

Comments concerning the Proposed Animal Control Ordinance Feb. 25, 2013

Presented to the Santa Fe Board of County Commissioners, Feb, 26, 2013

Before I get into some of our newest ideas concerning this topic, I would like to say a few words about transparency. The County Web site exhibits the changes that have been suggested since the proposed ordinance was proposed and lists as an exhibit, "public comment". Out of the five "public comment" papers that we have submitted - three of which were handed out to you at the last meeting, only one appears on the web site. It's almost feels that our input doesn't really count, as the public had no opportunity to judge our thoughts.

Second, we were informed that new prices for dog licenses were already approved within the context of a newly signed contract with the Santa Fe Animal Shelter. This contract, signed Last December purportedly authorizes the fee increase. When we went to look for the contents of this contract we found that the contract language is not available. Instead, the County has provided a very nice contract specification for the United Way.

We do notice that the Amendment number one to the old 2010 contract states that the contractor "shall take over animal licensing duties as set forth in County Ordinances for the County". If this clause is in the new contract, then the cost for a license is still \$3.00 for dogs, and the contractor is remise in jacking the price to \$8.00 - as it has.

I think that it is important for the public to understand that the County, through its contracting, is already paying close to a half million dollars of tax-payer dollars to fund animal control and licensing efforts. Unless the Sheriff's department can explain how it's current contracts and its own funding underfunds its animal welfare efforts , we worry that the new ordinance is mostly about generating new sources of revenue for the County general fund.

Finally, if I may express the canvassed sentiments of the San Marcos Area, attempting to license and manage the rural areas cat population is both unmanageable and foolish.

That said, I shall make some suggestions:

Creating an Animal Control Plan

If Land Use had to create a "Land Use Plan" prior to creating its Land Use Code, then it stands to reason that Animal Control needs to create a plan prior to developing an ordinance as well.

Such a plan needs to cover costs/benefits and projected revenue needs. Questions such as the following need to be addressed:

a. Where does the revenue go?

- b. . What is the projected revenue?
- c. How many animals are projected to generate licensing fees
- d. What percentage of revenue is likely to come from a) County General Fund, b) animal license program, c) fines, d) permits, e) kennel fees.
- e. What are the projected costs of enforcement
- f. *What are the projected costs to the County for Contracts*
- g. What is the history of the County's animal control efforts
- h. What should the County include in any future animal management contract
- i. What are the distinct responsibilities of the Sheriff's Department and the Board of County Commission toward animal control legislation, contracting, and enforcement.
- j. micro-chip program objectives, costs and benefits.

Using the County Land Use Plan "SDA" areas to define Animal Control Areas

The County Land Use Plan calls for three specific "density and growth" areas, SDA-1, SDA-2 and SDA-3. These areas largely conform to contemporary land use patterns from highest to lowest projected development throughout the County.

Given that there are significant differences in how animals live in the 85% of the County that is considered "rural", and the relatively small portion of the County that might be considered "semi-urban, any ordinance that attempts to manage animals must take these differences into consideration.

Suggested Revisions to meet the needs of "Rural" residents

We would suggest changes to the Ordinance that reflect the Santa Fe Land Use SDA divisions. Language might be as follows:

- A. Properties within the SDA-2 and SDA-3 areas and zoned for over five acres or properties over five acres in size in the SDA-1 areas are exempt from the fencing, direct control, and leash requirements except when written complaints from neighboring property owners are proved by the Sheriff's department to demonstrate that an animal is at large and creating a nuisance.
- B. Properties in the SDA-2 and SDA-3 areas or properties over five acres in size in the SDA-1 area are exempt from the fencing, leashing and collaring requirements for any cats that spend at least part of their day outside of an owner's residence.
- C. Within the SDA-2 and SDA-3 areas feral and "Barn" cats are not considered "owned", and are exempt from all regulation and licensing.
- D. Within the SDA-2 and SDA-3 area, feeding feral or barn cats is not considered illegal, unless the human intervention creates a colony that promotes a written complaint from neighboring property owners. The complaint must be confirmed by

the Sheriffs department to demonstrate that the colony is creating a nuisance or unsanitary condition.

- E. Licensing of “domestic cats that are declared “Owned” in the SDA-2 and SDA-3 areas is optional except when written complaints from neighboring property owners are proved by the Sheriff’s department to demonstrate that an animal is at large and creating a nuisance.
- F. Licensing of Cats in SDA-2 and SDA-3 areas will cost no more than one dollar unless the license fee includes the insertion of a microchip.
- G. Feral and Barn cats located in the SDA-2 and SDA-3 areas are exempt from the managed feral cat colony rules except when written complaints from neighboring property owners are proved by the Sheriff’s Department to demonstrate that a) such a colony exists, and b) that the colony is creating a nuisance to surrounding property owners.
- H. Cats that are declared “owned” in the SDA-2 and SDA-3 areas that do not wear a collar and tag must be microchipped.
- I. There is no responsibility by Santa Fe County to capture, trap, or otherwise treat with Feral or Barn cats in SDA-2 and SDA-3 areas, unless the animal involved is clearly diseased, seriously injured, or has inflicted serious injury on individuals not associated with the animal.
- J. Every effort must be made by residents within the SDA-2 and SDA-3 areas to adopt trap and release procedures where-by the feral and barn cats are spayed/neutered, microchipped, and vaccinated. The County shall institute an educational program to promote rural cat control.
- J. Areas within the SDA-2 and SDA-3 areas are exempt from Professional Care Facility Permits for residents maintaining over ten animals. Resident’s maintaining animals are not “professionals” unless they are generating revenue from their animal maintenance activity. A “sanctuary” fee will be established for those residents maintaining over ten animals. This fee shall not exceed \$10.00 annually. Feral and barn cats will not be included in any calculation used to establish the need for a sanctuary permit.
- K. Within the SDA-2 and SDA-3 areas, residents obtaining a “sanctuary” permit will not be subject to inspection unless written complaints of abuse, negligence, or improper conditions from neighboring property owners are supported by the Sheriffs Department .
- L. Complaints will first be heard by the County Land use Administrator, to determine what land use exemptions apply. If the complaint is valid, it shall be referred to the Sheriff’s Department for code enforcement.

M. Subdivisions within the SDA-2 and SDA-3 areas that are under five acres per parcel shall not qualify for the Ordinance's rural exemptions

Elimination of the Cat elements of the proposed Ordinance

If these Land use Divisions are not considered, we would urge the County Commission to limit the ordinance to Dogs and strip out any reference to Cats. These two species are very different one from the other, and trying to create a set of rules that governs both simply does not work well. Animal Control Officers can catch a stray dog with a net. Cats can only be caught with patient trapping which is beyond what animal control can afford. Ever try and catch a feral cat?

Create a new task force to consider a separate ordinance for cats, once a community based "plan" has been adopted. Perhaps we need a rural cat ordinance the same way we need rules to control rabbits.