplies

FUNDRAISING

A significant portion of donations are used to address the medical and dietary requirements of our special needs cats. Our adoption fee does not cover our costs.

Raising funds to provide the best care of orphaned cats is an on-going concern. We do not receive any government funding. One hundred percent of our revenue is generated from adoption fees, grants, and donations. We are always seeking private and corporate benefactors.

Each June, we hold an annual fundraiser, Cocktails for Critters. Visit our website for details.

FELINES & FRIENDS is a non-profit corporation registered with the NM Secretary of State, NM Attorney General's Office, and the IRS.

FELINES & FRIENDS



NEW MEXICO

369 Montezuma Ave. #320
Santa Fe, NM 87501

505-316-CATI (2281) [voicemail]

888-732-4245 [fax]

askfelinesandfriends@yahoo.com

www.fandfm.org

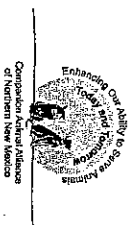


Brochure designed by Valerie Chelonis

www.spirithorseartdesign.com

Website created and hosted by www.level27designs.com

Proud Member of



Second Chance Rescue and Placement



Silverage - Adopted 2011

Adopt Your Next Companion From



NEW MEXICO

OUR MISSION

FELINES & FRIENDS

is dedicated to rescuing and placing pets in need of a second chance; working towards zero pet overpopulation by facilitating low-cost spay/neuter; and improving the lives of both companion animals and their owners through on-going education.



Kilani - Adopted 2011

In recent years, significant strides have been made in reducing the euthanasia rate of cats and dogs all across the nation. FELINES & FRIENDS plays an important role in this effort, partnering with local shelters to rescue special needs and hard to place cats. Since its formation in 2002, FELINES & FRIENDS has gained a reputation in Northern New Mexico for its proactive work in the pairing of cats and their humans. To date, we have placed over 3,000 cats (and a few dogs) into loving homes.

FELINES & FRIENDS utilizes a comprehensive adoption screening process to enhance the fit between pet and their adoptive family. The organization mandates a strict return policy if ownership commitment cannot be maintained.

All FELINES & FRIENDS cats are FELV/FIV tested, current on FVRCP vaccinations, microchipped, and spayed or neutered. If old enough, they are vaccinated against rabies as well.

ADMISSION POLICY

We accept cats of all ages, and those who may suffer from a physical or medical disability. However, admission to our adoption program is limited to the number of available foster homes and there are times when we simply are not able to answer every call for help. When possible, we refer cats to an open admission shelter for placement through their adoption program.



Jack (one eye) - Adopted 2005

EUTHANASIA POLICY

We do not euthanize for financial reasons or lack of space. We do not knowingly transfer animals to other shelters or organizations where they are at risk. However, we believe in the importance of quality of life and occasionally have to make the decision to release a cat from pain or an incurable condition. The decision is made jointly with the attending vet, a director, and the foster parent. When possible, a loving foster parent or volunteer is with the cat as it departs for the "Rainbow Bridge".

HOUSING

FELINES & FRIENDS operates without a physical shelter, relying instead on volunteer foster homes until cats are placed. We are always in need of caring people willing to share their homes with a temporary feline, both short and long term. Even if you live in the Santa Fe area only part time or travel frequently, please consider joining us. We can never have too many foster homes!

Our Adoption Center is located at Petco in Santa Fe and is open to the public during regular business hours. Adoption Advisors are available Thursday through Sunday.



Olivia

Santa Fe Cats Luxury Boarding is home to a number of our older cats who enjoy the less stressful environment while waiting to be adopted. These cats can be seen on our website and in person by appointment.

Teca Tu, located in Sanbusco Market Center, has generously provided space for a habitat where one or two cats reside while waiting to be adopted. In addition, Tullivers in northeast Albuquerque is often a temporary home for one of our special needs cat.

Photos and descriptions of all our cats available for adoption can be viewed at www.fandfmm.org where applications to adopt, foster, and volunteer can be filled out on-line.

Madame Chair and Commissioners, thank you for allowing time for me to speak about the proposed animal ordinance. I'm Bob De Young, am a county resident and am here in that capacity. I have extensive knowledge about my breed of choice, the Australian Terrier, but breed very selectively and have not had a litter since 2008. In addition, I'm the Vice President of the Rio Grande Kennel Club and was its volunteer legislative liaison from 2008 to 2012. I've been actively involved in a number of animal-related and other legislative issues over the years at a national, state and local level. Recently, I served on the Bernalillo County Animal Ordinance Review Committee which held approximately 20 public meetings over a 13 month period.

Considering that experience, I certainly appreciate the contributions of the group that developed this ordinance, but I have several concerns. My comments are prepared in the interest of keeping them as brief as possible and I would appreciate the opportunity to discuss them at a later time in detail with Mr. Ross, other appropriate county personnel, each of the Commissioners and you, Madame Chair.

Page 3, Section 4X – The definition of Kennel is so broad, particularly due to the use of the word "kept", that it could be interpreted to be any property in the county that has animals, requiring every animal owner to get a kennel permit. I presume that's not the intent.

Page 6, Section 5F – I recommend an ASO be required to contact a permit holder and that "reasonable time" be clearly defined. Notice doesn't need to be a matter of days. It can be as simple as a phone call immediately prior to arrival to assure a permit holder is at the property.

Page 6, Section 6A2 – "No stagnant water shall be permitted to accumulate" should be changed to "No water shall be permitted to accumulate unless it is beneficial for the animal."

Page 7, Section 6A6 and 7 – Space requirements should include a height requirement that assures dogs and cats will be able to stand comfortably.

Page 8, Section 6A8 – I recognize enforcement is likely to be discretionary, but it's written in a way that disregards the needs of specific animals. For example, if an owner provides evidence of vaccination and microchipping, it isn't advisable to do either. The sterilization requirement also needs to consider the health of the animal.

Page 8, Section 6B4 – A rabies vaccine should also provide immunity for no less than one year, not just up to three years.

Page 8, Section 6B7 and 8 – Is requiring veterinarians to report on rabies vaccinations out of concern for vaccine compliance or revenue generation? Considering it's a post vaccination measure I'm inclined to think it's the latter. This provision will likely only encourage irresponsible behavior, reduce the level of trust some owners give to local veterinarians and introduce greater risk to the health of animals and humans.

Page 9, Section 6C3 – An animal properly vaccinated for rabies should be allowed home quarantine after exposure to rabies.

Page 10, Section 6F2 – While the county may choose to enforce it on a selective basis, it should require all dogs and cats to be within an enclosed area so enforcement options are not limited.

Page 10, Section 6G2 – License tags should not be required for dogs and cats when they are on an owner's premises, particularly if they are also microchipped. Dogs that participate in conformation events rarely wear collars outside the show ring because they damage a dog's coat.

Page 11, Section 6H3 – A vasectomy should be an acceptable form of sterilization. If the argument is that you want visual proof of sterilization, that's a hollow argument because visual verification of sterilization of female cats and dogs is difficult. The incision is small and difficult to see when performed and healed properly.

Page 11, Section 6H5a – While a well-intended accommodation, the provision exempting champions disregards the time and effort associated with developing a champion, which is breeding stock and generally requires an animal to be intact. Section 6H5 shouldn't exceed the requirements of existing state statute, Chapter 77, Article 1-20F. Incidentally, 2nd offense and higher impoundment fees should be substantially higher than proposed for estrays.

Page 11, Section 6I – If a feral cat has wandered onto someone's property and they ask for it to be removed, it's probably because they consider it a nuisance. Feral cats are an invasive species and the county should do the right thing and remove it, regardless the effect on the animal shelter's euthanasia rates. Not doing so may result in less humane dispatch of that feral cat.

Pages 11 and 12, Sections 6J1 and 3 – Trolley systems and invisible fencing should be allowed, but it should always be a secondary means of restraint in the interest of protecting dogs and cats and the public. As previously stated an enclosed area should always be the primary means of restraint.

Page 12, Section 6J4 – Should reference section 6A6.

Page 15, Sections 7A2, 4 and 5 – Make no reference to identifying microchips and accessing microchip databases which should also be standard operating procedure, regardless whether a dog has identification tags.

Page 18, Section 8A – Grooming parlors, pet shelters and animal rescues are mentioned several times but are undefined within the ordinance.

Page 19, Section 8B – In the interest of providing proper safeguards for the public, provisions for use of guard dogs should be the same for residences and commercial properties and this section should be eliminated. If not eliminated, references to section 4-11 need to be corrected. There is no section 4-11.

Page 19, Section 8C1 – The reference to section 7A needs to be corrected. I presume it is not intended to reference impoundments.

Page 20, Section 8C1av – “Any other information” is much too broad. Identify the information required and include it in the ordinance. If you need a template, reference the Bernalillo County ordinance.

Page 22, Section 8G – Admittedly, I’m not a big fan of feral cat colonies because they rarely achieve their intended goal of gradual reduction of an area’s feral cat population. However, permitting should also go through business licensing, zoning and land use requirements so that the interests, concerns and rights of area residents, particularly those in the immediate area, are respected and addressed.

Page 24, Section 8H6 – The hearing provisions don’t assure independence in the review process. At a minimum, the hearing should be conducted by a separate department, (e.g., the county attorney or county manager).

Page 25, Section 9A1h – It may seem obvious, but the word “beat” is subject to a wide range of interpretation and requires further clarification (e.g., some individuals believe any use of a riding crop is inappropriate and consider it beating a horse regardless how lightly used). I presume that’s not the county’s intent.

Page 26, Section 9F – Applicable law related to penalties for false reports should be referenced.

Page 27, Section 9I2 – This section should be more specific and I recommend adding language requiring restraint in an enclosure secured to the truck bed or restraint via two leads affixed to two separate fixed points in a manner that allows some freedom of movement but prevents the animal from exiting the pickup bed.

The ordinance should also include a mechanism that allows the County Manager or their designee to grant waivers to the ordinance. The Bernalillo County ordinance can be referenced for appropriate language.

Before I address fees, I would like to tell you a little about one of my dogs and his progeny. Phil, also known as Benayr Wild-Eyed Philosopher, is an eight year old champion Australian Terrier that has

earned well deserved "semi-retirement" after a very full first seven years of life. He has won best of breed over one hundred times, has received over thirty terrier group placements and two terrier group wins, rare achievements for his breed. In 2007, Phil was the American Kennel Club's #1 All-Breed Australian Terrier. Phil has also acted as a "model" for grooming competitions across the country and at international competitions in Europe, allowing the groomer to achieve several best in shows and other accolades. In testament to proper breeding as a purpose bred dog, he also has great prey drive as a vermin hunter and is an affable family pet.

Phil has sired twelve puppies, but not before he and the three dams underwent extensive health testing. All of the puppies were examined by a veterinarian at three days of age, received appropriate shots while they were in my possession, underwent bio sensor stimulation exercises from three days of age to sixteen days of age to improve cardiovascular and adrenal gland performance, stress tolerance and disease resistance. They also underwent extensive temperament testing to help assure they were paired with an appropriate family. They were not separated from their dam or siblings until at least 11 weeks of age to help assure they would be properly socialized to people and other dogs.

After completing careful research and reference checks on all of the new owners who didn't want a shelter dog, but wanted a purpose bred dog with an extensive lineage, the puppies were placed in appropriate homes under a contract guaranteeing their health and return at any age regardless of why things didn't work out. The contracts also required pet quality dogs to not be bred and to be sterilized by no later than two years of age. Some owners reasonably want to wait until growth plates are closed and a dog is full grown before sterilization to eliminate some health issues related to sterilization. And, I verify all pet quality dogs are sterilized. One of the puppies was returned because the owner was unprepared to put in the effort to housebreak a particularly strong-willed puppy. I housebroke her within two weeks and found a suitable home for her during the time she was with me. Three of the puppies went on to achieve their own championships and all of them are living happy lives with families in New Mexico, California, Arizona, Texas, Arkansas and Minnesota. Incidentally, I did pay gross receipts

tax and all other required fees in Houston, Texas and Bernalillo County, the locations where the puppies were whelped.

Never say never, but none of the dogs I have owned have ever been estray and I go to great lengths to contain them, including running a low voltage electric line at the base of the perimeter fence and the exercise yard.

I raise dogs as a labor of love, not a commercial operation. As a commercial operation I would be a dismal failure because the proceeds I have received offset a small fraction of my expenses. Putting things in that perspective, I would hope that you find Phil and his owner an asset to this community.

I really have to question where this county's priorities are when you want to charge me \$100 per year because I don't want to remove Phil's testicles but you only want to charge an irresponsible owner \$80 for a dog that's estray for a fourth time. City of Lovington vs. Hall and Rio Grande Kennel Club vs. City of Albuquerque both established "The license fee which a municipality may exact must bear some reasonable relation to the added burden and expense to the city by reason of regulation.

In New Mexico, dog and cat licensing is at a county's option. It's not mandatory. And, if everyone's going to be honest about it, the costs for issuing an intact and sterile license are the same. Good laws punish the guilty, protect the interests of the innocent and don't control the innocent. From my perspective, the fee structure in the proposed ordinance fails in this example and other ways. It should differentiate between fees charged to commercial operations and responsible hobbyists.

Again, I will be happy to discuss my concerns about this proposed ordinance in detail and offer constructive alternatives. And thank you again for giving me a few moments of your time.

The following “mock-up” is intended to spark discussion on whether or not “rescue” organizations need to be regulated by the County, and if so, in what manner. It was produced in response to the proposed Santa Fe Animal Control Ordinance and illustrates what the author perceives to be a major shortcoming in the proposal.

Walter Wait

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 transferred 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 licenses 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.

Comments on the Proposed Santa Fe County Animal Control Ordinance

Walter Wait

December 7, 2012

The following comments are intended to assist in building a draft ordinance that is more responsive to the needs of the Rural portions of Santa Fe County, the rescue organizations, and the welfare of the rural pet population.

Structure: Each paragraph and section of the ordinance should be numbered appropriately so that the specific statements can be addressed clearly by the public and by any citing official.

Specific comments:

Abandonment" it follows that there should be a definition of "abandoned animal". At what point does an abandoned animal become a feral animal. When does an abandoned animal no longer "belong" to an erstwhile "owner". If a cat disappears, which happens often, at what point is it declared "lost", or feral, or deceased. This is important as the County tends to send out license renewals on an annual basis without regard to the current status of the animal.

"Animal" includes livestock. This means that it would be a requirement to collar horses and attach rabies tags? See comments on microchip programs and the link to vaccination.

What is the relationship between the Animal Services Division and the State Livestock Inspector?

Horses and other equine animals should be treated in the same class as dogs and cats in Santa Fe County unless it can be demonstrated that they are "working animals, needed for ranch work or commercial business. Since abandonment of Horses is now so common, it is important to register, track and protect the County's equine population in a manner similar to cats and dogs. Requirements for the care and keeping of equine animals should be added to the ordinance. They might not need heated floors, but they should be provided with shelter from the sun.

"Animal Shelter" only appears to address "businesses" licensed by the county. It appears to leave out non-profits, and non-business sanctuaries.

"enclosed Lot" if a dog can jump a six foot fence, then the owner would have to build an enclosure over six foot. Fences over six feet are prohibited under the County land Use Code.

"Managed Feral Cat Colony". Is there any discussion of "Unmanaged" Feral Cat colony. This needs a definition, since an unmanaged feral cat colony could reside anywhere. Does the responsibility of an unmanaged feral cat colony fall with landowner, multiple landowners?county?

"Barn Cat" needs definition

"Owner". I have a problem with this definition as it places the responsibility for feral animals on home owners. They are NOT owners in any sense of the word. Ownership implies responsibility for all costs of

care. Owner implies the possession of property and feral, lost, or abandoned animals are not the property of a land or dwelling owner or renter. It binds animal ownership with physical property.

If you are going to define owner, then you need to define "ownership transfer". A non-profit, temporarily hosting a dog or cat for the purpose of finding a "forever" home, should be considered as a caretaker perhaps, but not an "owner". If so, then "caretaker" needs a definition.

There needs to be a definition for licensed animal "sanctuary"

There needs to be a definition for a licensed animal shelter

There needs to be a definition for a non-profit animal welfare organization

There needs to be a definition of "pet shelter"

There needs to be a definition of "Animal rescue"

There needs to be a definition for a licensed Foster Person

There needs to be a definition for "Hoarding"

There needs to be a definition for "Micro Chip"

There needs to be a requirement for Micro-chipping .

It is unsafe for cats to wear collars and tags. They can get trapped and choke to death. Better to require micro-chipping which leads to an animals documentation

"premises" How do you distinguish between renters in an apartment house. Who is the responsible "owner" for a cat that appears on the "premises" and is not claimed by any resident?

Feral cats have a range of over half a mile. How do you balance a feral cats range and the attempt to place responsibility to a specific location or premises.

Micro-chipping as a requirement is far more important than collars. Collars come off, micro-chips do not. County micro-chips should lead to an animals records, shot history and ownership history. They should be required for all animals (including horses, etc.) that are managed by the County. A feral cat could be microchipped as "feral" and assigned a specific range. The County should subsidize and manage a County micro-chipping program.

Managed Feral cat colonies assume that all members of the colony can be trapped and released. This is not always possible. A Feral cat colony often attracts unfixed members. Since, by definition, feral animals avoid human interaction, how will the County enforce feral cat colony management and record keeping.

Section 6.8. Refer to the definition of "owner". How will the county determine "ownership" if the animal is clearly not "owned". Feral animals lost, stolen, and homeless strays, "Barn cats", and abandoned animals clearly fall into a category of "un-owned". This has become an increasingly desperate situation with abandoned horses. Micro-chipping would help.

Section 6-9. This is the first time that Ferrets are named. They should also be specifically identified in the definition section under "animal"

Section 6 should be the section that requires animals to be microchipped as part of the Rabies vaccination process. If the chip is already in place, the Vet can update the records submitted to the County. Any time a vet vaccinates an animal for rabies, the county should require micro-chipping.

Animal Premises. Does this restraint of livestock run counter to the State regulation requiring "Fencing out" rather than "fencing in"?

Section 6j will have the undesirable effect of proliferating chainlink or other boundary fencing, altering the character of the County's open spaces and decreasing the beauty of our landscape. It is insensitive to the rural residential lifestyle and is only applicable to more urban densities. A man on his horse in the vast open rangeland surrounding Stanley, followed by his healer, would fall foul of this portion of the ordinance. Is that what the public really wants?

Perhaps the ordinance should eliminate the off-leash and fencing requirements for animals residing on acreage of ten acres or more, if accompanied by a handler, owner, or responsible adult. The restriction could be limited to SDA-1 areas of the County.

I do not believe that there is a single "dog park" in the County. I know that there are none where I live. "Dog Parks" are an element of urban or densely populated areas and have no place in a sparsely populated county. Perhaps you could define "dog park" to include any parcel of land ten acres or more in SDA-2 and SDA-3 zoned areas of the County.

Section 8-2. Why would a sanctuary or non-profit shelter require a County Business License? There is no business being performed. There also needs to be clarification about "individually" maintained shelters and the requirements for obtaining a professional animal care permit. What would be the process? Would the application for an individual "professional animal care" permit have to go through the land use department first? This needs to be clearly defined.

Managed Feral cat Colony.

It would appear that the requirements to create a managed Feral Cat Colony would make it extremely unlikely that anyone would bother. Why go through the trouble when an unmanaged feral cat colony would exist just as nicely. These animals are feral right? I would think that the County would want to encourage Management. There is a very real question here about ownership. If the "manager" becomes the "owner", is the manager then responsible for all subsequent care of the feral population? This is unreasonable. Does the County expect a feral cat colony manager to trap and release each of the cats in the colony every three years to deliver rabies shots? Try catching a feral cat in a trap more than once, Would the manager then be fined or presented with a citation? There has to be a better way.

Feral cats are not owned animals and they roam freely. How can someone be held responsible for them.

Most feral cat populations already exist. a "manager" doesn't "create" a colony. a Manager can only recognize that such a colony exists and voice a desire to provide a more controlled environment that includes sterilization when possible.

What happens to a managed cat colony after two years, when the "manager" leaves town. Who then assumes the responsibility? The County?.... or does it just become an unmanaged feral cat colony.

Some might argue that "barn cat" populations in the rural areas of the County are so fluid due to natural predation by Coyotes and Owls that attempting to license and "manage" them is fruitless. Why spend eight dollars on an animal that is more than likely to last no longer than a year or two, and who's primary reason for being is pest control. There are some arguments that ordinance cannot be written as a "one type fits all" in Santa Fe County. Perhaps the County could issue "barn cat" licenses for up to five "unspecified" cats -This would not require the detailed record keeping that more domestic cats would require. The license would encourage spay and neuter and require rabies shots, but would otherwise view the population as feral.

Surrendering animals after a permit is revoked needs to be elaborated on. What if no-one will take them? Then it is the responsibility of the County to accept the animals. This must be made clear. Does a managed Feral Cat Colony become the responsibility of the County if the manager's permit is revoked? Does the County take over the management or does it eliminate the feral colony (if it can catch them).

limiting the number of animals housed at a specific location to ten or under unless the person obtains a professional animal care permit should be modified to allow facilities to operate under non-profit, sanctuary or rescue permits rather than professional animal care permits. These covering organizations can and do manage fostering homes and sanctuaries using volunteers that should not have to apply for separate permits, so long as the organization maintains all of the standards required by the ordinance.

This section of the ordinance should specifically address animal hoarding and how hoarded animals can be legitimately brought into a controlled and safely monitored and licensed situation.

There should be a section of the ordinance that deals exclusively with rescue, sanctuary, and non-profit organizations, and how such organizations would be dissolved without harming animals under their care.

Additional comments and questions about the proposed Animal Control Ordinance

prepared by Walter Wait

Summary

Because of the many problems identified in the draft Animal Control Ordinance, it is strongly recommended that the draft be rewritten after thorough public review. It is also strongly recommended that the draft be revised to reflect the rural nature of the majority of Santa Fe County and the relationship of both its residents and their animals to a rural life style. "Ownership" needs to be based on the intent of an individual or corporate entity to accept the responsibility of animal ownership, and not on land tenure. The proposed rule must not be written solely as a vehicle for generating revenue, nor as a vehicle to penalize non-profit rescue organizations with unreasonable fees and restrictions.

Document Structure

The document does not conform to any accepted numbering format, making it impossible to reference specific paragraphs.

The document appears to have conflicting information from paragraph to paragraph.

The Section Headings do not reflect the content. For example, Section 6. "Owners Duties" contains instructions for Veterinarians.

Document Specifics

Owner

The proposed definition of "ownership" is probably the root problem with the entire proposed ordinance. The question of legal ownership of an animal determines who must bear the cost of the animal's well being, its legal fees, its registration fees, impoundment costs, and any other fees associated with the County's administration of animal welfare and control. Animal "ownership" appears to be linked to whoever owns or is the responsible tenant of a property that an animal lives on or in. It has very little relationship to an individual's claim of actual animal ownership.

The definition of "Owner" includes a person who "knowingly permits an animal to remain in, on, or about a person's premises". In Santa Fe County, where properties tend to be over 2.5 acres and often exceed ten acres, sometimes hundreds of acres, it is simply not valid to identify a property owner as the "owner" of an animal that may range over many properties at will. This is especially true for feral, community, or barn cats. In terms of ownership, cats should only be considered "owned" if they are declared as such. As the proposed ordinance stands, a feral cat or a feral cat colony would be considered the responsibility of a specific land owner, even if the animals are transients. The identified "premises" owner could be technically charged license fees for each unfixed animal - charges that could add up to thousands of dollars. (one feral cat plus eight four month old kittens = nine hundred dollars in license fees) The premises owner could also go to jail for not caring for the animals.

"Owners" of the nine animals could also be required to pay \$650 in fines for being without rabies tags, \$225 in fines for being without license tags and a fine for not getting the \$25.00 "litter permit". The "Owner

" would also be required to pay \$90 for rabies vaccinations. Technically, the "owner" could be required to pay \$1,890 for "allowing" a homeless cat to raise a litter of kittens in his shed

"Owner" therefore needs to be more carefully defined. It must include the intent of an individual or corporate entity to accept the responsibility of ownership. See also "declared owner".

The "Declared" owned animal

An animal can only be owned when it has been "declared" as such through the process of licensing and County record keeping. Unlicensed animals without identification (tags, microchips, etc.) are by default, living at large, and have no claimed or legal ownership except for Santa Fe County. This definition will go a long way in clarifying animal ownership responsibilities, and liabilities.

Premises

As worded, the definition of "premises" is flawed. Who is responsible? Is the land owner the "owner" or is the renter the "owner". If the renter vacates, does the new renter become the owner? It is not appropriate to link land ownership or occupancy with animal responsibility or liability.

Section 6B Rabies Vaccinations and Data Collection

If State law does not require ownership information to be divulged to County officials, then Section 6-B-8 should be deleted. Requiring owners to divulge the location of their animals to the County might actually deter some residents from bringing the animals to a vet for its annual rabies vaccination.

If State law requires Vets to turn over ownership information to County Officials, then the County should require that the unique rabies tag number be included in the submission. This is not part of the draft ordinance's requirement. Likewise, the County should require that all animals brought in for Rabies shots be scanned for micro-chips. Any Micro-chip number found should likewise be recorded and submitted to the County.

In this age of electronics, the County should require electronic transfer of the information, and the County should be held responsible for updating ownership and vaccination information provided by the Rabies vaccination record.

As one of the biggest problems with the micro-chip program is failure to update ownership records, the cross check between rabies tag numbers, micro-chip numbers, and current addresses is vital to insuring that lost, stray, and stolen animals are returned to their current owners.

The County already maintains a database containing micro-chip numbers and associated owners addresses for all animals brought in to the County for spay/neutering. This database should be expanded to include information on all micro-chipped animals, rabies vaccination records, and current addresses.

134.2KH.ISO-FDX-B micro-chips can be purchased for as little as 20 cents in bulk quantities. Micro-chipping should be provided as a free service by the County as part of any pet licensing requirement, and should be inserted as part of the Vaccination process.

As, with all medical procedures, there are some risks associated with micro-chipping . Residents should be given the option of collar and tag identification.

Digital photographs should become a formal requirement for county animal record keeping. The image should be taken as part of the micro-chip/rabies vaccination process.

Along with the animals current address, all animals trapped for any reason shall have the trapping location recorded in its permanent record. This location should be recorded as a GPS coordinate.

Permitting and fees

The County has apparently implemented the proposed license fee structure without having the fee structure approved by the County Commission. Residents in the County have been asked to pay an \$8.00 license renewal fee even though the current law only requires a \$3.00 fee. Cats are not required to have licenses under the present ordinance. Requiring a new, \$8.00 fee to license cats is flat out wrong.

Annual permits for Dog and Cats in Santa Fe County appears to be nothing more than an "animal tax". It appears that this is a new way to raise funds for the County's general fund. Because of the rural nature of more than 80% of the County, the public gets little or nothing for the tax. It is a tax, and a regressive tax as well. The county appears to want a 150% raise in its current license fee. Why? A rural property owner that has three dogs and three cats would have to pay the County \$48 annually for the privilege of keeping their first line of defense against unwelcome visitors and equally unwelcome rodents. The new permit fees and fine structure likewise appears to be a not very transparent attempt to create revenue by taxing non-profit shelters and sanctuaries. It appears that the greatest revenue stream might be for fining County Residents for not having purchased those expensive licenses in the first place.

Perhaps the County should tax firearm owners annually as well. Better still, smart phone users. Both of these items drain the County Sheriff's office far more than animal control.

It does not appear to be fair to the residents of the County to increase license fees by over 100 percent and to create license fees for multiple animal owners to \$200 per year. Does the \$200 fee cover the \$8.00 fee per animal? If not, then a annual tax for eleven animals would become \$280 plus rabies vaccination costs. At the Animal Shelter, rabies vaccinations cost \$10.00 each. Add another \$110 to the total. The annual required costs add up to \$390. Is this reasonable. The cost under the present ordinance is \$143.

Yes, Rural County Residents have cause to be angry at this proposed new or increased tax structure.

It seems unreasonable to charge the same fee for an individual with multiple animals than for a commercial enterprise. It seems unreasonable to charge a multiple animal tax at all!

There is no clarity over whether permitted facilities are required to also pay individual fees for each animal under their control.

There is no clarity over whether permitted facilities having temporary custody of multiple animals should pay license fees for individual animals.

There is no definition of "shelter" even though Appendix A states that shelters require a \$200.00 annual permit.

Does a managed feral cat colony have to pay a \$200 annual tax? Is a managed feral cat colony considered a "shelter"? Managed Feral Cat Colonies require a permit, but the fee schedule in Appendix A does not include them.

Is a non-profit animal rescue that temporarily houses with foster homes considered a shelter operating multiple locations? Would it be required to pay \$200 annually for each foster home?

Is an annual pet license considered a permit? If it is, does licensing fall under the rules set forth in Section 5.F, access to premises at any time by an ASO officer? Can a dog or cat license be revoked and

does that mean that the animal must be surrendered? What procedures must be followed? This in itself is probably grounds for most County animal owners to ignore licensing requirements.

Impoundment Fees

Since an "owner" is responsible for all impoundment fees, adoption fees, boarding costs, and any fines associated with impoundment, it is imperative for the County to maintain current records of each animal's ownership. Currently, animal "ownership" is not tracked, is out-of-date, or does not match micro-chip identification records, rabies or County license records. Under current conditions, it would be all too easy to charge the wrong County resident for fees associated with impoundment.

Litter Permit

It is unreasonable to expect a property owner who finds a cat and kittens on his premises to (a) pay for a litter permit, (b) pay a "surrender fee" and sterilization fees, or face an "abandonment" fee or other fine. There is a very real difference between unintentional breeding of a "declared" owned animal and the discovery of an animal on a premises that has given birth.

Professional Animal Care Permit

There are no rules by which Santa Fe Land Use can determine "approval" for a professional animal care permit for an individual harboring more than ten animals. Nothing appears in either the Land Use Plan or the proposed Land Use Code.

This requirement should be deleted.

Permit Management and Suspension

There is something inherently wrong with a proposed system that places the issuing of licenses, the enforcement of the law, and the appeal process in the same place. If the Animal Services Division "Animal Control Officer" refuses a permit, suspends or revokes a permit, it stands to reason that the action should be appealable to a judge not intimately associated with the process or the process server. The structure of the Animal Services Division, therefore should be explicitly defined to deal with the process of approvals and suspensions, and the wording of the document should clearly state what the process of appeal is. Does, for example, an appeal go to the courts? to the County Commission? or if all revocations assume a misdemeanor, does the decision only rest with the courts? The proposed rule only states that a hearing officer be a County employee. Why, one should ask, is "any" county employee qualified to conduct a hearing, understand evidence, or deliver a decision.

There is also a question as to the responsibility of the County in matters of permit revocation. If the animals in question are released to the County while the hearing process continues, and if the revocation is proved to be unfounded, who pays the costs of managing the animals while the animals are under the care of the County. Demanding that the owner pay the costs, when the County is at fault in its accusation, would appear to be an avenue for costly litigation.

Concordance with the proposed Land Use Code

The proposed code identifies three "SDA" density areas. Zoning in these areas differ as do plans for long term development. It would appear that rules governing animal husbandry in areas having relatively dense housing populations should differ from those area zoned for very rural living. The one rule fits all has been proven not to work well in Santa Fe County, and clearly rules for how animals live on 40 acre tracts should differ from rules designed for urban living arrangements.

The proposed land use code does include "kennels". They are allowed on acreage over 2.6 acres, but must be approved on acreage below that.

A similar plan, dealing with animal confinement rules, leash laws, and "dog park" definitions should be considered. Perhaps properties over five acres should be designated as "dog parks".

A Definition for "Community Cat"

A definition for "community cat" should be provided. A "community Cat" is a reasonably social domestic cat, living "at large" with no claimed ownership. "Homeless" or "abandoned" house cats should fall under this category. A Community cat is not classified as a "feral cat". It is not considered a violation of the ordinance to temporarily feed, shelter, or care for a community cat providing that an effort is made to trap, neuter, vaccinate and microchip the animal. Community Cats should not be ear clipped.

It must be pointed out that studies have shown that domestic cats have a home range of up to five acres, and that ranges tend to differ with the season. Community cats, therefore are often cared for by many people, or have adapted to a rural lifestyle.

Definition of a Barn Cat

In the rural areas of the County "community Cats" often become "Barn Cats" and serve a useful function in rural rodent control. A definition for "Barn cat" should be provided. A "Barn Cat" is a reasonably social, domestic cat, not quite feral, living "at large" with no claimed ownership. A Barn cat is not classified as a "feral cat".

It must be pointed out that studies have shown that domestic cats have a home range of up to five acres, and feral cats have a home range of up to 5000 acres. Ranges tend to differ with the season. Barn cats, therefore, while they tend to frequent sheds, barns, and other structures, do tend to move around and should not be considered as having an "owner". It is not considered a violation of the ordinance to temporarily feed, shelter, or care for a Barn cat providing that an effort is made to trap, neuter, vaccinate and microchip the animal. It is worthy to note that the Santa Fe Animal Shelter already has a "Barn Cat" release program in place.

Limitations to Ear-Tipping

Feral, homeless, abandoned or other individual kittens under 8 months old and individual, "estrays" cats trapped under the supervision of a cat rescue organization, and brought in for shots, spay/neuter and micro-chipping, need not be ear-tipped if the rescue organization's intent is to domesticate and place the animal in an adoption program.

Ear-tipping, while a recognized method of determining the status of feral, "at large" cats, detracts from an individual cats chances of finding a "forever" home in an adoption center. If a cat under the supervision of a rescue organization is determined to be truly feral, the rescue organization shall return the animal for the ear tipping procedure, prior to releasing it into a feral colony.

Euthanasia

The definition states "unsuitable for Adoption". This appears to conflict with the maintenance of "feral Cat Colonies". Since there is no definition of "feral cat", how does a feral cat that is not an apparent member of a managed feral cat colony fit in? Are "feral cats" always a target of euthanasia?

Feral Cat

While there is a definition of "feral" in the proposed ordinance, there is no definition of "feral cat". Is it to be assumed that any cat that is not under the supervision of an "owner" is feral? That would not fit the ordinance's definition. The ordinance describes a "managed feral cat colony", but does not describe "feral cat colony". As they exist, the ordinance should at least give passing comment on how feral cat colonies fit into the scheme of things. Are they to be eradicated?

Cat Colony

There is no definition of "cat colony". How many cats make a cat colony? Is an "at large" cat and her kittens considered a colony? How does the ordinance deal with individual animals. Are all cats assumed to be "astray" until proven otherwise? Feral cats have been proven to have a home range of as much as 6000 acres. With that kind of range it is almost impossible to assign a specific "premise", or owner. It would be like requiring the residents of the county to declare ownership of rabbits.

Managed Feral Cat Colony

It is impractical to assume that all members of a feral cat colony can be identified, let alone prove that the colony has been completely sterilized. Feral cats have a wide range, and it is unreasonable to expect that an applicant can somehow control the colonies movements to a specific property.

This section needs to be completely re-thought. Why, for example, does a managed feral cat colony caretaker require a background check, when no other animal permit requires one. How would the manager of a Feral Cat colony maintain rabies shots. Each animal would have to be trapped annually. This could prove to be almost impossible, as the animals range far afield and often disappear. The rule almost guarantees that the Permit would never be renewed.

Why also, should the applicant have to pay for a background check that the County desires. The proposed ordinance does not detail what the background check entails, or what the costs might be. It does not discuss the process needed to transfer the management of a colony, nor does it justify the need for background checks for all board members of a corporation. It does not discuss whether or not renewal of the permit requires a new background check for all parties, or if a board of directors changes, that new background checks need to be submitted.

Given the cloudy nature of both ownership, responsibility, and liability, this section should be either deleted, or should be rewritten to encourage rather than discourage management of Santa Fe County's feral cat population.

Section 6-i Animal Enclosures

"Enclosure" needs to be defined.

Paragraph 1 specifically contradicts State Law 77-16-1 NMSA 1978, which requires landowners to keep out animals, especially livestock, rather than fence them in.

This section appears to be written exclusively with dogs in mind. putting a cat on a trolly is a recipe for disaster.

Feeding Feral Cats

This clause must be struck. It is inhuman to prohibit the public to temporarily feed, shelter, or care for a feral, community or barn cat that appears to be in need of assistance, or serves the very real job of rodent control. See "definition of Community cat".

Section 8-F Restraint of Animals

It is unreasonable to declare that a declared animal located upon an owners property (premises) without an enclosure, must be restrained. While this restriction may be valid in an urban environment, it is invalid on rural properties where the unrestricted space is measured in acres or hundreds of acres.

License Tags for Cats

It is one thing for a house cat to wear a collar and tag. It is altogether different for a rural cat to be expected to wear a collar and tag. Collars catch quickly on brush, and debris and pose a severe threat to the animals well-being in most rural environments.

Since all cats are required to be licensed and must wear collars and tags, then feral cats, community cats, and barn cats must likewise wear collars and tags. Provision must be made to permit micro-chip identification of rural cats to be accepted in leu of collars and tags. License numbers can always be checked against a County data-base to determine if a "Country Cat" that has been micro-chipped, and photographed has indeed been licensed. It is many peoples opinion that "County Cats" should not be licensed at all and this provision should be struck from the ordinance.

Stephen C. Ross

From: Daniel Mayfield
Sent: Monday, January 28, 2013 9:10 AM
To: Murphy C
Cc: Stephen C. Ross; Rachel A. Brown
Subject: RE: Unchain Santa Fe

Ms. Murphy

Please contact me when ever you have a chance.

Thank you,

-Danny Mayfield
505-986-6200

From: Murphy C [carolynmurphy14@msn.com]
Sent: Monday, January 28, 2013 8:51 AM
To: Daniel Mayfield
Subject: Re: Unchain Santa Fe

I will be out of town on the 29th. Being that I won't be able to be there, please do not use my full name.

Thank you.

From: "Daniel Mayfield" <dmayfield@co.santa-fe.nm.us>
Sent: Monday, January 28, 2013 7:11 AM
To: "Murphy C" <carolynmurphy14@msn.com>
Cc: "Stephen C. Ross" <sross@co.santa-fe.nm.us>; "Rachel A. Brown" <rabrown@co.santa-fe.nm.us>; "Audrey Velasco" <avelasco@co.santa-fe.nm.us>; "Juan R. Rios" <jrios@co.santa-fe.nm.us>
Subject: RE: Unchain Santa Fe

> Ms. Murphy,
>
> I will have your comments added to the record for public comment.
> Hopefully you can make the meeting on the 29th.
>

> Thank you,

>
> -Danny Mayfield
> Santa Fe County Commissioner
> District 1
> 505-986-6200
>

> From: Murphy C [carolynmurphy14@msn.com]
> Sent: Sunday, January 27, 2013 8:11 PM
> To: Liz Stefanics; Kathy S. Holian; Daniel Mayfield; Robert A. Anaya

> Subject: Unchain Santa Fe

>

> Please support making chaining/tethering dogs illegal in SF County.

> Also, we need more law enforcement involvement in dealing with

> neglected and abused animals around here. It almost seems to be

> accepted as a, "cultural", thing in these parts. Bernalillo County

> Sheriff's along with Bernalillo Animal Care Unit has great involvement

> in the welfare of animals.

> Santa Fe County really should follow suit. Perhaps inviting someone

> from one of the Bernalillo programs to educate and inform would be helpful.

>

> Thanks,

> Caroline Murphy

>

>

Stephen C. Ross

From: Daniel Mayfield
Sent: Monday, January 28, 2013 5:15 PM
To: Tom Nance
Cc: Stephen C. Ross; Rachel A. Brown; Juan R. Rios
Subject: RE: Animal Welfare

Dear Mr. Nance,

Thank for your comments regarding the ordinance. I will have your comments forwarded to the record for public comments.

Kindly,

Daniel Mayfield

From: Tom Nance [<mailto:tnance@comcast.net>]
Sent: Monday, January 28, 2013 4:20 PM
To: Daniel Mayfield
Subject: Animal Welfare

The Honorable Danny Mayfield

Dear Commissioner Mayfield:

As a resident of Santa Fe County District 1, a Director and Officer of the Historic Saint Catherine's Neighborhood Association, and a Volunteer at Santa Fe Animal Shelter & Humane Society, I urge you to support effective animal welfare in our County through the proposed animal control ordinance changes to be considered at your meeting on Tuesday, January 29, 2013.

Your favorable consideration of these changes will be sincerely appreciated.

Yours very truly,
Thomas J. Nance

Stephen C. Ross

From: Daniel Mayfield
Sent: Wednesday, January 16, 2013 9:35 PM
To: Stephen C. Ross
Cc: Liz Holtz; Juan R. Rios; Audrey Velasco
Subject: RE: Recommendations for Proposed Animal Control Ordinance

Steve,

Can you please have this letter added to the record for public comment of the proposed ordinance. Can you also let me know when we will be having these public meetings, I would like to have ample notice sent, maybe some radio and newspaper advertisement and also I would like to propose doing these meetings throughout the County. Can you please give me some feed back on this and can we also have this on the next BCC meeting for discussion.

Thank you,

-Danny Mayfield

From: Liz Holtz [EHoltz@alleycat.org]
Sent: Tuesday, January 15, 2013 7:42 AM
To: Daniel Mayfield
Subject: Recommendations for Proposed Animal Control Ordinance

Dear Commissioner Mayfield,

Attached is a letter with recommendations to the proposed animal control ordinance as it relates to feral cats. I look forward to speaking with you about our recommendations.

Best,

Elizabeth Holtz
Staff Attorney

Alley Cat Allies
7920 Norfolk Ave. Suite 600
Bethesda, MD 20814-2525
www.alleycat.org<blocked::http://www.alleycat.org/>
Tel: 301-332-8032
Fax: 240-482-1990

Stephen C. Ross

From: Daniel Mayfield
Sent: Monday, January 28, 2013 7:02 AM
To: Diane McGregor
Cc: Stephen C. Ross; Rachel A. Brown; Audrey Velasco; Juan R. Rios
Subject: RE: Animal Control Ordinance

Ms. McGregor,

Thank you for your email and comments, I will have them added to the the record for public comment. I look forward to seeing and meeting with you on the 29th.

Kindest regards,

-Danny Mayfield
Santa Fe County Commissioner
District 1
505-986-6200

From: DIANE MCGREGOR [dianefmcgregor@gmail.com] On Behalf Of Diane McGregor [diane@dianemcgregor.com]
Sent: Sunday, January 27, 2013 12:03 PM
To: Daniel Mayfield
Subject: Animal Control Ordinance

Dear Commissioner Mayfield,

I plan to attend the upcoming first public hearing on the proposed Santa Fe County Animal Control Ordinance on January 29th. One issue is extremely important to me – the practice of permanently tethering dogs. Bernalillo County Commissioners recently voted against tethering dogs, and the city of Las Vegas also has passed such a law. I feel strongly that Santa Fe County needs to crack down on this widely used practice, and pass a law forbidding the permanent tethering of dogs.

The humane implications of persistently tethered dogs are clear. Through domestication, dogs have been bred to form strong attachments to their human family members. They thrive on interaction with their families. Without exception, experts on the humane treatment of animals and animal behavior agree that a solitary life on the end of a chain is a cruel sentence for these social animals. Dogs persistently tethered are denied companionship and socialization. They soon become lonely, bored, anxious, and aggressive. They are frequently left exposed to the elements because they are often denied access to basic shelter and shade. Tethered dogs are left vulnerable to attacks by other animals, people, and vermin. They are often denied access to food and/or water. Evidence of cruel treatment and neglect commonly seen in persistently tethered dogs includes embedded collars or chains in the neck, choking, and entangled chains that lead to injury or death. Dogs confined by chaining are also targets for thieves who sell stolen dogs to dog-fighting rings. Please consider changing the law to an anti-tethering law and, additionally, supporting the County to enforce such laws.

Thank you,

Diane McGregor
PO Box 70
Tesuque, NM 87574
(505) 983-0703

Stephen C. Ross

From: Daniel Mayfield
Sent: Monday, January 28, 2013 7:11 AM
To: Murphy C
Cc: Stephen C. Ross; Rachel A. Brown; Audrey Velasco; Juan R. Rios
Subject: RE: Unchain Santa Fe

Ms. Murphy,

I will have your comments added to the record for public comment. Hopefully you can make the meeting on the 29th.

Thank you,

-Danny Mayfield
Santa Fe County Commissioner
District 1
505-986-6200

From: Murphy C [carolynmurphy14@msn.com]
Sent: Sunday, January 27, 2013 8:11 PM
To: Liz Stefanics; Kathy S. Holian; Daniel Mayfield; Robert A. Anaya
Subject: Unchain Santa Fe

Please support making chaining/tethering dogs illegal in SF County. Also, we need more law enforcement involvement in dealing with neglected and abused animals around here. It almost seems to be accepted as a "cultural" thing in these parts. Bernalillo County Sheriff's along with Bernalillo Animal Care Unit has great involvement in the welfare of animals.

Santa Fe County really should follow suit. Perhaps inviting someone from one of the Bernalillo programs to educate and inform would be helpful.

Thanks,
Caroline Murphy

Responsibility, humane care key to prevent dog bites

by LESLIE KING

New Mexico's communities have experienced several dog bite cases in the last few months — one each in Río Rancho, Moriarty, Truth or Consequences and Vado, and three in Albuquerque. One woman was killed and four children, two men and a small dog were seriously injured.

Each of these cases is horrifying and the effects of these attacks on the victims and their families can be far-reaching. It's understandable that some people might feel helpless and frightened, and that others want to "just do something" to put a stop to it. It's natural to think, "It could be my child. It could be me."

But, rather than reacting to waves of dog bite incidents with rash and ineffective actions like scapegoating certain dog breeds, these tragic occurrences underscore the need to understand why these attacks likely happen and what are the most effective ways to

socialization, physical condition and size, and individual temperament.

Karen Delise, author of the book, "Fatal Dog Attacks," boils it all down to three critical factors: Function of the dog (the dog was acquired for fighting, guarding or a tough image); owner irresponsibility (the dog was allowed to run loose,

permitted or encouraged to behave aggressively, chained, neglected, abused; dogs and/or children around the dog were unsupervised); and reproductive status of the dog (unaltered male dog, female dog with puppies, children coming between a male dog and female dog in estrus).

Recognizing that specific circumstances are the most important factors in any dog bite case, in 2005 the New Mexico Legislature enacted the Dangerous Dog Act, which correctly focuses on behaviors of individual dogs and their owners. The law holds dog owners criminally and civilly

accountable if their dogs cause harm and prescribes ways to identify, register, handle and house dangerous or potentially dangerous dogs.

What does it mean that all the dogs involved in our recent cases were reported to have been pit bull-type dogs? It is vital to understand that any dog has the potential to bite.

Popular large breeds appear more often in dog bite statistics precisely because of their prevalence, and because big dogs physically can do more damage if they do bite, according to a 2001 report by the American Veterinary Medical Association's Task Force on Canine Aggression and Human-Canine Interactions.

The report concludes that singling out any one breed for control (as in a ban) can result in a false sense of security and will not result in a responsible approach to protecting people. Information on methods to prevent dog bites is available for dog owners, parents and

Leslie King is the community programs manager for Animal Protection of New Mexico.

children. Animal Protection of New Mexico offers free dog safety and humane education presentations for individual classrooms, pre-school through mid-school, and to community groups in the Albuquerque and Santa Fe areas. Call (505) 265-2322.

Excellent online resources include our Train Don't Chain program traindontchain.com, Victoria Stilwell's "Safety Guide for Children and Dogs" positively.com, the Doggone Safe program doggonesafe.com, and the Blue Dog Parent Guide and CID for young children awma.org.

To prevent more tragedies, it's up to every one of us to learn how to interact safely with dogs and to teach others — especially children. We must also care for our dogs responsibly and humanely.



www.newmexicodogsdeservebetter.org
7820 Enchanted Hills Ste. A-112
Rio Rancho, NM 87144
(505) 974-4733

Valencia County News Bulletin

Dog rescue helps with local problem

by Deborah Fox | Jan 5, 2013 | Filed under: News

New Mexico Dogs Deserve Better, a nonprofit charity to promote animal welfare in the state, began visits to Valencia County last month.

Volunteers of the organization travel all over the state, educating people about animal care, advocating for dogs and providing immediate provisions.

The group walked the streets of Meadow Lake Monday to distribute dog houses, straw bedding and dog food for animals chained up outside that lacked those provisions.

"We're motivated by our love of dogs," said Angela Stell, founder and president of the organization, "especially in these colder months."

Stell has worked in animal rescue with various New Mexico organizations for the past six years and founded the nonprofit New Mexico Dogs Deserve Better in June 2010.

The organization advocates against chaining dogs.

During the group's walk, they found a dead dog chained up at an abandoned house, starved and mauled by free-roaming dogs.

"It happens a lot — people move and leave their dogs chained," Stell said. "I get calls from property owners all the time, but I've never had to remove a dead dog off of a chain before."

Dogs are pack animals that thrive and prosper in social settings. Chaining them up outside isolates them from interaction with their people, so they develop neurotic behaviors as a consequence, she said.

"They get lonely and depressed, they get aggressive, or fearful and shut down," Stell said. "Typically, they're neglected, and so they suffer a lot of physical ailments."

The area they are confined to deteriorates and can promote canine diseases such as giardia and coccidia, and because of neglect, the dogs often suffer from heart worms, anemia caused by fleas, embedded collars and muscular damage.

Dogs that are constantly tethered strain at their chain and develop larger muscles in front, while their rear quarters atrophy, and the weight of the chain can cause stress on their skeletal structure over time.

One chain exchanged by a dog owner for a harness and trolley weighed 54.3 pounds, Stell said.

"Chained dogs, usually over a lifetime of being chained, either completely shut down and are despondent, having completely given up, or they're just so hugely aggressive that they can't be rehabilitated," Stell said.

belonged to his great uncle, who had taken in the abandoned animals over the years.

Stell said dogs in packs are a huge public safety hazard.

Two neglected pit bull puppies, wormy, starving and shut outdoors were surrendered by two different breeders on Monday. The pups are considered litter rejects.

There are a lot of pit bull breeders and puppies with the parvo virus in Meadow Lake, she said.

"A lot of people that we spoke to will go down to the feed store and buy parvo shots," Stell said. "Well, there's no guarantee on the integrity of their shipping — the vaccinations have to be kept at a certain temperature, stored properly and administered correctly."

The group took both of the young dogs back to Albuquerque where they have kennel and veterinarian arrangements. The pups were vaccinated and will spend 10 days in quarantine before going to foster homes.

New Mexico Dogs Deserve Better provide a number of services, including access to reduced rate spay and neuter programs, as well as community outreach.

"Our hope is that by being there and visiting with people, we have left an impression, that we have given them some information that they can continue to utilize," Stell said. "Basically, we're just going out there and providing what those dogs are going to

"It's very rare for me to take a dog off the chain and be able to place them into a foster home immediately. I usually have to do weeks, sometimes months of behavioral rehab with them in order to place them into a home.

"The majority of dogs are able to bounce back and make it, but some dogs don't. So, it's a very long term form of abuse and neglect. It really just kills their spirit."

Chained dogs are also vulnerable to attack by free-roaming dogs, especially female dogs that aren't spayed, and chained dogs without cover from the summer sun will not get relief in a doghouse, which is 10-20 degrees hotter inside than the heat outside.

Dogs chained long term are also likely to develop an exaggerated territorial attitude, and are more likely to attack children who enter the yard.

"My personal belief is, if you don't have the means to properly, safely and humanely contain a dog, then you shouldn't have a dog," Stell said. "Having a dog isn't a right, it is a privilege and not everybody understands that."

Another big problem is pack dogs, she said.

Packs of dogs have been known to attack children, some even resulting in death, as in the recent case reported by the Albuquerque Journal of 8-year-old Tomas Jay Henio in Pinehill, about 55 miles south of Gallup. He was reportedly attacked and killed by nine dogs that

need to make it through the winter."

To report a dog, volunteer or make a donation visit the
New Mexico Dogs Deserve Better website,
newmexicodogsdeservebetter.org.

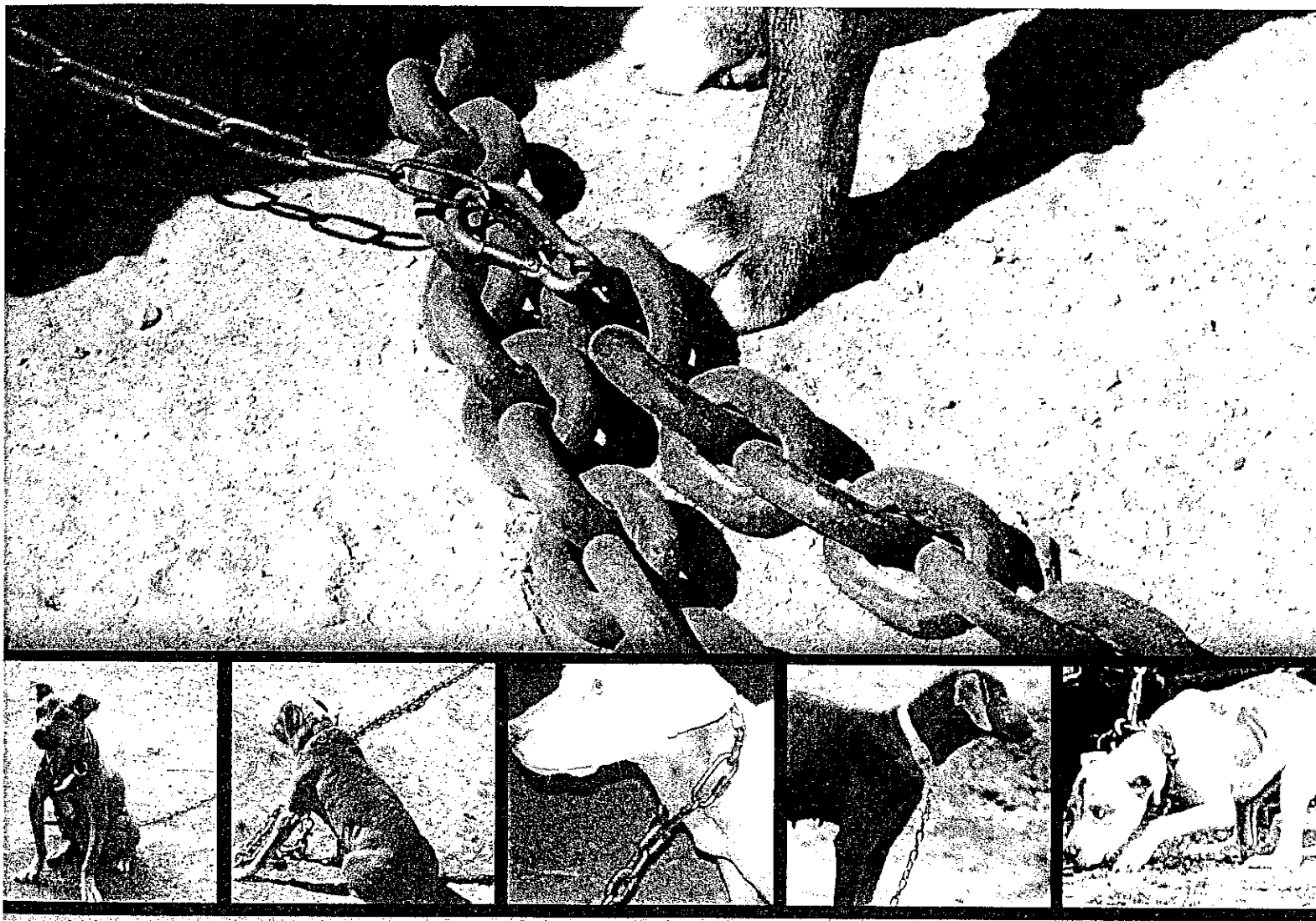
-- Email the author at dfox@news-bulletin.com.

NEW MEXICO **DOGS** DESERVE **BETTER**

NO CHAINS!

www.newmexicodogsdeservebetter.org

THE PUBLIC SAFETY AND HUMANE IMPLICATIONS OF PERSISTENTLY TETHERING DOMESTIC DOGS



NEW MEXICO DEPARTMENT OF PUBLIC SAFETY
John Denko, Cabinet Secretary

Report to the Consumer and Public Affairs Committee
January 10, 2008

Pursuant to House Memorial 19,
48th Legislature, State of New Mexico, First Session 2007

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Albuquerque, New Mexico

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THE PUBLIC SAFETY AND HUMANE IMPLICATIONS OF PERSISTENTLY TETHERING DOMESTIC DOGS

Introduction

In recent years, the common practice by many dog owners throughout New Mexico of persistently tethering dogs has come increasingly under question. Controversies arise in communities with some consistency concerning public safety and cruelty to animals. The New Mexico Legislature responded to these concerns. During the 2007 regular session of the New Mexico Legislature, the Consumer and Public Affairs Committee endorsed House Memorial 19, introduced by Representative Miguel P. Garcia, which requested that the Department of Public Safety study the public safety and humane implications of persistently tethering dogs. It was approved by unanimous House consent on February 16, 2007.

This report, in response to House Memorial 19, provides a detailed review of the practice of tethering, based on research and statewide survey results regarding both the public safety and humane implications of persistently tethering dogs. In addition, it addresses the practice in terms of resulting human deaths and injuries, local animal control ordinances, positions of animal welfare organizations and governmental agencies, state and nationwide trends in tethering laws and their enforcement, alternative methods of restraint, education, and other substantive issues. Finally, it includes recommendations of solutions that without doubt will benefit both people and dogs in New Mexico.



Taos County, New Mexico

Photo Credit 2

Tethering Defined

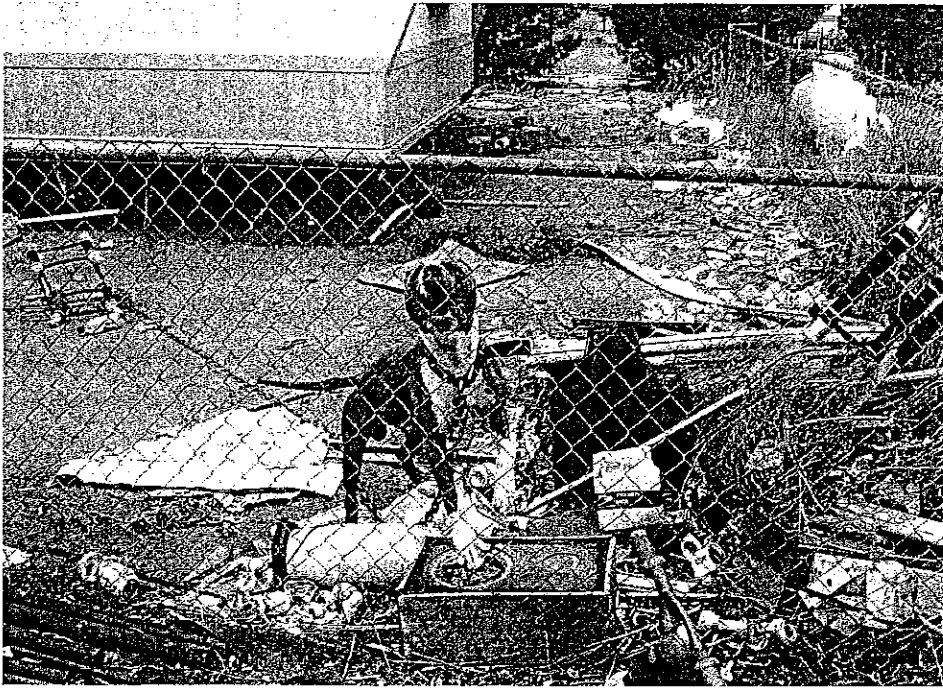
Tethering is the practice of chaining, tying, fastening, or restraining a dog to a ground stake or a stationary object (such as a tree, fence, car, or dog house), usually in a pet owner's yard, as a means of keeping the dog under control. The term does not refer to a dog being walked on a leash.

Risks to public safety and the inhumane treatment of dogs are widely viewed as the two primary problems with the continuous tethering of dogs, according to many studies and surveys of federal, state, and local public health and safety agencies, animal control agencies, veterinarians, animal behaviorists, professional organizations, animal welfare agencies, non-profit organizations, law enforcement officials, and the public.

Public Safety Implications

The first question to consider in the realm of public safety is how persistently tethering dogs can pose a danger to humans. Attacks on people by tethered dogs in the United States and elsewhere in the world have been documented and studied through many different methods and in many disciplines. One conclusion is that dogs tethered for long periods of time can become highly aggressive. When confronted with a perceived threat, dogs respond according to their fight-or-flight instinct. A chained dog, unable to take flight, often feels forced to fight, and attacks any unfamiliar animal or person who wanders into his or her territory.¹

Experts tend to agree that chaining increases aggression in the vast majority of dogs. For example, the American Veterinary Medical Association (AVMA) and the American Society of Plastic Surgeons have teamed up to promote responsible dog ownership, pointing out that tethering dogs contributes to aggressive behavior: "Confine your dog in a fenced yard or dog run when it is not in the house. Never tether or chain your dog because this can contribute to aggressive behavior."²



Las Cruces, New Mexico

Photo Credit 3

The Humane Society of the United States concludes that an otherwise friendly dog, when persistently chained, becomes neurotic, anxious, and often aggressive. As opposed to protecting the owner or property, a tethered dog is often fearful due to poor socialization and previous negative encounters with people or other animals. The dog realizes one thing: he cannot get away. His only recourse may be to growl, bark, lunge, or bite in self-defense. Further, a tethered dog who finally does get loose from his chain may remain aggressive, and is likely to chase and attack unsuspecting passersby.³

Children are the most common victims of dog attacks. According to dog bite statistics, 70% of fatal dog attacks and more than half of bite wounds requiring medical attention involve children.⁴ Frequently, such attacks occur when a chained dog lashes out, either in aggression or aggressive play, and injures a child who has approached him. In the period from October 2003 through September 2007, at least 175 children across the country were either killed or seriously injured by chained dogs. Details of such attacks often describe a dog unsocialized with humans and very territorial of his limited space at the end of a chain.⁵

Many arguments, therefore, exist in favor of looking seriously at the issue of tethering dogs. It remains in the public interest for dogs not to be vicious. Tethered dogs are often frustrated, frightened, or easily agitated, therefore it is

not surprising when they attack and bite.⁶ The reason is logical: dogs are social animals with a biological need for companionship, usually supplied by a human family.⁷

On a tether constantly, social contact from dogs and humans is withheld, sensory deprivation becomes the norm, and boredom, frustration, anxiety, agitation, and aggression follow in rapid succession.⁸ Dogs who are adequately socialized with humans and other animals and who are properly restrained by the use of fences and runs when they are outdoors are less of a threat to family members, passersby, law enforcement officers, public utility inspectors, telephone/cable repair persons,

postal delivery persons, and other visitors. The result will be a safer neighborhood. Communities should welcome opportunities to reduce the chance of serious injury, death, and suffering of both people and animals. Educating adults and children about specific canine behaviors and their causes, particularly with regard to chaining or tethering, could certainly reduce dog bite injury and death.

Deaths and Injuries Related to Chained/Tethered Dogs

There is no doubt that dog bites (whether from chained or unchained dogs) result in a major and costly public health problem; statistics abound to prove the point. For example, the Centers for Disease Control estimates that 4.5 million people in the United States are bitten each year, and almost half are children under the age of 12. Of these, approximately 800,000 seek medical care for dog-bite related injuries. The insurance industry estimates it pays more than \$1 billion annually in homeowners' liability claims resulting from dog bites. Hospital expenses for dog bite-related emergency visits alone are estimated at \$102 million annually.⁹

One study published in the Journal of the American Veterinary Medical Association estimates that 17% of reported dog bite injuries and deaths nationwide between 1979 and 1998 were caused by dogs restrained

(including by chaining) on their owners' property at the time of the attack.¹⁰ Although chaining is one type of restraint cited in this and other studies, analysis is complicated because exact circumstances related to serious injuries and deaths caused by dog bites/attacks may not always be reported (e.g., whether the dog was chained, otherwise restrained, unchained, abused, stray, or injured).

Another study published in Public Health Reports, a journal of the United States Public Health Service, reveals further information about the risks of chaining dogs. Author John C. Wright, PhD, identified and studied sixteen incidents involving dog bites fitting the description "severe" among 5,711 dog bite incidents reported to health departments in five South Carolina counties in a three-year period. A "severe" attack was defined as one in which the dog repeatedly bit or vigorously shook his victim, and the victim or the person intervening had extreme difficulty terminating the attack. In 8 of the 16 cases, the dog involved either was chained or broke loose from his chain to attack his victim. Of those eight, one was a fatal attack.¹¹

Karen Delise, author of the book, Fatal Dog Attacks, provides extensive details of the circumstances surrounding every fatal dog attack reported since 1965 in the United States. "While many circumstances may contribute to a fatal dog attack," Delise writes, "the following three factors appear to play a critical role in the display of canine aggression toward humans:

1. Function of the dog - (Includes: dogs acquired for fighting, guarding/protection or image enhancement)
2. Owner responsibility - (Includes: dogs allowed to roam loose, chained dogs, dogs and/or children left unsupervised, dogs permitted or encouraged to behave aggressively, animal neglect and/or abuse)
3. Reproductive status of dog - (Includes: unaltered male dogs, bitches with puppies, children coming between male dog and female dog in estrus)."¹²



Valencia County, New Mexico

Photo Credit 4

By Delise's estimation, chained dogs have killed at least 109 persons (25% of the US dog bite/attack fatalities since 1965); of those fatalities, 99 were children who wandered into the reach of a chained or similarly restrained dog and another 11 were instances in which chained dogs broke free before attacking.¹³ In a recent telephone interview with Delise conducted by Animal Protection of New Mexico (APNM), Delise commented that while chaining does not *always* make a dog aggressive, the animal is being given fewer options in fight-or-flight circumstances, thus inviting situations that increase the likelihood of aggressive responses. While the fatal attack numbers are well documented, she noted it is more difficult to find definitive figures of serious injuries, since only those attacks reported are published. Therefore, it is important to keep in mind that all the bite-injury statistics available are really only estimates.¹⁴ Indeed, according to the National Center for Injury Prevention and Control, there is no ongoing national surveillance system for non-fatal dog bites.¹⁵

Over the past 42 years there have been seven fatal dogs attacks in New Mexico, two of which involved children who attempted to interact with chained dogs, according to the website of the National Canine Research Council (NCRC),¹⁶ on which Delise provides updates on the information provided in her book, Fatal Dog Attacks. The NCRC believes the risk of fatalities linked to chained dogs is extremely low in New Mexico itself. But Delise says it is important to consider how many variables are at work in any attack situation. The severity and ultimate outcome of



Roswell, New Mexico

Photo Credit 5

any dog attack can be greatly influenced by the presence or lack of such things as intervention, responsible supervision of children, and responsible dog ownership.

Although there may have been other unreported incidents, a search of news reports in New Mexico over the past three years points to four cases of serious injuries caused by chained dogs:

Alejandro Cardoza, 21 months old, was seriously injured in April 2007 in Deming, New Mexico. The Deming Headlight reported, "The dog was chained to a spike in the ground...Alejandro was bitten on the head and back...."¹⁷

A 20-month-old toddler in Las Cruces, New Mexico suffered injuries in May 2007 including a torn ear and puncture wounds to the side of his face, right arm, and inner thigh. The El Paso Times reported, "The dog was chained to the bumper of a truck, only feet from the front door of the boy's home."¹⁸

In July 2005, Valencia County Deputy Shannon Brady of Los Lunas, New Mexico was "attacked by a chained pit bull," according to the Valencia County News-Bulletin. She had to be placed on medical leave for several weeks to recover from several bites to her right leg and two fractures to her left elbow.¹⁹

Emma-Leigh Chambers-Allen, 4, of Los Chavez, New Mexico was seriously injured in June 2004. The Albuquerque Journal reported that she "...wandered into the yard and walked toward the dog that was tied to a tree with a

poly-nylon rope. Earlier that day the dog was allegedly provoked by neighborhood children who threw rocks and water balloons at the animal...." A broken nose, broken jaw, and missing teeth were among her injuries that required reconstructive surgery.²⁰

Humane Implications

In looking at the humane implications of persistently tethering dogs, it is useful to study the mission statements and position statements of various animal welfare organizations. It is interesting to note that most animal welfare organizations, whether national or not, address the issue of tethering. The following represents only a small sampling:

The American Humane Association (AHA), a nationwide non-profit based in Denver, Colorado, is a network of individuals and organizations whose collective mission is to prevent cruelty, abuse, neglect, and exploitation of children and animals and to assure that their interest and well-being are fully, effectively, and humanely guaranteed by an aware and caring society. The American Humane Association specializes in professional education, training and advocacy, and research and evaluation. AHA believes that chaining or tethering makes dogs feel vulnerable and increases their aggression, in turn making the practice a major risk factor in dog bites. The organization also states that chaining dogs represents a serious, under-recognized form of animal cruelty. It has worked with local humane organizations to develop and support the passage of state and local laws that limit the outdoor chaining or tethering of dogs. It has also worked with allies in Tennessee,



Anthony, New Mexico

Photo Credit 6

California, and Pennsylvania to support bills limiting the length of time a dog may be chained outside and requiring basic standards of food and shelter be met.²¹

Animal Protection of New Mexico (APNM), a non-profit based in Albuquerque, New Mexico, has been working to promote the humane treatment of animals in New Mexico since 1979. APNM accomplishes its work through education and outreach, and campaigns for change. Its mission is to advocate the rights of animals by effecting systemic change, resulting in the humane treatment of all animals. APNM strives to educate people about the plight of chained dogs, as well as the dangers posed to the public by chained dogs. The organization promotes positive alternatives to chaining, and provides information and resources to help people get dogs off chains and into the lives of family members.²²

Dogs Deserve Better, a non-profit education/legislation/rescue organization based in Tipton, Pennsylvania, describes its goals in terms of the following six principles: advocate and become a voice for all dogs living chained outside; educate society to evolve a higher ethical and moral standard for the treatment of dogs living under these conditions; meet with owners of dogs chained outside to advocate on behalf of the dogs and discuss other options available to them; provide low-cost or no-cost house training for dogs whose owners wish to bring them into the home; temporarily foster and find new homes for dogs whose owners wish them to have a better life but are unwilling or unable to provide that for them. Dogs Deserve Better believes the time has come for Americans to "wake up to the dangers of chaining a dog."²³ Founder Tammy Grimes states: "How many children have to die before people realize this is a serious and nationwide problem? The chaining of dogs has been ongoing for generations in America, and this outdated and irresponsible method of guardianship must stop...Not only is it dangerous and cruel for the dog, but it's dangerous for any child unlucky enough to wander into the sphere created by an angry dog's chain."²⁴



Albuquerque, New Mexico

Photo Credit 7

The Humane Society of the United States (HSUS), a non-profit based in Washington, DC, is the nation's largest animal protection organization and a voice against cruelty, exploitation, and neglect. Its mission statement: celebrating animals, confronting cruelty. The HSUS seeks a humane and sustainable world for all animals - a world that will also benefit people. The organization is committed to policies that set a standard and discourage or prohibit long-term tethering.²⁵

Through domestication, dogs have been bred to form strong attachments to their human family members. They thrive on interactions with their families. Without exception, people and organizations widely regarded as experts on the humane treatment of animals and animal behavior agree that a solitary life on the end of a chain is a cruel sentence for these social animals.²⁶ A dog's desire to interact with people adds to his frustration on the end of a chain.



Bernalillo County, New Mexico

Photo Credit 8

Dogs persistently tethered are denied companionship and socialization. They soon become lonely, bored, anxious, and aggressive.²⁷

Persistently tethered dogs also lack proper exercise. They are frequently left exposed to the elements, because they are denied access to basic shelter and shade. Tethered dogs are left vulnerable to attacks by other animals, people, and vermin. They are often denied access to food and/or water. Finally, they are forced to eat, sleep, urinate, and defecate in the same limited space.²⁸

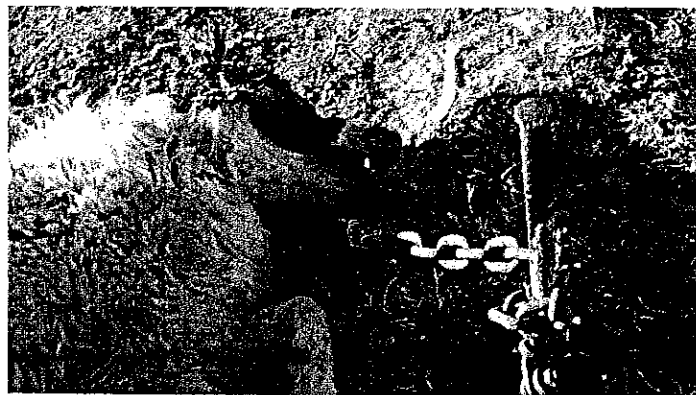
A dog's chain can easily become entangled on a post, tree, doghouse, or other stationary object, leading to injury or death. A tethered dog can easily hang himself by jumping over a fence, doghouse, car, or other nearby object.²⁹

Evidence of cruel treatment and neglect commonly seen in persistently tethered dogs by animal control officers and veterinarians includes embedded collars, chains, or cables in the neck, often to such an extent that the dog must be destroyed.³⁰ According to Dogs Deserve Better, it happens much more frequently than people think and additionally, it happens in all socio-economic levels.³¹ Dogs confined by tethering are also targets for thieves who sell stolen dogs to research facilities and organized dog-fighting operations.³²

Local Animal Control Ordinances and Tethering: Research and Informal Survey Results

Local animal control ordinances may or may not address tethering dogs. Even when not specifically using the term tethering or chaining, other state and local anti-cruelty statutes likely can be interpreted to prohibit tethering in cases where it is detrimental to the dog.³³ Thus, questions have arisen as to whether tether-specific laws are needed when such existing anti-cruelty laws can apply. For example, it is often clear to the investigating officer or other witness that a particular chained dog is being deprived of food, water, shade, or shelter.³⁴

The International City/County Management Association, a national organization for the chief appointed management executives in local government, publishes a comprehensive animal care and control guide for local governments. The publication includes the observation that local laws are very



TOP: Taos County, New Mexico, Photo Credit 9

LEFT: Photo Credit 10, RIGHT: Photo Credit 11

often passed to supplement state anti-cruelty laws, specify certain standards of animal care, and prescribe additional criminal and civil penalties: In fact, many jurisdictions across the country have found specific animal care and animal neglect problems—including perpetual tethering—worthy of special legislation.³⁵

From August through November 2007, APNM conducted an extensive review of New Mexico's municipal and county animal control ordinances to determine how many address the issue of chaining or tethering and to what extent. According to results, most municipalities and most counties in New Mexico currently do not address chaining at all. In follow up telephone interviews with New Mexico's animal control officers, however, APNM found that many of them see the need for revised laws to restrict or prohibit tethering. Whether officers witness abuse firsthand, or they are confronted with its aftermath, they are often powerless to help -- simply due to the absence of more specific laws. Officers can be further thwarted from protecting animals and the public because there are too many differing opinions among people as to what constitutes abuse, and anti-cruelty laws that do not address tethering often also do not address other types of related neglect such as companion deprivation, emotional abuse, lack of proper exercise, and

frustration that can lead to aggression. Therefore, without a law specific to chaining, an effective tool is missing that could be used when a situation arises that warrants intervention.

According to APNM's research, an animal control ordinance must encompass both public safety and humane considerations to be effective. Without both elements, public officials and administrators experience ongoing conflict with the public and potential liability. Residents are commonly concerned about public safety, property protection, and cruelty to animals. Local animal control ordinances often evolve based on efforts by law enforcement personnel and public officials to deal with such pressure.

This process has often taken a municipality or county from having an animal control ordinance absent any mention of chaining through progressively more detailed restrictions or prohibitions, with a variety of penalties imposed. Further, municipalities and counties often mimic the exact language of various sections of other municipalities' or counties' animal control ordinances -- including sections on chaining. This is an indication that, at the least, administrators are grappling with similar problems and networking among themselves to find the right solutions. They appear to be trying to find good models of comprehensive ordinances to adapt to their own needs.

APNM found that, in New Mexico, 11 out of 103 municipalities and 13 out of 33 counties address chaining or tethering in some way, from the most minimal to the most detailed restriction.

For example, the animal control ordinance in Tijeras states:

A chain must be at least 8 feet long.

By contrast, Albuquerque's animal control ordinance states:

When not accompanied by a person, chaining is prohibited as a means of outdoor confinement for more than one hour during any 24-hour period. A trolley system - consisting of a cable strung between two fixed points, with a dog on a short lead attached - can be used for up to nine hours in a 24-hour period if a city permit is obtained. When chaining is used, the chain shall weigh no more than an eighth of the animal's weight. The chain must be affixed to the animal by the use of a nonabrasive, well-fitted harness. The chain must be at least 12

feet long and fastened so the animal can sit, walk, and lie down using natural motions. It must be unobstructed by objects that may cause the chain or the animal to become entangled. It must have a swivel on both ends. The chained animal shall be surrounded by a barrier sufficient to protect the animal from at-large animals, and to prevent children from accidentally coming into contact with the chained animal.

APNM believes that a total of six municipalities and 10 counties in the state address the practice of chaining with enough detail to remediate the wide variety of situations that an animal control officer might encounter and thus are meaningful to both public safety and the humane treatment of dogs. APNM points to Albuquerque's ordinance as one example. Another good example exists in Doña Ana County, whose ordinance states:

A chain must be affixed to the animal by use of a nonabrasive, comfortably fitted collar or harness. The device must be at least 12 feet long, unless it would allow the animal to go beyond the property line, in which case it must be at least eight feet long. The device must be fastened so the animal can sit, walk and lie down comfortably, and it must be unobstructed by objects that could cause the device or animal to become entangled or strangled. Any chain or tether must have swivels at both ends. The animal must have easy access to shade, shelter, food and potable water. A dog may be restrained by a chain or tether for no more than eight hours in a 24-hour period. No chain or tether shall weigh more than an eighth of the dog's weight. The area where the animal is confined must be free of garbage and other debris that might endanger the animal's health or safety. It must be kept free of insect



Albuquerque, New Mexico

Photo Credit 12

infestation, such as anthills, wasp nests, flea, tick, or maggot infestations. It is unlawful to chain or stake out an animal on unenclosed premises in such a manner that the animal can go beyond the property line.

In talking with animal control officers, APNM focused primarily on those communities whose laws specifically make reference, either by restriction or prohibition, to the practice of chaining or tethering dogs. The officers answered questions about public awareness of such laws, compliance, and prosecution. They offered opinions about whether their local laws are effective, how they might be improved, and other insights concerning problems related to chaining.

While different, the opinions of animal control officers throughout New Mexico point to similar concerns. They recognize that to enforce and encourage responsible pet ownership and the humane treatment of animals, they must have sensible laws on the books that they can rely on as tools for effective animal control. At the same time, they understand that public education is equally important to compliance.

An animal control officer in Valencia County said, "Dogs running loose are a big problem, so officers carry chains to give to owners, even though the officers aren't in favor of chaining." He added, "Dogs are not lawn ornaments. People need to start thinking in terms of their animals being part of their family. A big part of the solution is education to change the way people interact with their dogs."

A lieutenant with animal control in Albuquerque commented, "The city's new chaining law is a very good one. People are aware of it due to lots of education. I like the fact that it is very detailed and specific, because if I have to issue citations, the violators can be prosecuted more easily."

A five-year veteran of animal control in Cibola County commented, "Dog chaining is bad and it's a sign of an irresponsible owner."



Las Cruces, New Mexico

Photo Credit 13

An animal control officer in Chaves County said, "Chaining is not great, but it at least prevents dogs from leaving properties and getting shot in rural areas. We try to let people know where they can easily buy a swivel set with up to 10 feet of chain length, so at least residents can comply with what's in our ordinance."

A long time animal control supervisor in Doña Ana County said, "Not only is chaining torture for the dog, but the lack of socialization that results from chaining leads to increased aggression and children being attacked."

An animal control supervisor in Carlsbad, on the job for 19 years, said, "Chaining ought to be outlawed except in extreme situations, because it promotes aggression. The dogs become frustrated and turn aggressive and it can lead to dog bites of children."

Unfortunately, many public bodies are reluctant to make revisions to their animal control ordinances due to time-consuming legal requirements for notice, public hearings, lengthy comment periods, and additional public meetings for passage. Public administrators must communicate their intentions well in advance to allow for full participation of both the public and law enforcement officers. Once new laws are enacted, communities are well served by resulting public awareness and cooperation. Tethering guidelines, restrictions, and prohibitions can and should serve as proactive, preventative measures to protect both people and animals.

Legislation

Under the Animal Welfare Act, the United States Secretary of Agriculture is authorized to promulgate standards and other requirements governing the humane handling, housing, care, treatment, and transportation of certain animals by dealers, research facilities, exhibitors, carriers and intermediate handlers. The Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), published the following final rule in the Federal Register on August 13, 1997: (Volume 62, Number 156) Rules and Regulations: "Our experience in enforcing the Animal Welfare Act has led us to conclude that permanently tethering a dog as a means of primary enclosure is not a humane practice that is in the animal's best interest. Temporarily tethering a dog due to health or other reasons would be permitted if the licensee obtains the approval of the Animal and Plant Health Inspection Service. This action will help ensure that dogs in facilities regulated under the Animal Welfare Act will be treated in a manner that is consistent with the animals' best interests."³⁶

In the same publication, APHIS's supplementary information goes on to report: "A dog attached to a tether is significantly restricted in his movement. A tether can also become tangled around or hooked on the dog's shelter structure or other objects, further restricting the dog's movement and potentially causing injury. We do not believe that a flexible tether, a tether with a swivel on the end, or other such devices would significantly improve the safety of a tether. Such devices may improve the mobility of the dog, but the possibility would still remain over time for the tether to become tangled around objects within the dog's range."³⁷

One obligation of state and local government is protecting its citizens, which includes addressing aspects of public health, environmental health/hygiene, and inspection/compliance activities. Since every state in the U.S. has laws prohibiting cruelty to animals, it can logically be concluded that protecting animals from cruel treatment also is recognized as another obligation of state and local government. Laws, education, and enforcement are key components both to public safety and the humane treatment of animals. Laws can be excellent tools to improve the lives of both humans and animals and to protect them from neglect and other forms of cruelty.

Many animal welfare organizations, residents, law enforcement officers, and administrators of local governments are asking for both state and local laws to restrict how long, if at all, and by what methods dogs may be tethered. Laws can discourage, restrict, or prohibit the use of chaining.

A September 2007 State Legislative Resources report of the AVMA says that several existing state statutes address the issue of tethering domestic dogs.³⁸ In terms of issues of interest to the AVMA State Legislative and Regulatory Affairs Department, animal welfare is consistently the most active area in state legislatures across the country. The organization tracked over 225 animal welfare bills in 2006. Many such bills expanded the acts covered under animal cruelty laws and increased the penalties for animal cruelty.³⁹ A follow-up report in mid-2007 noted that the trend toward enhanced penalties for animal cruelty continues, with 43 states now providing felony penalties for the offense.⁴⁰ Tethering may be an under-recognized form of animal cruelty, but that is changing.



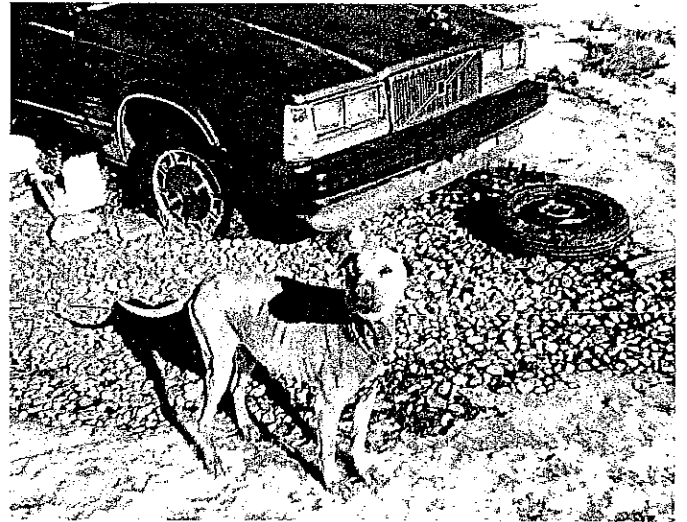
Taos County, New Mexico

Photo Credit 14



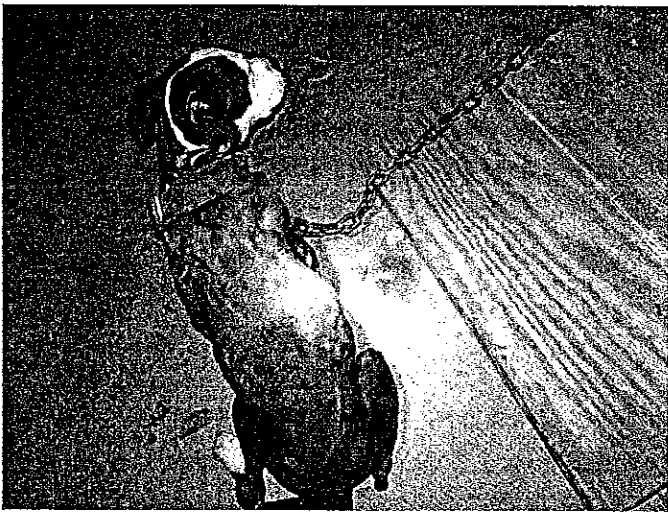
Anthony, New Mexico

Photo Credit 15



Taos County, New Mexico

Photo Credit 16



Anthony, New Mexico

Photo Credit 17



Radium Springs, New Mexico

Photo Credit 18



Las Cruces, New Mexico

Photo Credit 19



Taos County, New Mexico

Photo Credit 20



Taos County, New Mexico

Photo Credit 21



Albuquerque, New Mexico

Photo Credit 22



Bernalillo County, New Mexico

Photo Credit 23



Bernalillo County, New Mexico

Photo Credit 24



Radium Springs, New Mexico

Photo Credit 25



Roswell, New Mexico

Photo Credit 26



Bernalillo County, New Mexico

Photo Credit 27

According to the Humane Society of the United States, legislation to ban or restrict the practice of chaining is gaining momentum, at both the state and local levels, all across the country.⁴¹ Several states, outlined below, have already passed laws outlawing chaining dogs as a primary means of confinement, or limiting the amount of hours per day that they may be chained, and hundreds of communities in at least 30 states have chaining ordinances.

California now prohibits a person from tethering, fastening, chaining, tying, or restraining a dog to a doghouse, tree, fence, or other stationary object, unless such restraint is for a reasonable period not to exceed three hours in a 24-hour period. Alternative methods of restraint such as a running line, pulley, or trolley system are permitted under the same law.⁴² Connecticut prohibits tethering for an unreasonable period of time. Vermont and Maine prohibit tethering when it is determined to be inhumane or detrimental to the animal's welfare and specify appropriate conditions for tethering. State statutes in Virginia, Michigan, Delaware, and the District of Columbia contain specifications regarding how to appropriately tether an animal.⁴³

Texas, Maryland, and Tennessee have also passed new tethering laws.⁴⁴ The Texas law prohibits an owner from tying up a dog outside between the hours of 10:00 p.m. and 6:00 a.m. and during extreme weather conditions. The bill also prohibits the use of a pinch-type, prong-type, or choke-type collar and stipulates a minimum length for a tether.⁴⁵ Maryland's law is much like that in Texas, but it addition-

ally includes specifications as to the circumference and fit of the dog's collar. Tennessee's law specifies that residents cannot knowingly tie, tether, or restrain a dog in a manner that results in the dog suffering bodily injury. Similar bills are being considered in Michigan, New Jersey, and Pennsylvania.⁴⁶

The website helpinganimals.com, which includes comprehensive information about tethering laws nationwide, additionally references another state statute in

West Virginia that specifically addresses tethering. Its list includes at least a dozen communities that prohibit tethering, including Austin, Texas; Little Rock, Arkansas; Carthage, Missouri; and Fairhope, Alabama. Reference is also made to at least 50 more cities that limit how long dogs can be tethered, including Los Angeles, California; New Orleans, Louisiana; Racine, Wisconsin; Topeka, Kansas; Bloomington, Indiana; and Oakland Park, Florida.⁴⁷

A relatively new initiative of Dogs Deserve Better, called Mothers Against Dog Chaining, seeks to protect children by promoting legislation to limit or prohibit tethering and by encouraging dog owners to socialize their dogs. It is led by Dogs Deserve Better founder Tammy Grimes and Crystal Sinclair, mother of Makayla Sinclair, killed at the age of two by chained dogs in Spartanburg County, South Carolina. Dogs Deserve Better continually updates statistics based primarily on news reports of children killed and/or seriously injured by chained dogs in the United States – at least 175 children since October 2003, according to its website. It goes on to comment that “(t)o take a pack animal, in need of love and socialization, and subject it to a life of neglect and isolation leaves us with a live grenade just waiting for a small child to step into its path. If this grenade – fueled by restless energy, anger, and frustration – explodes, our children pay the price, and often with their life.”⁴⁸

Outdoor Alternatives to Chaining

Humane alternatives to tethering include traditional fenced yards (with either a doghouse or pet door leading to other sheltered areas such as home or garage), large pens or kennels, cable/trolley runs, swivels, and invisible/electric fences, all with appropriate access to food, water, shade, and weatherproof shelter. Persons should consult local ordinances to determine if any particular permit, restriction, or prohibition exists for an alternative method.

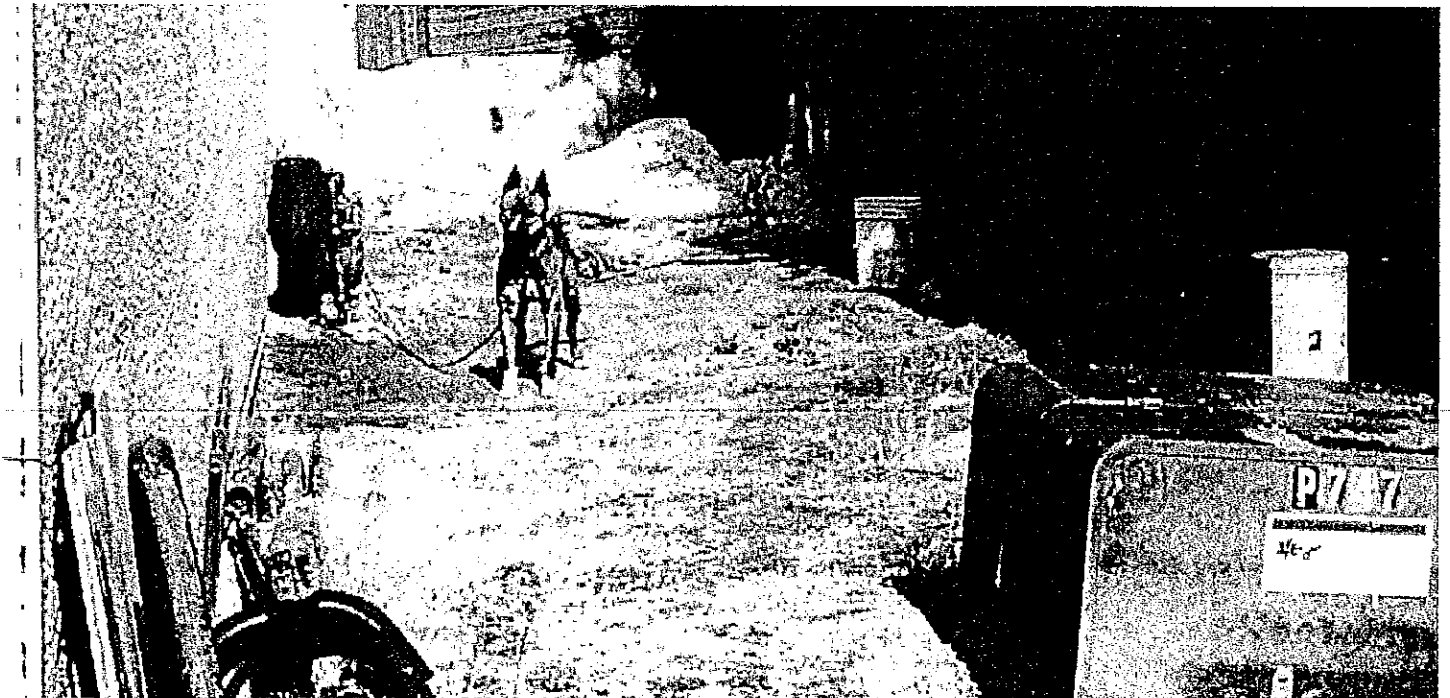
Local animal welfare organizations frequently offer assistance or resources to residents who want help building doghouses, fences, or assembling trolley systems. In January 2007, for example, Placitas Animal Rescue hosted an event to build and distribute fifty doghouses throughout Sandoval County and elsewhere.⁴⁹ People for the Ethical Treatment of Animals publishes an educational fact sheet called Legal Shelter for Your Dog, which gives specific recommendations for the health and well being of dogs who are outside some or most of the time and whose housing is substandard, as well as detailed instructions for constructing a dog house.⁵⁰

Education about alternatives to tethering is vital in New Mexico, because virtually all its municipalities and counties have ordinances prohibiting dogs running at large. In the minds of some residents, this means they have no option

other than chaining their dogs if they don't have a fenced yard, kennel, or pen and if they refuse to allow their dogs inside their own homes. Although it is clear some people who own dogs can't and won't properly provide for them, it is equally clear that many people simply need to learn what it means to be a responsible pet owner. Regardless of whether other alternatives are used, it seems experts agree that dogs should be allowed to socialize with their human family.

The Nature of Dogs and Their Relationship with Humans

Animal scientist Temple Grandin, PhD, talks about the nature of the human relationship with domestic animals in her latest book, Animals in Translation. Recent research indicates that humans and dogs have probably been companions for over 100,000 years. She points out that over this period of evolution, dogs have developed a lot of ability to inhibit aggression against humans, while humans have similarly developed a lot of ability to manage dog aggression.⁵¹ Yet, she also notes that it is essential to make sure domestic animals are properly socialized both to other animals and to people in order to manage aggressive tendencies. One of the worst mistakes is to rear a domestic animal in isolation.⁵²



Albuquerque, New Mexico

Photo Credit 28



Radium Springs, New Mexico

Photo Credit 29



Doña Ana County, New Mexico

Photo Credit 30

It is widely recognized that domestic dogs often fill important roles in addition to companionship and positive family experiences. In the areas of law enforcement and public safety, dogs may be trained to detect drugs, bombs, and arson, in addition to performing search and rescue missions. In the medical field, they may detect certain types of cancer and warn epileptic owners of imminent seizures. They may also serve as seeing-eye dogs, hearing dogs, and therapy dogs. Recent research examined in the British Journal of Health Psychology shows that the benefits of dog ownership include lower blood pressure, lower cholesterol, and fewer minor physical ailments. Dogs even facilitate their owners' recovery from illness.⁵³

Dogs can be relied on for protection, too, but not on the end of a chain. Rather than protecting owner or property, a chained dog will often become fearful when exposed to a potentially threatening stimulus, precisely because he cannot escape. Alternatively, he may become aggressive, a result of frustration because he cannot freely explore any perceived threat to determine whether or not it poses a danger.⁵⁴

Conclusions and Recommendations

In conclusion, several points should be emphasized:

- Chaining or tethering domestic dogs is a practice which affects public safety and health care costs, making it

worthy of attention and preventative measures in New Mexico.

- Neglect and cruelty to animals occur across all socio-economic levels in both urban and rural communities in New Mexico. The persistent chaining or tethering of dogs is increasingly being recognized as a form of animal cruelty.
- The welfare and health of domestic dogs in New Mexico can be improved by promoting responsible ownership and stewardship, meaning, among other things, educating the public about the implications of chaining or tethering and actively promoting alternatives to the practice.
- Humane remedies for New Mexico's persistently chained or tethered dogs will have a direct bearing on public safety.

Even people who love animals sometimes do not know what proper care means. People often need to be taught what is required of them in owning a dog. They often don't think about the cost of owning a dog, from food to veterinary care, nor do they consider the demands required of their time to take proper care of a dog. Helping people evaluate these realities before adding a dog to their household would likely decrease the numbers of chained, neglected, and abandoned dogs.

Education – combined with appropriate legislation – is an important key to changing how people interact with and care for dogs. Bilingual humane education programs should be developed to include instruction on the humane implications of, public safety implications of, and alternatives to persistently chaining dogs. These programs should be implemented in schools and elsewhere to encourage and promote more positive interaction between pet and family. Initiatives to promote taking dogs off chains and into the family will benefit all concerned.

Following a humane education presentation given in 2005 to an 8th grade class at Albuquerque's Washington Middle School, the students were asked to illustrate what they had learned. As evidenced by their artwork included in this report, children in New Mexico do demonstrate an understanding of and interest in the humane treatment of dogs and other animals.⁵⁵

Children and adults alike should be encouraged to think of dogs as part of the family and shown positive ways to interact with them, for example walking, running, hiking, or participating in obedience classes, agility trials, therapy programs, or search and rescue organizations. In addition, instruction and assistance in constructing or locating effective, low-cost alternatives to tethering should be considered a critical element of public awareness, whether or not mandatory regulations are imposed. Happier dogs will mean safer communities.

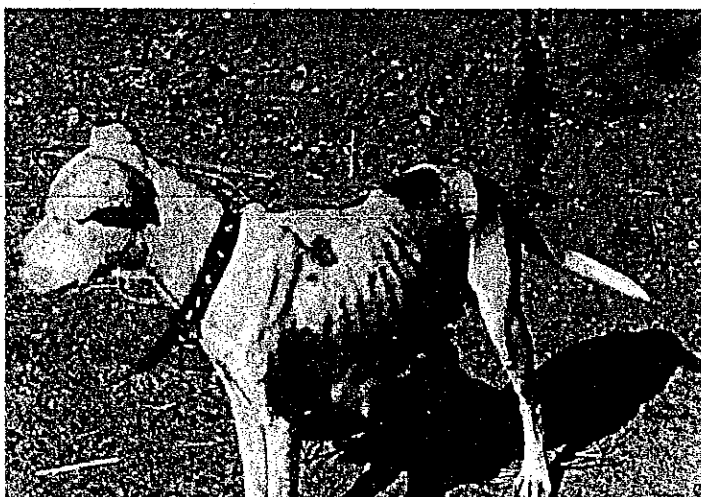
Partnerships among private sector veterinarians, non-profit organizations, educators, students, and public health professionals are important in gaining public awareness and helping people obtain resources. Such partnerships can contribute to the design and successful implementation of educational programs that address public safety as well as the humane treatment of animals. Such collaboration is effective, but it is also essential to have the cooperation of governmental authorities.

Education alone is not enough to solve certain problems. On the local level, cities and counties know that animal control is a statutory obligation of government. Sensible animal control laws combined with diligent enforcement result in communities with more responsible pet owners – communities that can enjoy enhanced reputations and the resulting improvements in regional economic development.

A comprehensive ordinance contributes immeasurably to the quality of life for community residents. However, local ordinances, by themselves, often produce unsatisfactory results.

City and county ordinances may lack language specific to tethering. Existing ordinances that *do* address chaining may contain ambiguous, even contradictory, language and local officials may be reluctant or slow to revise them. The result is compromised enforcement and prosecution.

So, although networking agencies and public awareness campaigns may help people recognize the public safety and humane implications of chaining or tethering dogs, it is incumbent on government to ensure the best methods are employed consistently across the state to protect both humans and animals. Toward that end, the current trend toward state legislation to restrict or prohibit persistent chaining or tethering of domestic dogs appears to be a positive one.

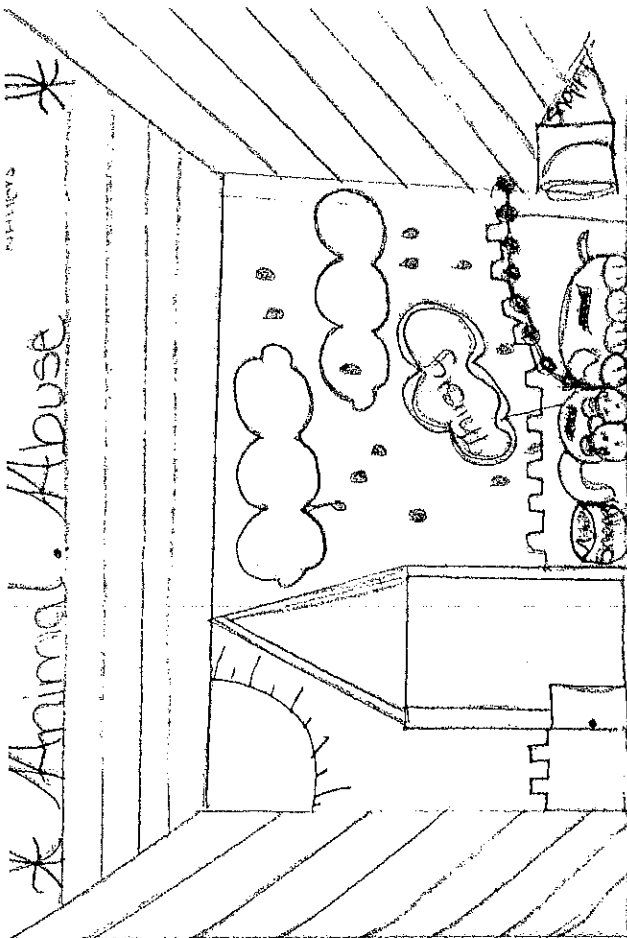


Bernalillo County, New Mexico

Photo Credit 31

STUDENT ARTWORK

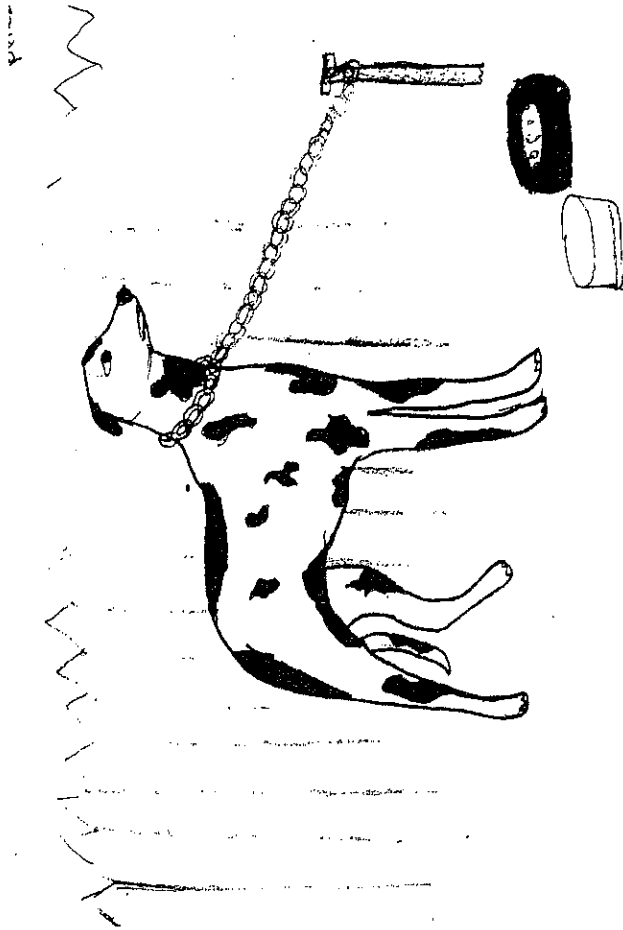
* Animal Abuse *



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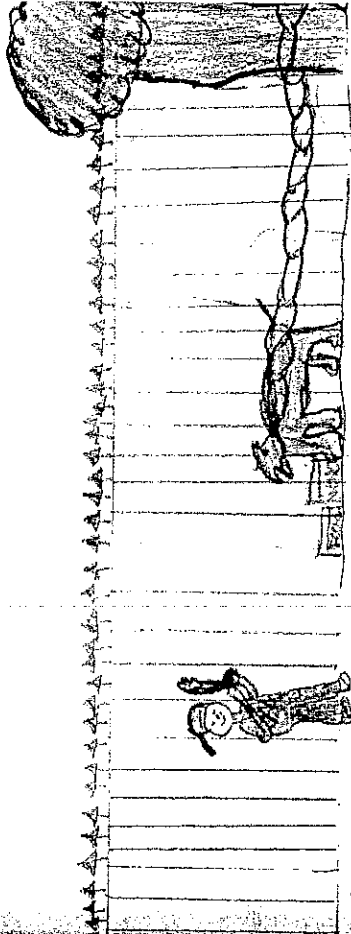
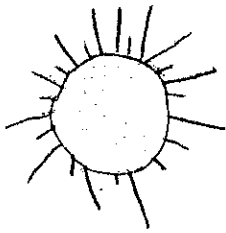
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 things all over his dog.



Paran de Maltreatos a los

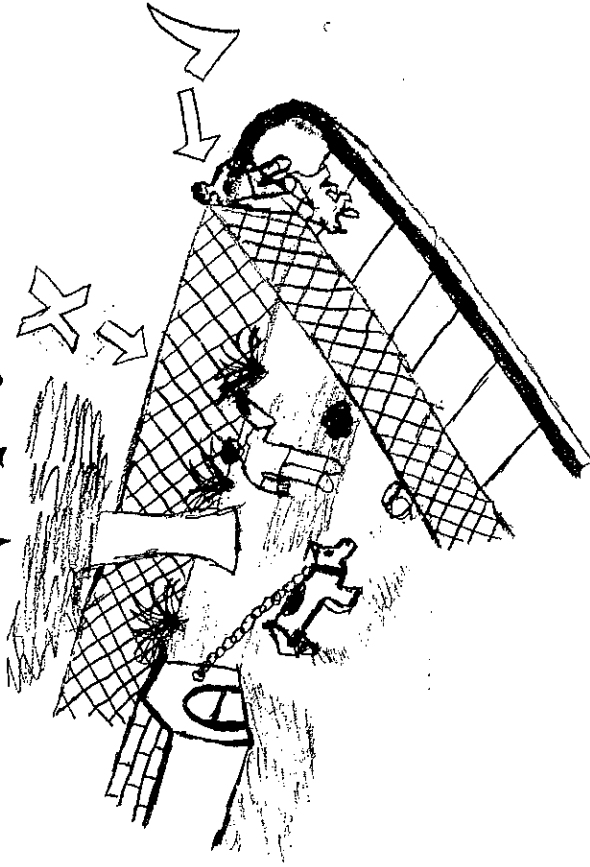
Animales.

Stop Animal Abuse!!!



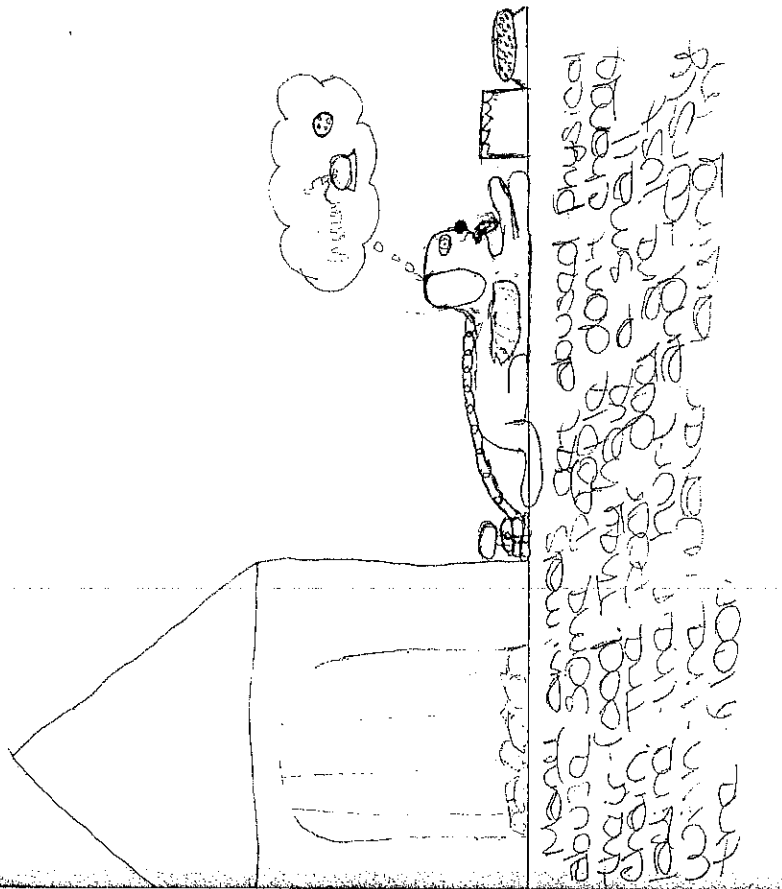
I think people should stop abusing dogs
and if you have a dog feed him don't
feed it why do you leave a dog
just give it money to someone who can
that feed it and play with it.

Muertes en Vida

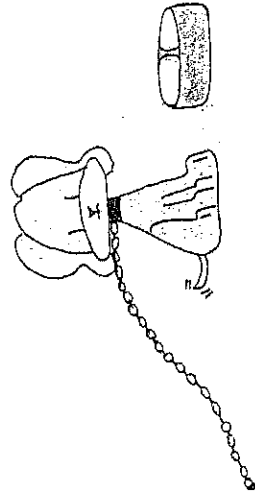


No peges a los animales si
le pegas a un animal y lo
maltratas estas mal de la cabeza
o si te gusta maltratarlos
tienes que ir con un circo loco.
No seas una de las personas que
maltratan animales.
Si vas a tener animales caseros
son para que los cuides no
para que los maltrates.

What's
 wrong with
 your dog?



NO MAS MALTRATO
 A LOS
 ANIMALES!



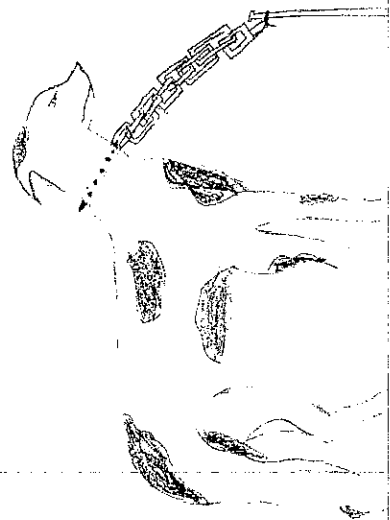
YA BASTA CON EL MALTRATO
 LOS ANIMALES TAMBIEN SUFREN.

HAS TU PARTE NO
 MALTRATES A LOS
 ANIMALES!

Cada cabeza es un mundo!

MALTRATO NO SOLA ES USADO CONTRA HUMANOS

Maltratando animales es un crimen.
Los animales tienen sentimientos
no solo son mascotas son como
parte de la familia.

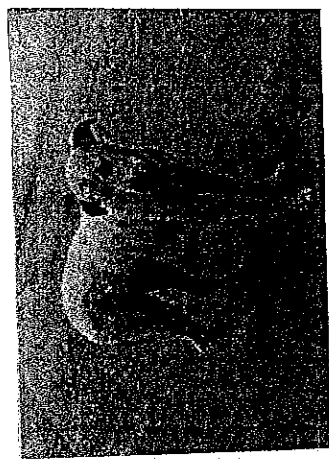


Desine pagar
with p...

ABUSED



ABUSED



This dog abuse needs to stop. Because
all of the animals have feelings & Co.
Not just because they're dogs, cries at meat
they don't feel! It's not only dog abuse, it
also ALL animal abuse. So if really
needs to stop! Think about it. What if
you were an animal and people abused you? I
fair?

PHOTO CREDITS

1. Alliance Against Animal Abuse, Albuquerque, New Mexico
2. Four Corners Animal League, Taos, New Mexico
3. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
4. Alliance Against Animal Abuse, Albuquerque, New Mexico
5. Animal Control Department, Roswell, New Mexico
6. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
7. Alliance Against Animal Abuse, Albuquerque, New Mexico
8. Alliance Against Animal Abuse, Albuquerque, New Mexico
9. Four Corners Animal League, Taos, New Mexico
10. Dogs Deserve Better
11. Unchain Your Dog
12. Alliance Against Animal Abuse, Albuquerque, New Mexico
13. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
14. Four Corners Animal League, Taos, New Mexico
15. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
16. Taos Kennels/NM Canine Rescue and Safeguard, Inc., Taos, NM
17. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
18. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
19. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
20. Four Corners Animal League, Taos, New Mexico
21. Four Corners Animal League, Taos, New Mexico
22. Alliance Against Animal Abuse, Albuquerque, New Mexico
23. Alliance Against Animal Abuse, Albuquerque, New Mexico
24. Alliance Against Animal Abuse, Albuquerque, New Mexico
25. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
26. Animal Control Department, Roswell, New Mexico
27. Alliance Against Animal Abuse, Albuquerque, New Mexico
28. Alliance Against Animal Abuse, Albuquerque, New Mexico
29. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
30. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
31. Alliance Against Animal Abuse, Albuquerque, New Mexico
32. Doña Ana County Sheriff's Department, Las Cruces, New Mexico
33. Doña Ana County Sheriff's Department, Las Cruces, New Mexico

NOTES

¹ "Facts About Chaining or Tethering Dogs," the Humane Society of the United States, 15 Oct. 2007, 5 Nov. 2007 <www.hsus.org/pets/issues_affecting_our_pets/animal_abuse_and_neglect/the_facts_about_chaining_or_tethering_dogs.html>.

² "Veterinarians Team Up With Plastic Surgeons for Dog Bite Prevention Week," Journal of the American Veterinary Medical Association News 15 May 2003.

³ "Facts."

⁴ The American Veterinary Medical Association Task Force on Canine Aggression and Humane-Canine Interaction, "A Community Approach to Dog Bite Prevention," Journal of the American Veterinary Medical Association (2001) 218: 1732-1749.

⁵ "Dogs Deserve Better, No Chained Dogs," Dogs Deserve Better, 10 Dec. 2007 <www.dogsdeservebetter.org/home.html>.

⁶ "Facts."

⁷ Marty Becker, "Dogs Need Time Off the Chain to Learn Good Behavior," 6 Dec. 2007 <www.unchainyourdog.org/news/041010DogsNeedTimeOff.htm>.

⁸ Becker.

⁹ William C. Roberts, "Facts and Ideas from Anywhere," Baylor University Medical Center Proceedings, (Baylor University Medical Center 2002) January; 15(1): 107-188.

¹⁰ Jeffery J. Sacks, et al., "Breeds of Dogs Involved in Fatal Human Attacks in the US Between 1979 and 1998," Journal of the American Veterinary Medical Association 15 Sept. 2000.

¹¹ "Severe Attacks by Dogs: Characteristics of the Dogs, the Victims, and the Attack Setting," Public Health Reports January-February 1985; 100(1): 55.

¹² Karen Delise "Fatal Dog Attacks: The Stories Behind the Statistics," 28 Nov. 2007 <www.fataldogattacks.com>.

¹³ "Fourteenth Child Since October Seriously Injured/Killed as a Result of Chained Dog Attacks," 22 Jul. 2004, 19 Nov. 2007 <www.unchainyourdog.org/news/040622DDBNewsRelease.htm>.

¹⁴ Karen Delise, Personal interview, 20 Dec. 2007.

¹⁵ Jeffrey J. Sacks, et al., "Dog Bites: How Big a Problem," Injury Prevention 1996; 2:52-54.

¹⁶ "New Mexico: Are Dogs a Real Danger?" National Canine Research Council, 12 Dec. 2007 <www.nationalcanineresearchcouncil.com/NewMexicoState.asp>.

¹⁷ Kevin Buey, "Dog Attacks 21-Month-Old Deming Toddler," Deming Headlight, May 2, 2007.

¹⁸ Renee Ruelas-Venegas of the Las Cruces Sun-News, "Toddler Recovering After Being Mauled by Rottweiler," El Paso Times, May 3, 2007.

¹⁹ Clara Garcia, "Deputy Breaks Arm in Pit Bull Attack," Valencia County News-Bulletin, July 27, 2005.

²⁰ Rozanna Martinez, "Girl Still in Hospital After Pit Bull Attack," Albuquerque Journal, 6/8/04.

²¹ "Mission," American Humane Association, 10 Nov. 2007 <www.americanhumane.org/site/PageServer?pagenam=wh_mission>.

²² "About Animal Protection of New Mexico," Animal Protection of New Mexico, 10 Nov. 2007 <www.apnm.org/about/php>.

²³ "The Goals of Dogs Deserve Better," Dogs Deserve Better, 10 Nov. 2007 <www.dogsdeservebetter.org/membership.html>.

²⁴ "Fourteenth."

²⁵ "About Us," the Humane Society of the United States, 10 Nov. 2007 <www.hsus.org/about_us/index.html>.

²⁶ "Not in Our Backyards," Humane Activist Newsletter of the Humane Society Legislative Fund, Sept.-Oct. 2006; 8(5): 7.

²⁷ "Life' on the End of a Chain is Not Life - it's a Dead End," The Political Animal Newsletter of Animal Protection Voters, Summer/Fall 2007: 12.

²⁸ "Why Do Chained Dogs Attack?" Helping Animals, 29 Nov. 2007 <www.helpinganimals.com/ga_chained_why.asp>.

²⁹ "Facts."

³⁰ Morse.

³¹ Morse.

³² "PA 2007: Updated: Restrict Dog Tethering," American Humane Association Action Alert, 2007.

³³ "Companion Animal Tethering Prohibitions," American Veterinary Medical Association State Legislative Resources Summary Report, Sept. 2007, 5 Dec. 2007 <www.avma.org/advocacy/state/issues/sr_tethering_prohibitions.asp>.

³⁴ Morse.

³⁵ Geoffrey L. Handy, Animal Control Management: A Guide for Local Governments (Washington, D.C.: International City/County Management Association, 2001) 31.

³⁶ United States Department of Agriculture, "Final Tethering Rule," Federal Register, Rules and Regulations (Washington: GPO Aug. 13, 1997) 62(156): 43273-43275.

³⁷ "United."

³⁸ "Companion."

³⁹ Adrian Hochstadt and Julia Fullerton, "2006 Legislative Summary and a Peek at 2007" American Veterinary Medical Association State Legislative and Regulatory Affairs Department, updated 12 Dec. 2006.

⁴⁰ "State Legislative Resources, State Legislative Updates/Veterinary State Legislative Mid-Year Report," American Veterinary Medical Association, 26 Jul. 2007, revised 8 Aug. 2007, 5 Dec. 2007 <www.avma.org/advocacy/state/legislative_updates/midyear_report_2007.asp>.

⁴¹ Wayne Pacelle, "Break the Chain," The Humane Society of the United States, A Humane Nation, 29 Oct. 2007 <hsus.typepad.com/wayne/>.

⁴² Hochstadt and Fullerton.

⁴³ Morse.

⁴⁴ Pacelle.

⁴⁵ "Banner Year for Animals in Texas," Humane Society of the United States, Southwest Regional Office Regional News Fall 2007: 5.

⁴⁶ "Companion."

⁴⁷ "Current Legislation on Tethering Dogs," Helping Animals, 30 Dec. 2007 <www.helpinganimals.com/ga_tetherLegislation.asp>.

⁴⁸ Mothers Against Dog Chaining, 28 Nov. 2007 <www.mothersagainstdogchaining.org>.

⁴⁹ "50 Dog Houses in Two Days," Placitas Animal Rescue Newsletter, Holiday 2006-2007: 2.

⁵⁰ "Legal Shelter for Your Dog," People for the Ethical Treatment of Animals, 30 Dec. 2007 <www.peta.org/pdfs/ABC_doghouse72.pdf>.

⁵¹ Temple Grandin and Catherine Johnson, Animals in Translation: Using the Mysteries of Autism to Decode Animal Behavior (Orlando: Harcourt, 2006) 176.

⁵² Grandin and Johnson 155-156.

⁵³ "Dogs Really are our Best Friends," the British Psychological Society, 7 Oct. 2007 <[www.bps.org.uk/media-centre/press-releases/releases\\$/british-journal-of-health-psychology\\$/dogs.cfm](http://www.bps.org.uk/media-centre/press-releases/releases$/british-journal-of-health-psychology$/dogs.cfm)>.

⁵⁴ Becker.

⁵⁵ Student artwork courtesy of Washington Middle School, Albuquerque, NM, 8th Grade Classroom, Patsy Cordova, Instructor.



Brazito, New Mexico

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To learn more about how to improve the lives of
chained dogs in New Mexico, please contact:

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