City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 5 **Ordinance/Resolution#** 15-151

For Meeting of _____ (Ordinance First Reading Date)

For Meeting of March 2, 2015 (Adoption Date)

Please check box that applies to this item:

☐ QUASI JUDICIAL ☐ LEGISLATIVE ☒ ADMINISTRATIVE

TITLE: **A RESOLUTION ESTABLISHING FEES AUTHORIZED IN LAS CRUCES MUNICIPAL CODE CHAPTER 7 ENTITLED ANIMAL CONTROL ORDINANCE, AND REPLACING ALL ANIMAL RELATED FEES PREVIOUSLY APPROVED BY COUNCIL OR DEVELOPED AND USED BY STAFF WITH THE NEW FEES.**

PURPOSE(S) OF ACTION:

Establish fees authorized in Animal Control Ordinance.

COUNCIL DISTRICT: N/A		
Drafter/Staff Contact: Marcia B. Driggers	**Department/Section:** Legal/City Attorney	**Phone:** 541-2128
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The City Council (Council) repealed Las Cruces Municipal Code Chapter 7 and enacted a new Chapter 7 known as the Animal Control Ordinance on November 3, 2014. The Ordinance authorizes the Council to impose various fees by separate Council Resolution to encourage responsible animal ownership and to partially offset the cost of enforcement. Therefore, the Council needs to approve a Resolution establishing these fees.

The City's Codes Enforcement Section in consultation with the City Attorney's Office recommends that the Council approve the fees shown on Exhibit "A". The Animal Control Ordinance Fee Schedule attached as Exhibit "A" identifies by Las Cruces Municipal Code section number and section title each section of the Animal Control Ordinance which authorizes the imposition of fees by separate Council Resolution as well as a detailed breakdown of the recommended fees so authorized.

All animal related fees previously approved by Council, including but not limited to those animal control special licensing permit fees approved in Council Resolution No. 96-17, as well as all animal related fees developed and used by staff, should be replaced with the fees shown on Exhibit "A".

(Continue on additional sheets as required)

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A", Animal Control Ordinance Fee Schedule.

SOURCE OF FUNDING:

Is this action already budgeted?			
N/A	Yes	☐	See fund summary below
	No	☐	If No, then check one below:
	Budget Adjustment Attached	☐	Expense reallocated from: _____
		☐	Proposed funding is from a new revenue source (i.e. grant; see details below)
		☐	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?			
	Yes	☒	Funds will be deposited into this fund: 1000 in the amount of $Unknown for FY15.
	No	☐	There is no new revenue generated by this action.

BUDGET NARRATIVE:

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this action will establish the fees set forth on Exhibit "A".
2. Vote "No"; this action will not establish the fees set forth on Exhibit "A".
3. Vote to "Amend"; this action would allow the City Council to amend one or more of the fees set forth on Exhibit "A".
4. Vote to "Table"; this action would allow the City Council to table or postpone consideration of the Resolution and to direct staff accordingly.

(Continue on additional sheets as required)

REFERENCE INFORMATION:

The resolution(s) and/or ordinance(s) listed below are only for reference and are not included as attachments or exhibits.

1. Ordinance 2728.

(Continue on additional sheets as required)

RESOLUTION NO. 15-151

A RESOLUTION ESTABLISHING FEES AUTHORIZED IN LAS CRUCES MUNICIPAL CODE CHAPTER 7 ENTITLED ANIMAL CONTROL ORDINANCE, AND REPLACING ALL ANIMAL RELATED FEES PREVIOUSLY APPROVED BY COUNCIL OR DEVELOPED AND USED BY STAFF WITH THE NEW FEES.

The City Council is informed that:

WHEREAS, the City Council (Council) repealed Las Cruces Municipal Code Chapter 7 and enacted a new Chapter 7 known as the Animal Control Ordinance on November 3, 2014, which Ordinance authorizes the Council to impose various fees by separate Council Resolution to encourage responsible animal ownership and to partially offset the cost of enforcement; and

WHEREAS, the Animal Control Ordinance Fee Schedule attached as Exhibit "A" identifies by section number and section title each section of the Animal Control Ordinance which authorizes the imposition of fees by separate Council Resolution as well as a detailed breakdown of the recommended fees so authorized; and

WHEREAS, all animal related fees previously approved by Council, including but not limited to those animal control special licensing permit fees approved in Council Resolution No. 96-171, as well as all animal related fees developed and used by staff, should be replaced with the fees shown on Exhibit "A".

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Animal Control Ordinance Fee Schedule attached as Exhibit "A" is approved.

(II)

THAT all animal related fees previously approved by Council or developed and used by staff are replaced with the fees shown on Exhibit "A".

(III)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED on this _____ day of _____, 20__.

APPROVED:

_____
Mayor

ATTEST:

_____
City Clerk

(SEAL)

VOTE:
Mayor Miyagishima: ____
Councillor Silva: ____
Councillor Smith: ____
Councillor Pedroza: ____
Councillor Small: ____
Councillor Sorg: ____
Councillor Levatino: ____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

Asst City Attorney

Exhibit A

ANIMAL CONTROL ORDINANCE FEE SCHEDULE

Las Cruces Municipal Code Chapter 7 entitled the Animal Control Ordinance authorizes the imposition of different fees to be set by resolution of the City Council. LCMC 1997, Section 7-40 provides that all permit fees, license fees, transport fees and dead animal removal fees, including various application fees, collected pursuant to Chapter 7, shall be remitted to the City and placed in the City's general fund. The fees approved in City Council Resolution No. 15-151 are set forth below:

Section 7-11. Pet licensure and owner identification.

The pet license fee, also known as an intact animal permit fee, for a dog or cat judged to be over three (3) months of age or older shall be $50.00 per year except as set forth below.

The pet license fee for a qualified service animal shall be $ -0- per year.

The pet license fee for a sterilized dog or cat, or for a dog or cat that should not be sterilized due to age or physical condition, shall be $7.00 per year.

The pet license fee for a sterilized dog or cat owned by or in the custody of a person 65 years of age or older shall be $5.00 per year.

Section 7-17. Deceased animal disposal requirements.

The removal fee for an animal carcass from private property at the request of the animal owner or property owner shall be $10.00 per pick-up, which fee shall be paid by the requester.

Section 7-30. Multi-animal site permit.

An initial application fee for a residential multi-animal site shall be $5.00 per site.

The residential multi-animal site permit shall be $20.00 per year per site.

The initial application fee for a commercial multi-animal site shall be $10.00 per site.

The commercial multi-animal site permit shall be $50.00 per year per site.

A commercial multi-animal site shall also comply with the City business registration fee requirements separately set forth in LCMC Section 16-127 and as amended.

Section 7-31. Special animal permits.

An initial application fee for a special animal permit shall be $10.00 per site except as set forth below for guard dogs and cat colonies.

The special animal permit fee shall be $15.00 per year per site except as set forth below for guard dogs and cat colonies.

An initial application fee for a guard dog permit shall be $10.00 per site.

The guard dog permit shall be $15.00 per year per site.

An initial application fee for an unenclosed feral cat colony shall be $50.00 per site. The site shall be the general location of the unenclosed feral cat colony.

The permit fee for an unenclosed feral cat colony shall be $150.00 per site per year.

An initial application fee for an enclosed feral cat colony, also known as a cattery, shall be $10.00 per site. The site shall be the exact location of the enclosed feral cat colony.

The permit fee for an enclosed feral cat colony shall be $50.00 per site per year.

Section 7-33. Dangerous or potentially dangerous dogs.

The certificate of registration fee for the owner of a potentially dangerous dog shall be $150.00 per year as additionally authorized in NMSA Section 77-1A-5(A) of the New Mexico Dangerous Dog Act.

The certificate of registration fee for the owner of a dangerous dog shall be $200.00 per year as additionally authorized in NMSA 1978, Section 77-1A-5(B) of the New Mexico Dangerous Dog Act.

Section 7-43. Impoundment and detention.

The fee to transport a relinquished animal to the Animal Services Center of the Mesilla Valley ("ASCMV") or to another suitable facility shall be $20.00 per animal.

Section 7-44. Reclamation.

Impoundment and boarding fees shall be shall be established by the Director of the ASCMV, and shall be paid to, collected and retained by the ASCMV.

A microchip fee for any microchip implanted in a dog, cat or ferret by the ASCMV shall be set by and payable to the ASCMV.

A sterilization deposit will be determined by and paid to the ASCMV and will be reimbursed by the ASCMV upon timely proof of sterilization.