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Proposed county animal ordinance grapples with enforcement

By Cody Hooks

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Laws on paper are one thing. Actually enforcing them is another.

While the proposed Taos County animal ordinance is a working document, county commissioners tried Tuesday (June 23) to address the the current language and how the ordinance would be made a reality on the ground.

"I just feel the ordinance is unenforceable in many regards," said District V Commissioner Candyce O'Donnell, citing abysmally low compliance with an existing animal ordinance that requires certain permits for animals.

County Clerk Anna Martinez told the board, "I've only issued three [animal] licenses this year and two breeders permits and that's it."

The commission circled around a larger debate regarding punishment vs. incentives, with several suggesting that reducing the financial, and punitive, barriers would prove more effective in getting people to comply with the new ordinance.

Since he took office, Taos County Sheriff Jerry Hogrefe has been patiently awaiting a more enforceable animal ordinance, he said. The goal of his department, which oversees animal control, isn't to dole out punishments and fines, but to get people to comply with the law, he said. The new ordinance would require licensing and tagging of companion animals such as cats and dogs, among other provisions designed to protect animals.

To illustrate his point, Hogrefe said when an officer pulls over a driver without insurance, the goal is to get that person insured, not burden them with fines and fees. Hogrefe also said following up to complaints and violations will be a key component of the new ordinance.

The prices for the new licenses and permits, Assistant Taos County Attorney Quela Robinson said, are "wide open" and "a matter of policy," noting the commission could set the prices in line with Santa Fe and Albuquerque, or lower them even further. The commission directed staff to look into lower prices at both work-study sessions.

To address compliance, Commissioner Tom Blankenhorn proposed an initial grace period with a media blitz in an attempt to get as many people as possible to register their dogs and cats. Robinson stressed the ordinance, and its compliance efforts, be seamlessly rolled out all at once.

Commissioner Jim Fambro told the board he'd like to see a coordinated effort with all the municipalities and governments in the county — “one bonafide effort in the same ordinance.” Blankenhorn said he thought the town of Taos would “pass something similar.”

O'Donnell suggested waiving all fees for two years to jump-start the licensing drive and get as many people to comply with the law as possible. That idea was met with opposition from Blankenhorn, and ultimately didn't make it to a list of final suggestions.

O'Donnell then suggested creating a five-person advisory board that would have the authority to review and act on waivers and grievances, but Commissioner Gabe Romero said he “could see a board as a lynch mob.”

While Blankenhorn said he could see the need for additional help to put the ordinance into effect, “I agree it should not be part of the ordinance.”

Whether or not a number of enforcement and administrative features were included in the ordinance proved to be a sticking point for the commission. O'Donnell said the ordinance would create “unfunded mandates” for Stray Hearts, the nonprofit acting as the county's animal shelter. While Blankenhorn acknowledged the ordinance would likely increase costs to the animal shelter, he called that an issue of budgeting and not something “under the purview of the ordinance.”

“The hospital has people who don't pay, the shelter has people who don't pay. We'll fix it in funding,” he said.

O'Donnell then suggested removing cats from permitting and licensing, citing a national model that focuses primarily on dogs. “I think we'll create an undue burden. I'd hate to be made a criminal if I don't microchip my cat,” she said. The commission didn't move on that idea.

Robinson said the legal department will move forward with some other suggestions from the commission, including broadening the definition of “low-income” people to meet the national poverty line and allowing folks to give their animal a tagged collar instead of a scannable microchip. Robinson also noted the ordinance now has a limit of nine animals instead of six, that only one \$25 “site permit” is required for all additional animals and that working dogs were removed from the leash provisions.

The proposed animal ordinance will appear before the commission at least two more times, with opportunity for public input.