

Proposed animal ordinance meets howls of disapproval

By Andrew Oxford

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Revising Taos County's animal code may prove to be an exercise in herding cats as officials seek to craft a law that will satisfy welfare advocates, enthusiasts and ranchers.

A new 50-page ordinance was presented to the Taos County Board of Commissioners during its regular meeting Tuesday (June 2), and officials were quick to suggest changes to the draft.

The proposed ordinance is intended to be more stringent than the current law, which was enacted in 2011.

But several commissioners, local residents and interest groups suggested the draft goes too far.

A new series of fees, licenses and permits prompted the most criticism.

The code, based on Albuquerque's HEART ordinance, would require for the first time that pet owners obtain a companion animal license.

The license would cost \$10 per animal but keeping more than six companion animals would require a separate permit costing \$150. The current code similarly requires a permit for any home or business with more than six animals but at a cost of only \$10. Low-income persons, elders and owners of service dogs would be exempt from the new fees.

The new code would require companion animals — cats and dogs — be microchipped.

The highest fees are reserved for animals which have not been spayed or neutered, known as intact animals. An intact companion animal license would cost \$200 per female and \$100 per male under the proposed ordinance.

"The idea was to make it expensive enough so it would be a better financial decision to get an animal spayed or neutered," District IV Commissioner Tom Blankenhorn said at Tuesday's meeting.

While requiring the spaying or neutering of most animals was mulled as a citizen advisory board drafted the proposed ordinance, the idea was eventually dropped.

Blankenhorn said the draft presented Tuesday strikes an effective balance. As proposed, the ordinance includes a "three-strikes" provision, according to which an intact animal would only be sterilized the third time it is impounded.

"It's not a mandatory spay-neuter law," he said.

Mandatory spay-neuter laws have proven controversial and are discouraged by organizations such as the American Veterinary Medicine Association, which instead encourages governments to require licensing and sufficiently fund enforcement efforts.

District I Commissioner Jim Fambro suggested the new fees could backfire, however, by driving owners of

unlicensed pets to find ways of avoiding fines.

“They avoid taking their pets in for regular health services, for vaccinations. They’re not going to take their dogs in when they’re sick. They’re going to dump them,” he argued during Tuesday’s meeting.

What few permits are currently required appear to be rarely requested.

One section of the current code, for example, requires a breeders permit be obtained by “an owner who intentionally or unintentionally breeds a dog or cat and who does not have a current breeder permit or is not in the business of breeding dogs or cats.”

Under the current code, a breeders permit must be obtained for each litter at a cost of \$100.

But *The Taos News* recently found only four breeders permits on file at the county clerk’s office issued between the law’s enactment in 2011 and mid-May. Two of those permits were issued this year.

Fambro suggested officials encourage spaying and neutering while ensuring the procedure is affordable.

District V Commissioner Candyce O’Donnell also expressed opposition to the proposed fees, describing them as “penalizing” pet owners and insisting the rates be reduced.

O’Donnell also insisted pet owners be allowed to own more than six companion animals without applying for a multiple companion animals license, suggesting 12 animals would be a more appropriate limit.

Taos County Sheriff Jerry Hogrefe, whose two animal control officers are responsible for enforcing the current code, expressed his support Tuesday for the ordinance as proposed.

“I want teeth, and this ordinance is a start in bringing us that,” he told commissioners, characterizing it as an improvement over the current code.

The ordinance as proposed prompted a slew of criticism from various interest groups, however.

The American Kennel Club, which describes itself as advancing the “study, breeding, exhibiting, running and maintenance of purebred dogs,” posted a statement on its website Monday (June 1) raising alarms about the proposed ordinance.

Referring to a proposal requiring an additional fee for owning more than six companion animals, the organization said: “Laws that limit animal ownership are ineffective, arbitrary, and do not address the underlying issue of responsible dog ownership. Limiting the number of animals a person may own will not automatically make them a better owner. Furthermore, both the dogs and Taos County taxpayers lose, as owners may be forced to give up their dogs to a local shelter in order to comply with the limit, and the dogs will be housed and/or euthanized at significant cost to the county.”

The organization also raised objections to what it characterized as “mandatory spay/ neuter provisions,” “burdensome licensing fees” and “leash requirements that could deem your dog to be ‘at large even when on your own property.’” Indeed, what were dismissed by county officials Tuesday as concerns over semantics seemed to stoke criticism.

In a list of objections sent to commissioners, the New Mexico Cattle Growers Association suggested the very definition of “animal” was too vague under the proposed ordinance.

“In our opinion, the ordinance is very far reaching, beginning with the definition of ‘animal,’” spokesperson Caren Cowen told *The Taos News* .

Assistant Taos County Attorney Quela Robinson assured commissioners Tuesday the law would not apply to cattle.

But the cattle growers association noted chickens, ducks and poultry were listed as both livestock and companion birds.

Even if the rules are clarified, Cowen suggested the code would be regressive.

“The broad nature of this penalizes everyone. Let’s concentrate on those people who don’t take care of their animals,” she said.

A leash law included in the proposed ordinance was also roundly criticized Tuesday, and the cattle growers association suggested it could be interpreted as restricting the movements of working dogs on ranches.

But county officials again insisted the concerns were the result of a misunderstanding.

“I don’t think that was ever the intent of our animal control officers to chase ranchers and search-and-rescue dogs,” Robinson said during Tuesday’s meeting, noting it would also not apply to federal land such as that owned by the Forest Service or Bureau of Land Management.

Trish Hernandez, a local animal welfare advocate who helped draft the proposed code, suggested the criticisms Tuesday seemed to ignore the current law has been roundly denounced, too. “ You’re hearing one side of the story here,” she told commissioners, referring to speakers at Tuesday’s meeting who expressed concerns about proposed changes as well as the organizations that issued statements denouncing higher fees. “Talk to [animal] rescue groups in your community and you’ll get the whole story.”

“Dogs are running loose all over town, and nobody has any accountability for it,” she added later.

The ordinance was not approved Tuesday but will instead be the subject of further discussion at a future meeting. Commissioners could then vote at the following meeting to publish 30 days’ notice of the date for a hearing on its approval.

The proposed ordinance has been in the works for more than a year.

Find a copy of the proposed ordinance at taosnews.com.