



MOTION TO TABLE
RESOLUTION NO SI-R20-006 BY
COUNCIL ON MAY 13, 2020
RESOLUTION TABLED

**PUEBLO DE SAN ILDEFONSO
COUNCIL RESOLUTION NO. SI-R20-006**

FIRST AMENDMENT TO THE ANIMAL CONTROL ACT

At a duly called meeting of the Council of San Ildefonso Pueblo on the
13th day of May, 2020, the following Resolution and law were adopted:

WHEREAS, in 2016, the Council enacted the Animal Control Act to address the problem of
unattended and dangerous dogs roaming Pueblo lands; and,

WHEREAS, the Animal Control Act set levels and ranges of fines, but also provides the Governor with
the discretion to modify the fines by publishing a rule setting a new schedule of fines; and,

WHEREAS, the Council has identified the need to bring certainty to the level of fines established for
violations of the Animal Control Act by eliminating the authority of the Governor to
modify the schedule of fines set in the Act; and,

WHEREAS, the Council has also identified the need to clarify that the Animal Control Act does not
apply to livestock which is governed by the livestock laws of the Pueblo and to clarify
other items in the code.

NOW THEREFORE BE IT RESOLVED, that the Council hereby enacts the attached law entitled,
“FIRST AMENDMENT TO THE ANIMAL CONTROL ACT.”

CERTIFICATION

The foregoing resolution was duly voted upon by the Council on May 13, 2020, at a meeting with a
vote of ___ in favor, ___ opposed, ___ abstaining and ___ absent (Governor presiding and not voting)
pursuant to the authority vested in the Council by the Agreement of the Pueblo de San Ildefonso.

William S. Christian, Council Secretary

COUNCIL REPRESENTATIVE SPONSOR(S): William S. Chrisitan

COUNCIL REPRESENTATIVE	YES	NO	ABSTAIN	ABSENT
William S. Christian				
Terrence K. Garcia				
Thelma Gonzales				
Thomas Gonzales				
Christopher Moquino				
M. Wayne Martinez				
Raymond Martinez				
James L. Naranjo				
Leon T. Roybal				
Irene Tse-Pe				

DELIVERY OF THE RESOLUTION TO THE GOVERNOR:

Resolution No. SI-R20-004 was presented to the Governor of the Pueblo de San Ildefonso on the 13th day of May, 2020, pursuant to the Governing document of the Pueblo de San Ildefonso (“Agreement”), GOVERNOR, Sec. 4 (c), and will become effective after signature by the Governor or veto override by the Council.

William S. Christian, Council Secretary

GOVERNOR’S ACTION:

{ } APPROVED

{ } VETO - RETURNED TO COUNCIL WITH EXPLANATION:

On this _____ day of _____, 2020.

Perry M. Martinez, Governor

COUNCIL RESOLUTION NO. SI-R20-006

Presented by the Governor to the Council on the ____ day of _____, 2020.

COUNCIL'S ACTION:

Override of Governor's veto:

{ } YES

{ } NO

COUNCIL REPRESENTATIVE	YES	NO	ABSTAIN	ABSENT
William S. Christian				
Terrence K. Garcia				
Thelma Gonzales				
Thomas Gonzales				
Christopher Moquino				
M. Wayne Martinez				
Raymond Martinez				
James L. Naranjo				
Leon T. Roybal				
Irene Tse-Pe				

CERTIFICATION

The foregoing resolution was duly voted upon by the Council on _____, 2020, at a meeting with a vote of _____ in favor, _____ opposed, _____ abstaining and _____ absent (Governor presiding and not voting) pursuant to the authority vested in the Council by the Agreement of the Pueblo de San Ildefonso.

William S. Christian, Council Secretary



PUEBLO DE SAN ILDEFONSO

FIRST AMENDMENT TO THE ANIMAL COTROL ACT

Section 1.1 Short Title

This enactment shall be known as the “FIRST AMENDMENT TO THE ANIMAL CONTROL ACT.”

Section 1.2 Purpose

The purpose of this Act is to clarify the authority and amounts of fines permissible for violations of the Animal Control Act.

Section 1.3 Findings

The Council hereby declares that:

- (a) In 2016, the Council enacted the Animal Control Act to address the problem of unattended and dangerous dogs roaming Pueblo lands; and,
- (b) The Animal Control Act set levels and ranges of fines, but also provides the Governor with the discretion to modify the fines by publishing a rule setting a new schedule of fines; and,
- (c) The Council has identified the need to bring certainty to the level of fines established for violations of the Animal Control Act by eliminating the authority of the Governor to modify the schedule of fines set in the Act; and,
- (d) The Council has also identified the need to clarify that the Animal Control Act does not apply to livestock which is governed by the livestock laws of the Pueblo and there is need to clarify other aspects of the Act.

Section 1.4 Amendment

- (a) The Council hereby approves the elimination of Section 10.4(A) and part of Section 10.4(B) of the Animal Control Act as follows.

~~A. The amount of fees and/or range of fines to be levied and collected under this Act shall be determined, from time to time, by the Governor or his designee pursuant to notice and comment rule-making.~~

~~B. Nothing in this Act shall prevent the Animal Control Officer from imposing administration fees and fines in addition to any fees and fines imposed by the Court pursuant to Section 10.20(D) of this Act.~~

(b) The Council hereby amends Section 10.3(B) of the Animal Control Act as follows:

“Animal” means any mammal, bird, reptile, amphibian, or fish, but shall not include livestock.

(c) The Council adds Section 10.3(P) to the Animal Control Act as follows:

P. "Supervision" means oversight, care or charge. It does not mean a leash is required. In populated areas, if the animal obeys voice commands, that would be sufficient supervision, but if the animal does not obey voice commands, then a leash or other direct control such as electronic leash or physical leash, rope, cage, etc. would be required. In areas not populated within 100 yards of a house or public building, a leash will not be required and it will be sufficient supervision if the owner is within calling distance of the animal or can otherwise control the animal in the event of confrontation with another animal or other human.

(d) The Council Amends Section 10.10(B) as follows:

B. Definition of Public Nuisance. An animal is a public nuisance if it is off the owner's premise and:

(d) The Council amends Section 10.20(C) as follows:

1. Jurisdiction. The Pueblo Court have jurisdiction over civil complaints filed by the Animal Control Officer pursuant to this Chapter. A copy of the civil citation may serve as the civil complaint, however the fee schedule for fines must be attached and served with the complaint.

(e) The Council amends Section 10.20(D) as follows:

D. Penalty. ~~In addition to any other fees assessed under this Chapter, a~~ A person found responsible by the Court shall be subject to the following civil penalties:

(f) The Council amends Section 10.14 as follows:

10.14

STRICT LIABILITY.

Any animal owner who posts warning signs on their property and/or pens/fences/ties an animal to a secure place, shall not be liable for medical or other costs to an individual who ignores their own safety and willfully submits themselves to attack by such animals. But owners are strictly liable for medical and other costs for any damages caused by their animals whether on the owner's premises or not for all other incidents involving their animal.