



AGENDA

Village of Los Ranchos
Board of Trustees Regular Meeting
6718 Rio Grande Blvd NW
August 10, 2016 - 7:00 P.M.

MAYOR
Larry P. Abraham

ADMINISTRATOR
Kelly S. Ward

TRUSTEES
Donald Lopez-Mayor Pro Tem/Trustee
Mary Homan, Trustee
Pablo Rael, Trustee
Allen Lewis, Trustee

1. **CALL TO ORDER**

A. APPROVAL OF AGENDA.

2. **PUBLIC COMMENT PERIOD [3 MINUTE TIME LIMIT]** - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

3. **PRESENTATIONS**

A. LAVENDER IN THE VILLAGE FESTIVAL 2016 PRESENTED BY LAVENDER IN THE VILLAGE.

4. **CONSENT AGENDA**

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. MINUTES – JULY 13, 2016 – REGULAR MEETING.

5. **REPORTS**

- A. MAYOR'S REPORT
- B. ADMINISTRATOR'S REPORT
- C. PLANNER'S REPORT
- D. LEGAL REPORT
- E. PUBLIC SAFETY REPORT

6. FINANCIAL BUSINESS

A. CASH REPORT – JULY 2016.

7. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY STEEL BENDER BREWYARD, LLC, 8305 SECOND ST. NW, LOS RANCHOS, NM FOR A SMALL BREWER LICENSE WITH ON PREMISE CONSUMPTION, PACKAGE SALES, AND PATIO SERVICE, APPLICATION # 999864, FROM THE NEW MEXICO ALCOHOL AND GAMING DIVISION. THE PROPERTY USING THE LICENSE IS LOCATED AT 8305 SECOND ST. NW, AND IS LEGALLY KNOWN AS LOT A, PLAT OF LOT A, EL PORTAL AT PASEO, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NM FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON JUNE 9, 2013. THE PROPERTY CONTAINS 5.1402 ACRES MORE OR LESS.

B. A REQUEST BY STEEL BENDER BREWYARD, LLC, 8305 SECOND ST. NW, LOS RANCHOS, NM FOR A BEER WHOLESALER LICENSE SERVICE, APPLICATION # 999865, FROM THE NEW MEXICO ALCOHOL AND GAMING DIVISION. THE PROPERTY USING THE LICENSE IS LOCATED AT 8305 SECOND ST. NW, AND IS LEGALLY KNOWN AS LOT A, PLAT OF LOT A, EL PORTAL AT PASEO, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NM FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON JUNE 9, 2013. THE PROPERTY CONTAINS 5.1402 ACRES MORE OR LESS.

C. DISCUSSION AND APPROVAL OF A ZONE CHANGE AND ZONE MAP AMENDMENT FOR TRACT 157A, MRGCD MAP 29 IN THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA. *Deferred from the December 9, 2015 Board of Trustees Meeting.*

8. OLD BUSINESS

A. DISCUSSION AND APPROVAL OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 11, ARTICLE 1 MUNICIPAL COURT, SECTION 1 MUNICIPAL COURT §11.1.1, SECTION 2 JURISDICTION §11.1.2, SECTION 3 QUALIFICATIONS OF JUDGE §11.1.3, SECTION 4 ELECTION OF JUDGE §11.1.4, SECTION 5 VACANCIES §11.1.5, SECTION 6 OATH OF OFFICE §11.1.6, SECTION 8 TEMPORARY MUNICIPAL JUDGE §11.1.8, SECTION 9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE §11.1.9, AND SECTION 10 DUTIES GENERALLY §11.1.10.

B. DISCUSSION AND APPROVAL OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 7 CRIMINAL CODE, ARTICLE 2 ANIMAL CONTROL, SECTION 7 ENFORCEMENT AND PENALTIES §7.2.7.

9. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF A VOTING DELEGATE AND ALTERNATE FOR THE 2016 NEW MEXICO MUNICIPAL LEAGUE ANNUAL CONFERENCE.

10. TRUSTEES ROUNDTABLE DISCUSSION (THE ROUNDTABLE DISCUSSION IS AN INFORMAL DISCUSSION. THE BOARD OF TRUSTEES WILL TAKE NO OFFICIAL VOTE OR OTHER OFFICIAL ACTION.)

11. ADJOURNMENT

A COPY OF THE AGENDA MAY BE OBTAINED AT THE VILLAGE OFFICE, 6718 RIO GRANDE BLVD NW, DURING REGULAR BUSINESS HOURS OF 8:00 A.M. TO 5:00 P.M. OR ON THE WEBSITE: www.losranchosnm.gov

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Village Clerk at 344-6582 at least one week prior to the meeting or as soon as possible.

THE NEXT BOARD MEETING WILL BE HELD ON SEPTEMBER 14, 2016

I certify that notice of the Public Meeting has been given in compliance with the Open Meetings Act, Section 10-15-1 through 10-15-4 NMSA 1978 and the Open Meetings Resolution 2016-3-1.

I certify that this agenda was posted on: 8/5/2016



Stephanie Dominguez, Village Clerk

3. PRESENTATIONS

A. LAVENDER IN THE VILLAGE FESTIVAL 2016
PRESENTED BY LAVENDER IN THE VILLAGE.

4. CONSENT AGENDA

A. MINUTES – JULY 13, 2016 – REGULAR MEETING.

MINUTES
VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
6718 RIO GRANDE BOULEVARD NW
BOARD OF TRUSTEES REGULAR MEETING
JULY 13, 2016 - 7:00 P.M.

Present:

Larry P. Abraham, Mayor	Kelly S. Ward, Administrator
Don Lopez, Trustee / Mayor Pro Tem	Stephanie Dominguez, Clerk
Pablo Rael, Trustee	Nancy Haines, Treasurer *excused
Mary Homan, Trustee	Tim McDonough, P & Z Director
Allen Lewis, Trustee	Bill Chappell, Attorney
	Deputy Robin Hopkins, Public Safety Director

1. CALL TO ORDER

Mayor Abraham called the meeting to order at 7:00 P.M.

MOTION: Trustee Rael moved approval of the agenda with agenda. **Trustee Homan** seconded the motion.

VOTE: The motion carried, 4-0.

2. PUBLIC COMMENT PERIOD [3 MINUTE/TIME LIMIT] - (PLEASE SIGN IN WITH THE CLERK IF YOU WISH TO SPEAK UNDER PUBLIC COMMENT ON AN ITEM THAT IS NOT ALREADY ON THIS AGENDA)

John McDowell, 7201 Guadalupe Trail NW, said he has a concern, in the last few weeks two sets of paper signs have been on stop signs about a lost dog. The same person posted these signs with scotch tape and no one takes them down except the wind. The Village should contact the phone number on the poster to request they take all of the posters down.

3. PRESENTATIONS

NONE.

4. CONSENT AGENDA

There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

A. MINUTES – JUNE 8, 2016 – REGULAR MEETING.

MOTION: Trustee Rael moved approval of the consent agenda. **Trustee Lopez** seconded the motion.

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VOTE: The motion carried, 4-0.

5. REPORTS

A. MAYOR'S REPORT

Mayor Abraham reported on the following:

- The growers' market held the Lavender and Garlic Celebration, according to sue Brawley approximately 2,000 people attended the event.
- The Lavender Festival will be held on July 16, 2016 at the Agri-Nature Center.
- Rio Grande Blvd. was restriped, the bolder lines are intended to keep cyclists and pedestrians safer.

B. ADMINISTRATOR'S REPORT

Administrator Ward reported on the following:

- Waste Management adjusted (decreased) the fuel surcharge to take effect October 1, 2016.
- Preliminary test work for the audit was conducted this month, the full audit will be completed in August.

C. PLANNER'S REPORT

Planner McDonough reported on the following:

- Storm Water Permit- we have entered into a sampling cooperative agreement with twelve other permittees.
- The Planning and Zoning Commission is working on revising the zoning code for Fourth Street.

D. LEGAL REPORT

Attorney Chappell reported on the following:

- Reviewed ordinances, primarily focused on the amendments to the Municipal Court Ordinance.

E. PUBLIC SAFETY REPORT

Deputy Hopkins reported on the following:

- The calls for service were approximately 400 for the month of June.
- Received several positive comments regarding the restriping of Rio Grande Blvd.

6. FINANCIAL BUSINESS

A. CASH REPORT – JUNE 2016.

Administrator Ward said the ending cash balance as of April 30, 2016, was \$9,666,429.78 which is a decrease of \$457,191.34 from the prior month. The year-to-date excess of revenue over expenditures is \$330,989.74. The unusual or significant item was the purchase of property located at 6518 Fourth Street NW in the amount of \$634,553.68.

94 **MOTION: Trustee Rael** moved approval of the May 2016 Cash Report as presented.
95 **Trustee Homan** seconded the motion.

96
97 **VOTE:** The motion carried unanimously, 4-0.
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99 B. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-7-1 FINAL
100 QUARTER FINANCIAL REPORT YEAR ENDING JUNE 30, 2016.

101 **Administrator Ward** said Resolution 2016-7-1 is in the format as required by the New
102 Mexico Department of Finance.

103
104 **MOTION: Trustee Lopez** moved approval of Resolution No. 2016-7-1 the Final
105 Quarter Financial Report Year Ending June 30, 2016. **Trustee Rael** seconded the
106 motion.

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108 **VOTE:** The motion carried unanimously, 4-0.
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110 **ROLL CALL VOTE: Trustee Rael-aye, Trustee Lopez-aye; Trustee Homan-aye;**
111 **Trustee Lewis-aye.**

112
113 C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-7-2
114 ADOPTING THE FISCAL YEAR 2016/2017 BUDGET.

115 **Administrator Ward** stated the 2016/2017 budget includes minor adjustments such as
116 salary increases for Village employees and capital expenditures. Under Capital
117 Expenditures (\$345,000): \$300,00 of which is allocated to the Agri-Nautre Center and
118 \$45,000 to Village Hall. Road and Street Improvements includes expenditures in the
119 amount of \$1,500,000: \$1,000,000 is allocated for the Fourth Street Project and \$500,000
120 for road improvements. The Board has previously discussed attaining the water rights for
121 the well located in the Paso Open Space. If the Board would like to proceed with the
122 acquisition of water rights for the well, funds will need to be moved to the Capital
123 Improvements Other category in the amount of \$60,000: \$55,000 allocated for the well,
124 and \$5,000 to hire a consultant for the water rights application. The 2016/2017 budget
125 includes payments to First American Bank to payoff long term debt.

126 **Trustee Homan** inquired if the budget includes a Main Street Fund? This fund would
127 help assist businesses during the construction of the Fourth Street Project. In the past the
128 budget included this fund.

129 **Administrator Ward** said no, the budget does not include a Main Street Fund and has
130 not for many years. The Village can look into the administrative requirements of a Main
131 Street Fund.

132 **MOTION: Trustee Lewis** moved approval of the Resolution No. 2016-7-2 adopting the
133 Fiscal Year 2016/2017 Budget to include the addition of \$60,000 for the acquisition of
134 water rights for the well located in the Paseo Open Space. **Trustee Homan** seconded the
135 motion.

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137 **VOTE:** The motion carried unanimously, 4-0.
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139 **ROLL CALL VOTE: Trustee Rael-aye, Trustee Lopez-aye; Trustee Homan-aye;**
 140 **Trustee Lewis-aye.**

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 142 **7. PUBLIC HEARINGS AND APPLICATIONS**

143
 144 NONE.

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 146 **8. OLD BUSINESS**

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 148 A. DISCUSSION AND APPROVAL OF A COST SHARE AGREEMENT
 149 BETWEEN THE VILLAGE OF LOS RANCHOS, THE COUNTY OF BERNALILLO,
 150 AND THE ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL
 151 AUTHORITY FOR THE DESIGN AND CONSTRUCTION OF THE ORTEGA AND
 152 GARDUÑO STORM DRAIN PROJECT. * *Deferred from the June 8, 2016 Board of*
 153 *Trustees Meeting.*

154
 155 **Administrator Ward** said this agreement was deferred from the June 8, 2016 meeting.
 156 The Board requested Mr. Chappell to review the agreement and include a provision
 157 which states the use of property owned or controlled by the Village, must be approved by
 158 the Village. This change was integrated in the agreement.

159 **Trustee Lopez** expressed his support for the agreement and asked the estimated timeline
 160 for this project.

161
 162 **Nolan Bennet**, Construction Manager Bernalillo County, said we have not set forth a
 163 final timeline given the number of drainage options.

164
 165 **Trustee Lopez** asked if updates will be provided to the community throughout the
 166 project?

167
 168 **Nolan Bennet** said he will provide Planner McDonough with updates and is available to
 169 provide updates to the Board of Trustees.

170
 171 **MOTION: Trustee Lopez** moved approval of the cost share agreement between the
 172 Village of Los Ranchos, the County of Bernalillo, and the Albuquerque Metropolitan
 173 Arroyo Flood Control Authority for the design and construction of the Ortega and
 174 Garduño storm drain project. **Trustee Rael** seconded the motion.

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 176 **VOTE:** The motion carried unanimously, 4-0.

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 178 **Meeting in recess from 8:07p.m. to 8:12p.m.*

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 180 **9. NEW BUSINESS**

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 182 A. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO
 183 THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE
 184 ALBUQUERQUE CHAPTER 11, ARTICLE 1 MUNICIPAL COURT, SECTION 1
 185 MUNICIPAL COURT §11.1.1, SECTION 2 JURISDICTION §11.1.2, SECTION 3
 186 QUALIFICATIONS OF JUDGE §11.1.3, SECTION 4 ELECTION OF JUDGE §11.1.4,

187 SECTION 5 VACANCIES §11.1.5, SECTION 6 OATH OF OFFICE §11.1.6, SECTION
188 8 TEMPORARY MUNICIPAL JUDGE §11.1.8, SECTION 9 COMPENSATION FOR
189 TEMPORARY MUNICIPAL JUDGE §11.1.9, AND SECTION 10 DUTIES
190 GENERALLY §11.1.10.

191
192 **Administrator Ward** said during the June 8, 2016 meeting it was determined that
193 amendments to the Municipal Court Ordinance were needed.

194
195 **Attorney Chappell** reviewed the revisions to the Municipal Court Ordinance. The
196 revisions were developed in conjunction with Judge Maw and the New Mexico
197 Municipal League counsel.

198
199 **MOTION: Trustee Homan** moved approval to advertise an amendment to the 2013
200 Codified Ordinances of the Village of Los Ranchos de Albuquerque Chapter 11, Article 1
201 Municipal Court, Section 1 Municipal Court §11.1.1, Section 2 Jurisdiction §11.1.2,
202 Section 3 Qualifications of Judge §11.1.3, Section 4 Election of Judge §11.1.4, Section 5
203 Vacancies §11.1.5, Section 6 Oath of Office §11.1.6, Section 8 Temporary Municipal
204 Judge §11.1.8, Section 9 Compensation for Temporary Municipal Judge §11.1.9, and
205 Section 10 Duties Generally §11.1.10. **Trustee Rael** seconded the motion.

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207 **VOTE:** The motion carried unanimously, 4-0.

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209 B. DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO
210 THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE
211 ALBUQUERQUE CHAPTER 7 CRIMINAL CODE, ARTICLE 2 ANIMAL
212 CONTROL, SECTION 7 ENFORCEMENT AND PENALTIES §7.2.7.

213
214 **Administrator Ward** said this ordinance was adopted last month, this revision removes
215 the following: *If the Animal Control Officer contacts the owner of the animal before*
216 *transporting the animal to the shelter pursuant to § 7.2.3(A), and the owner accepts the*
217 *penalty assessment, the owner shall have the animal released to his immediate custody.*

218
219 **MOTION: Trustee Lopez** moved approval to advertise an amendment to the 2013
220 Codified Ordinances of the Village of Los Ranchos de Albuquerque Chapter 7 Criminal
221 Code, Article 2 Animal Control, Section 7 Enforcement and Penalties §7.2.7. **Trustee**
222 **Lewis** seconded the motion.

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224 **VOTE:** The motion carried unanimously, 4-0.

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226 C. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-7-3 A
227 RESOLUTION ESTABLISHING ANIMAL CONTROL FEES AND MINIMUM FINES
228 AS REQUIRED BY THE VILLAGE OF LOS RANCHOS ANIMAL CONTROL
229 ORDINANCE, CHAPTER 7, ARTICLE 2.

230
231 **Administrator Ward** stated this resolution includes applicable court fees and repealing
232 clauses.

233
234 **MOTION: Trustee Lewis** moved approval of Resolution No. 2016-7-3 A Resolution
235 Establishing Animal Control Fees and Minimum Fines. **Trustee Homan** seconded the

236 motion.

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238 **VOTE:** The motion carried unanimously, 4-0.

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240 **ROLL CALL VOTE: Trustee Rael-aye, Trustee Lopez-aye; Trustee Homan-aye;**
241 **Trustee Lewis-aye.**

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243 D. DISCUSSION AND APPROVAL OF RESOLUTION NO. 2016-7-4
244 ADOPTING THE 2018-2022 INFRASTRUCTURE CAPITAL IMPROVEMENT
245 PLAN.

246

247 **Administrator Ward** presented the 2018-2022 Infrastructure Capital Improvement Plan.

248

249 **Trustee Lopez** asked if the ICIP should include plans to develop Fourth and Osuna.

250

251 **Administrator Ward** said the ICIP includes expenditures for properties located near
252 Fourth and Osuna. In the next few years that will be a priority for the Village.

253

254 **Trustee Lewis** asked if the acquisition of property located on/near Fourth should be
255 included under the Capital Improvement Goals section.

256

257 **Administrator Ward** said we will update that section.

258

259 **Trustee Rael** noted a few corrections: *Capital Improvement Goals* between 2018-2022
260 there is a missing hyphen; *Capital Improvement Goals (6)* provide should be changed to
261 provided; *Capital Improvement Goals (8)* booth should be changed to boost; *Capital*
262 *Project Descriptions for renovations of Village Hall (7)* an explanation needs to be
263 provided in the question regarding the functional phase received by legislative
264 appropriations.

265

266 **MOTION: Trustee Rael** moved of Resolution No. 2016-7-4 adopting the 2018-2022
267 ICIP with the discussed changes. **Trustee Lopez** seconded the motion.

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269 **VOTE:** The motion carried unanimously, 4-0.

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271 **ROLL CALL VOTE: Trustee Rael-aye, Trustee Lopez-aye; Trustee Homan-aye;**
272 **Trustee Lewis-aye.**

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274 **10. TRUSTEES INFORMAL DISCUSSION**

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276 Members of the Board discussed various informal topics. No action was taken.

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279 **11. ADJOURNMENT**

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281 The meeting was adjourned at 9:35 P.M.

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283 **APPROVED** by the Board of Trustees of the Village of Los Ranchos de Albuquerque this 10th
284 day of **August** 2016.

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ATTEST:

Stephanie Dominguez, Village Clerk

DRAFT

5. REPORTS

C. PLANNER'S REPORT

JULY 2016 BUSINESS REPORT

NEW BUSINESSES	NATURE OF BUSINESS	OPENED
Carnes & Company	Real Estate office	06/27/16
Syrah Skincare Studio	Esthetician	07/25/16
DynaMo's Blasting	Off site Sand blasting	07/19/16
Southwest Federal Credit Union	Credit Union (Pending)	07/08/16
Python Construction	Construction Company	07/26/16
Velvet blue Skincare Studio	Esthetician	07/26/16
CLOSURES		CLOSED
nmverde, LLC	Antiques	7/31/16
Starbright Cleaners	Dry Cleaners	7/31/16
IntuiTouch Therapy	Massage Therapist	7/31/16

6. **FINANCIAL BUSINESS**

A. CASH REPORT – JULY 2016.

Village of Los Ranchos de Albuquerque Cash Report Summary

Cash Report for the month of July 31, 2016.

Ending cash balance at July 31, 2016 is \$9,928,376.84, which is an increase of \$152,079.29 for this month.

YTD excess of revenues over expenditures is \$152,079.29.

Unusual or significant items:

General Fund – Fire – IGA for Fire Protection & EMS Services – page 10 of 33.

Paid Bernalillo County Fire Department \$113,300.00 for Fire & EMS services for the quarter beginning July 1, 2016.

Fire Protection Fund – Fire Protection Distribution – page 14 of 33.

Received \$108,856.00 fire protection distribution from the State of New Mexico Department of Finance and Administration.

Law Enforcement Protection Fund – Law Enforcement Distribution – page 15 of 33.

Received \$20,000.00 law enforcement protection distribution from the State of New Mexico Department of Finance and Administration.

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
0099 - General Fund Revenue								
Revenues								
Franchise taxes	31100	37,982.92	39,901.35	1,918	319,586.25	39,901.35	(279,685)	12.49%
Munic gross receipts taxes	31250	108,608.49	101,426.38	(7,182)	1,167,485.35	101,426.38	(1,066,059)	8.69%
State share gross receipts taxes	32410	137,039.16	127,495.62	(9,544)	1,467,229.69	127,495.62	(1,339,734)	8.69%
Animal permit fees	33100	75.00	25.00	(50)	900.00	25.00	(875)	2.78%
Building permit fees	33300	3,500.00	8,474.57	4,975	42,000.00	8,474.57	(33,525)	20.18%
Excavation/barricade permits	33350	675.00	1,081.70	407	8,100.00	1,081.70	(7,018)	13.35%
Business registration fees	33400	105.00	175.00	70	12,600.00	175.00	(12,425)	1.39%
Parcel permit fees	33450	455.00	245.00	(210)	5,460.00	245.00	(5,215)	4.49%
Liquor license fees	33500	0.00	750.00	750	2,250.00	750.00	(1,500)	33.33%
Home occupation fees	33910	100.00	0.00	(100)	7,550.00	0.00	(7,550)	0.00%
Application fees	34010	50.00	36.00	(14)	600.00	36.00	(564)	6.00%
Los Ranchos merchandise	34880	0.00	0.00	0	100.00	0.00	(100)	0.00%
LR Newsletter advertising revenue	34990	1,800.00	1,500.50	(300)	21,600.00	1,500.50	(20,100)	6.95%
Miscellaneous revenue	34991	25.00	1,267.49	1,242	300.00	1,267.49	967	422.50%
Judicial education fee	35008	3.00	0.00	(3)	18.00	0.00	(18)	0.00%
Court automation fee	35015	6.00	0.00	(6)	36.00	0.00	(36)	0.00%
Municipal court fines	35020	50.00	0.00	(50)	300.00	0.00	(300)	0.00%
Investment income	36030	2,200.00	3,260.98	1,061	16,500.00	3,260.98	(13,239)	19.76%
Land rent	36075	8,338.92	8,338.92	0	100,380.06	8,338.92	(92,041)	8.31%
Trailer park rent	36077	0.00	4,875.00	4,875	0.00	4,875.00	4,875	0.00%
Small cities assistance grant	37180	0.00	0.00	0	200,000.00	0.00	(200,000)	0.00%
		301,013.49	298,853.51	(2,160)	3,372,995.35	298,853.51	(3,074,142)	8.86%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis Actual	PTD Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
0100 - Executive Legislative								
Department Expenditures								
Wages-Elected Official	41010	923.08	923.08	0	14,400.04	923.08	13,477	6.41%
Wages-Full Time	41020	8,000.00	8,000.00	0	104,000.00	8,000.00	96,000	7.69%
FICA Regular	42010	510.59	510.59	0	6,786.46	510.59	6,276	7.52%
FICA Medicare	42020	119.41	119.40	0	1,587.14	119.40	1,468	7.52%
Retirement Contributions	42030	1,554.50	1,554.50	0	20,208.50	1,554.50	18,654	7.69%
Health Care	42050	3,143.23	3,143.18	0	18,859.33	3,143.18	15,716	16.67%
Mileage Reimbursement	43010	0.00	0.00	0	1,247.50	0.00	1,248	0.00%
Employee Training	47040	0.00	0.00	0	2,615.00	0.00	2,615	0.00%
Subscriptions & Memberships	47140	10,239.00	6,020.00	4,219	10,239.00	6,020.00	4,219	58.79%
Total Department Expenditures		24,489.81	20,270.75	4,219	179,942.97	20,270.75	159,672	11.27%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current Budget	PTD Cash Basis Actual	PTD Current Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
0200 - Judicial								
Department Expenditures								
Wages-Elected Official	41010	0.00	0.00	0	600.00	0.00	600	0.00%
Wages-Part Time	41030	560.00	371.00	189	7,280.00	371.00	6,909	5.10%
FICA Regular	42010	34.72	23.00	12	488.56	23.00	466	4.71%
FICA Medicare	42020	8.12	5.38	3	114.28	5.38	109	4.71%
Mileage Reimbursement	43010	0.00	0.00	0	111.50	0.00	112	0.00%
Judicial Education Fee	45895	3.00	0.00	3	18.00	0.00	18	0.00%
Court Automation Fee	45900	6.00	0.00	6	36.00	0.00	36	0.00%
Employee Training	47040	0.00	0.00	0	675.00	0.00	675	0.00%
Subscriptions & Memberships	47140	210.00	230.00	(20)	210.00	230.00	(20)	109.52%
Total Department Expenditures		821.84	629.38	192	9,533.34	629.38	8,904	6.60%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current Budget	PTD Actual	PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
1011 - Elections								
Department Expenditures								
Professional Services - Election Judges	45120	0.00	0.00	0	0.00	0.00	0	0.00%
Supplies	46010	0.00	0.00	0	0.00	0.00	0	0.00%
Rent of Equipment & Machinery	47120	0.00	0.00	0	0.00	0.00	0	0.00%
Total Department Expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current Budget	PTD Actual	PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
1200 - Financial Administration								
Department Expenditures								
Wages-Full Time	41020	5,040.00	5,040.00	0	65,520.00	5,040.00	60,480	7.69%
Wages-Part Time	41030	369.24	369.24	0	4,800.12	369.24	4,431	7.69%
FICA Regular	42010	311.57	311.58	(0)	4,050.42	311.58	3,739	7.69%
FICA Medicare	42020	72.87	72.88	(0)	947.30	72.88	874	7.69%
Retirement Contributions	42030	883.89	883.90	(0)	11,490.58	883.90	10,607	7.69%
Health Care	42050	1,285.40	1,285.36	0	7,712.40	1,285.36	6,427	16.67%
Audit Fees	45010	3,219.38	3,215.63	4	13,092.13	3,215.63	9,877	24.56%
Prof. Service - Computer Support	45150	0.00	0.00	0	1,132.56	0.00	1,133	0.00%
Contract Svc-Bank Charges	45901	650.00	664.91	(15)	7,800.00	664.91	7,135	8.52%
Supplies	46010	700.00	0.00	700	800.00	0.00	800	0.00%
Subscriptions & Memberships	47140	50.00	50.00	0	50.00	50.00	0	100.00%
Total Department Expenditures		12,582.35	11,893.50	689	117,395.51	11,893.50	105,502	10.13%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
1700 - Planning and Zoning								
Department Expenditures								
Wages-Full Time	41020	13,200.00	13,200.02	(0)	171,600.00	13,200.02	158,400	7.69%
FICA Regular	42010	778.10	778.09	0	10,115.43	778.09	9,337	7.69%
FICA Medicare	42020	181.97	181.96	0	2,365.73	181.96	2,184	7.69%
Retirement Contributions	42030	2,314.95	2,314.96	(0)	30,094.36	2,314.96	27,779	7.69%
Health Care	42050	2,951.87	2,951.82	0	17,711.17	2,951.82	14,759	16.67%
Prof. Service - Engineers	45030	0.00	0.00	0	2,125.00	0.00	2,125	0.00%
EPA Stormwater Monitoring	45035	2,000.00	1,000.00	1,000	2,000.00	1,000.00	1,000	50.00%
Storm Water Team Participation	45040	5,000.00	5,000.00	0	5,000.00	5,000.00	0	100.00%
Const Regulation Services	45045	0.00	0.00	0	17,500.00	0.00	17,500	0.00%
Fire Inspection Services	45050	30.00	0.00	30	480.00	0.00	480	0.00%
Printing, Publishing, & Advert.	47080	50.00	0.00	50	600.00	0.00	600	0.00%
Subscriptions & Memberships	47140	0.00	0.00	0	110.00	0.00	110	0.00%
Total Department Expenditures		26,506.89	25,426.85	1,080	259,701.69	25,426.85	234,275	9.79%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
101 - General Fund							
1840 - General Administration							
Department Expenditures							
Wages-Full Time	41020	7,440.00	7,440.00	0	96,720.00	7,440.00	89,280 7.69%
FICA Regular	42010	443.92	436.06	8	5,770.98	436.06	5,335 7.56%
FICA Medicare	42020	103.82	101.96	2	1,349.66	101.96	1,248 7.55%
Retirement Contributions	42030	1,304.79	1,304.74	0	16,962.28	1,304.74	15,658 7.69%
Health Care	42050	2,657.83	4,717.18	(2,059)	11,947.03	4,717.18	7,230 39.48%
Worker's Comp. Assessment	42080	0.00	0.00	0	170.20	0.00	170 0.00%
Mileage Reimbursement	43010	0.00	0.00	0	1,311.50	0.00	1,312 0.00%
Per Diem (Meals, Lodging, etc)	43020	0.00	0.00	0	2,395.00	0.00	2,395 0.00%
Maint-Building & Structure	44010	500.00	105.70	394	4,000.00	105.70	3,894 2.64%
Maint-Vehicle/furn/fixt/equip	44040	0.00	0.00	0	700.00	0.00	700 0.00%
Attorney Fees and Settlements	45020	7,800.00	6,365.40	1,435	93,600.00	6,365.40	87,235 6.80%
Prof. Service - Computer Support	45150	1,595.69	0.00	1,596	16,826.40	0.00	16,826 0.00%
Prof. Service - Appraisals	45155	0.00	0.00	0	6,000.00	0.00	6,000 0.00%
Prof. Service - Water Rights	45165	0.00	0.00	0	5,000.00	0.00	5,000 0.00%
Community Events - Lavender	45909	0.00	0.00	0	45,000.00	0.00	45,000 0.00%
Contract Svc-Physicals	45910	0.00	0.00	0	600.00	0.00	600 0.00%
Supplies	46010	800.00	103.58	696	9,600.00	103.58	9,496 1.08%
Los Ranchos merchandise	46015	0.00	0.00	0	1,000.00	0.00	1,000 0.00%
Miscellaneous	46090	100.00	0.00	100	1,200.00	0.00	1,200 0.00%
Employee Training	47040	0.00	0.00	0	3,775.00	0.00	3,775 0.00%
Insurance-Non employee	47060	43,212.20	43,212.20	0	45,462.20	43,212.20	2,250 95.05%
Postage & Mail Service	47070	250.00	0.00	250	8,825.00	0.00	8,825 0.00%
Printing,Publishing,& Advert.	47080	225.00	120.20	105	5,820.63	120.20	5,700 2.07%
Printing,Pub/Advert-LR News	47081	6,373.37	0.00	6,373	50,986.96	0.00	50,987 0.00%
Rent of Equipment & Machinery	47120	681.30	1,081.76	(400)	8,495.28	1,081.76	7,414 12.73%
Subscriptions & Memberships	47140	60.00	60.00	0	1,541.00	60.00	1,481 3.89%
Telephone	47150	1,083.19	980.12	103	12,998.28	980.12	12,018 7.54%
Utilities	47160	3,528.79	6,564.89	(3,036)	26,925.50	6,564.89	20,361 24.38%
Workers' Compensation Insurance	47210	12,635.00	12,160.00	475	12,635.00	12,160.00	475 96.24%
Total Department Expenditures		90,794.90	84,753.79	6,041	497,617.90	84,753.79	412,864 17.03%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis Actual	PTD Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
1920 - Police								
Department Expenditures								
Contract services - BCSO	45902	6,731.80	0.00	6,732	87,522.60	0.00	87,523	0.00%
Total Department Expenditures		6,731.80	0.00	6,732	87,522.60	0.00	87,523	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
101 - General Fund							
1960 - Animal Control/Parks/Streets							
Department Expenditures							
Wages-Full Time	41020	8,040.00	8,040.00	0	104,520.00	8,040.00	96,480 7.69%
Wages-Temporary	41040	3,680.00	0.00	3,680	14,720.00	0.00	14,720 0.00%
FICA Regular	42010	713.91	483.83	230	7,227.38	483.83	6,744 6.69%
FICA Medicare	42020	166.96	113.16	54	1,690.24	113.16	1,577 6.69%
Retirement Contributions	42030	1,410.02	1,410.02	0	18,330.24	1,410.02	16,920 7.69%
Health Care	42050	631.93	631.94	(0)	3,791.63	631.94	3,160 16.67%
Transportation Exp. (Gas, Oil, etc.)	43030	1,130.00	548.10	582	7,890.00	548.10	7,342 6.95%
Maint-Building & Structure	44010	0.00	475.43	(475)	4,000.00	475.43	3,525 11.89%
Maintenance - Grounds/Roadways	44030	7,500.00	16,109.42	(8,609)	90,000.00	16,109.42	73,891 17.90%
Maint-Vehicle/furn/fixt/equip	44040	1,500.00	116.67	1,383	18,000.00	116.67	17,883 0.65%
Prof. Service - Animal Control	45140	550.00	2,604.65	(2,055)	6,600.00	2,604.65	3,995 39.46%
Supplies	46010	1,900.00	2,996.70	(1,097)	22,800.00	2,996.70	19,803 13.14%
Safety Equipment	47050	0.00	0.00	0	400.00	0.00	400 0.00%
Rent of Equipment & Machinery	47120	0.00	137.18	(137)	1,400.00	137.18	1,263 9.80%
Utilities	47160	3,330.29	2,951.38	379	38,551.87	2,951.38	35,600 7.66%
Total Department Expenditures		30,553.11	36,618.48	(6,065)	339,921.36	36,618.48	303,303 10.77%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis Actual	PTD Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
101 - General Fund								
2000 - Fire								
Department Expenditures								
IGA for Fire Protection & EMS Services	45928	113,300.00	113,300.00	0	453,200.00	113,300.00	339,900	25.00%
Total Department Expenditures		113,300.00	113,300.00	0	453,200.00	113,300.00	339,900	25.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
101 - General Fund							
Summary of General Fund Revenues and Expenses							
Beginning cash and cash equivalents	7,269,157.32	7,269,157.32	0	7,269,157.32	7,269,157.32	0	
Revenues							
General Fund Revenues	301,013.49	298,853.51	(2,160)	3,372,995.35	298,853.51	(3,074,142)	8.86%
Expenditures							
Executive Legislative	24,489.81	20,270.75	4,219	179,942.97	20,270.75	159,672	11.27%
Judicial	821.84	629.38	192	9,533.34	629.38	8,904	6.60%
Elections	0.00	0.00	0	0.00	0.00	0	0.00%
Financial Administration	12,582.35	11,893.50	689	117,395.51	11,893.50	105,502	10.13%
Planning and Zoning	26,506.89	25,426.85	1,080	259,701.69	25,426.85	234,275	9.79%
General Administration	90,794.90	84,753.79	6,041	497,617.90	84,753.79	412,864	17.03%
Police	6,731.80	0.00	6,732	87,522.60	0.00	87,523	0.00%
Animal Control/Parks/Streets	30,553.11	36,618.48	(6,065)	339,921.36	36,618.48	303,303	10.77%
Fire	113,300.00	113,300.00	0	453,200.00	113,300.00	339,900	25.00%
Total Fund Expenditures	305,780.70	292,892.75	12,888	1,944,835.37	292,892.75	1,651,943	15.06%
Excess/(deficiency) of revenues over expenditures	(4,767.21)	5,960.76	10,728	1,428,159.98	5,960.76	(1,422,199)	0.42%
Capital Expenditures							
Capital Buildings & Structures 48010	0.00	0.00	0	345,000.00	0.00	345,000	0.00%
Capital Equipment & Machinery 48020	0.00	0.00	0	25,000.00	0.00	25,000	0.00%
Capital Roadways, Bridges, & Culverts 48080	0.00	6,579.23	(6,579)	1,000,000.00	6,579.23	993,421	0.66%
Capital - Other 48900	0.00	0.00	0	55,000.00	0.00	55,000	0.00%
Total Capital Expenditures	0.00	6,579.23	(6,579)	1,425,000.00	6,579.23	1,418,421	0.46%
Other financing sources (uses)							
Agricultural Committee Special Fund 52001	0.00	0.00	0	(1,500.00)	0.00	1,500	0.00%
Purchase Real Property Reserve Fund 52001	0.00	0.00	0	(635,469.28)	0.00	635,469	0.00%
General Obligation Bonds Reserve 52001	0.00	0.00	0	(100,000.00)	0.00	100,000	0.00%
General Long Term Debt 52001	0.00	0.00	0	(323,471.12)	0.00	323,471	0.00%
Law Enforcement Protection Fund 52001	0.00	0.00	0	(42,000.00)	0.00	42,000	0.00%
Total other financing sources (uses)	0.00	0.00	0	(1,102,440.40)	0.00	1,102,440	0.00%
Excess/(deficiency) after capital expenditures & other financing sources	(4,767.21)	(618.47)	17,307	(1,099,280.42)	(618.47)	1,098,662	0.06%
Ending cash and cash equivalents	7,264,390.11	7,268,538.85	4,149	6,169,876.90	7,268,538.85	1,098,662	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis Actual	PTD Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
201 - Correction							
0200 - Judicial							
Beginning cash and cash equivalents	100.00	100.00	0	100.00	100.00	0	
Revenues							
Corrections fee	0.00	0.00	0	80.00	0.00	(80)	0.00%
	0.00	0.00	0	80.00	0.00	(80)	0.00%
Expenditures							
Correction costs	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Expenditures	0.00	0.00	0	0.00	0.00	0	0.00%
Excess/(deficiency) of revenues over expenditures	0.00	0.00	0	80.00	0.00	(80)	0.00%
Ending cash and cash equivalents	100.00	100.00	0	180.00	100.00	(80)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
206 - Emergency Medical Service Fund							
9206 - Emergency Medical Service Fund							
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	
Revenues							
State Grant - EMS	37090	0.00	0.00	0	0.00	0.00	0 0.00%
		0.00	0.00	0	0.00	0.00	0 0.00%
Expenditures							
IGA for Fire Protection & EMS Services	45928	0.00	0.00	0	0.00	0.00	0 0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0 0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0 0.00%
Ending cash and cash equivalents		0.00	0.00	0	0.00	0.00	0

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
209 - Fire Protection Fund							
9209 - Fire Protection Fund							
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	
Revenues							
State Grant - Fire Protection Distribution 37120	106,399.00	108,856.00	2,457	106,399.00	108,856.00	2,457	102.31%
	106,399.00	108,856.00	2,457	106,399.00	108,856.00	2,457	102.31%
Expenditures							
IGA for Fire Protection & EMS Services 45928	0.00	0.00	0	106,399.00	0.00	106,399	0.00%
Total Fund Expenditures	0.00	0.00	0	106,399.00	0.00	106,399	0.00%
Excess/(deficiency) of revenues over expenditures	106,399.00	108,856.00	2,457	0.00	108,856.00	108,856	0.00%
Ending cash and cash equivalents	106,399.00	108,856.00	2,457	0.00	108,856.00	108,856	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
211 - Law Enforcement Protection Fund							
9211 - Law Enforcement Protection Fund							
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	
Revenues							
Law Enforcement grant	35010	20,000.00	20,000.00	0	20,000.00	20,000.00	0 100.00%
		20,000.00	20,000.00	0	20,000.00	20,000.00	0 100.00%
Expenditures							
Maint-Vehicle/furn/fixt/equip	44040	0.00	0.00	0	5,000.00	0.00	5,000 0.00%
MOU for Public Safety Services	45929	0.00	0.00	0	52,000.00	0.00	52,000 0.00%
Training	47040	0.00	0.00	0	5,000.00	0.00	5,000 0.00%
Total Fund Expenditures		0.00	0.00	0	62,000.00	0.00	62,000 0.00%
Excess/(deficiency) of revenues over expenditures		20,000.00	20,000.00	0	(42,000.00)	20,000.00	62,000 -47.62%
Other financing sources (uses)							
Operating transfers in	51001	0.00	0.00	0	42,000.00	0.00	(42,000) 0.00%
Total other financing sources (uses)		0.00	0.00	0	42,000.00	0.00	(42,000) 0.00%
Excess (deficiency) after other financing sources (uses)		20,000.00	20,000.00	0	0.00	20,000.00	20,000 0.00%
Ending cash and cash equivalents		20,000.00	20,000.00	0	0.00	20,000.00	20,000

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
216 - Municipal Street Fund								
9216 - Municipal Street Fund								
Beginning cash and cash equivalents	619,054.81	619,054.81	0	619,054.81	619,054.81	0		
Revenues								
Gross Receipts (Infra)	31240	13,319.63	12,474.09	(846)	143,430.46	12,474.09	(130,956)	8.70%
Gasoline Tax-Street	32310	3,100.00	3,017.02	(83)	37,200.00	3,017.02	(34,183)	8.11%
Motor Vehicle Registration	32610	2,000.00	2,075.58	76	24,000.00	2,075.58	(21,924)	8.65%
Total Fund Revenue		18,419.63	17,566.69	(853)	204,630.46	17,566.69	(187,064)	8.58%
Expenditures								
Road Improvements	48080	0.00	0.00	0	500,000.00	0.00	500,000	0.00%
Total Fund Expenditures		0.00	0.00	0	500,000.00	0.00	500,000	0.00%
Excess/(deficiency) of revenues over expenditures		18,419.63	17,566.69	(853)	(295,369.54)	17,566.69	312,936	5.95%
Ending cash and cash equivalents		637,474.44	636,621.50	(853)	323,685.27	636,621.50	312,936	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
299 - Special - Other Funds								
3000 - Fine Arts								
Beginning cash and cash equivalents	7,922.66	7,922.66	0	7,922.66	7,922.66	0		
Revenues								
Arts & Crafts Market Revenue	34997	90.00	0.00	(90)	2,570.00	0.00	(2,570)	0.00%
		90.00	0.00	(90)	2,570.00	0.00	(2,570)	0.00%
Department Expenditures								
Supplies	46010	0.00	0.00	0	100.00	0.00	100	0.00%
Miscellaneous Expense	46090	0.00	270.00	(270)	400.00	270.00	130	67.50%
Postage & Mail Service	47070	0.00	0.00	0	40.00	0.00	40	0.00%
Printing, Publishing & Advert.	47080	0.00	0.00	0	300.00	0.00	300	0.00%
Subscriptions & Memberships	47140	0.00	0.00	0	25.00	0.00	25	0.00%
Total Department Expenditures		0.00	270.00	(270)	865.00	270.00	595	31.21%
Excess/(deficiency) of revenues over expenditures		90.00	(270.00)	(360)	1,705.00	(270.00)	(1,975)	-15.84%
Other financing sources (uses)								
Operating transfers out	52001	0.00	0.00	0	(1,500.00)	0.00	(1,500)	0.00%
Total other financing sources (uses)		0.00	0.00	0	(1,500.00)	0.00	(1,500)	0.00%
Excess (deficiency) after other financing sources (uses)		90.00	(270.00)	(360)	205.00	(270.00)	(3,475)	-131.71%
Ending cash and cash equivalents		8,012.66	7,652.66	(360)	8,127.66	7,652.66	(3,475)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
299 - Special - Other Funds								
3001 - Agricultural Committee								
Beginning cash and cash equivalents	1,130.38	1,130.38	0	1,130.38	1,130.38	0		
Revenues								
Farmers' Market Revenue	34995	0.00	0.00	0	3,150.00	0.00	(3,150)	0.00%
		0.00	0.00	0	3,150.00	0.00	(3,150)	0.00%
Department Expenditures								
Supplies	46010	0.00	0.00	0	500.00	0.00	500	0.00%
Miscellaneous	46090	0.00	0.00	0	100.00	0.00	100	0.00%
Insurance-Non Employee	47060	0.00	0.00	0	375.00	0.00	375	0.00%
Printing, Publishing & Advert.	47080	419.10	321.87	97	5,029.20	321.87	4,707	6.40%
Rent of Equipment & Machinery	47120	425.00	425.00	0	425.00	425.00	0	100.00%
Subscriptions & Memberships	47140	0.00	0.00	0	100.00	0.00	100	0.00%
Total Department Expenditures		844.10	746.87	97	6,529.20	746.87	5,782	11.44%
Excess/(deficiency) of revenues over expenditures		(844.10)	(746.87)	97	(3,379.20)	(746.87)	2,632	22.10%
Other financing sources (uses)								
Operating transfers in	51001	0.00	0.00	0	3,000.00	0.00	(3,000)	0.00%
Total other financing sources (uses)		0.00	0.00	0	3,000.00	0.00	(3,000)	0.00%
Excess (deficiency) after other financing sources (uses)		(844.10)	(746.87)	97	(379.20)	(746.87)	(368)	196.96%
Ending cash and cash equivalents		286.28	383.51	97	751.18	383.51	(368)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			
	Current Budget	Cash Basis Actual	PTD Variance	2016/2017 Original Budget	Cash Basis Actual	YTD Budget Variance	% of Total Budget
299 - Special - Other Funds							
3002 - Scenic Byways & MainStreet							
Beginning cash and cash equivalents	459.64	459.64	0	459.64	459.64	0	
Revenues							
Grants	37234	0.00	0.00	0	0.00	0.00	0 0.00%
		0.00	0.00	0	0.00	0.00	0 0.00%
Department Expenditures							
Supplies	46010	0.00	0.00	0	459.64	0.00	460 0.00%
Total Department Expenditures		0.00	0.00	0	459.64	0.00	460 0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	(459.64)	0.00	460 0.00%
Ending cash and cash equivalents		459.64	459.64	0	0.00	459.64	460

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current Budget	PTD Actual	PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
299 - Special - Other Funds							
3003 - Agri-Nature Center							
Beginning cash and cash equivalents	15,000.00	15,000.00	0	15,000.00	15,000.00	0	
Revenues							
Contributions - Other	36019	0.00	0.00	0	0.00	0.00	0 0.00%
		0.00	0.00	0	0.00	0.00	0 0.00%
Department Expenditures							
Improvements	48900	0.00	0.00	0	15,000.00	0.00	15,000 0.00%
Total Department Expenditures		0.00	0.00	0	15,000.00	0.00	15,000 0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	(15,000.00)	0.00	15,000 0.00%
Ending cash and cash equivalents		15,000.00	15,000.00	0	0.00	15,000.00	15,000

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis Actual	PTD Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
299 - Special - Other Funds							
Summary of Special - Other Funds Revenues and Expenses							
Beginning cash and cash equivalents	24,512.68	24,512.68	0	24,512.68	24,512.68	0	
Revenues							
Fine Arts	90.00	0.00	(90)	2,570.00	0.00	(2,570)	0.00%
Agricultural Committee	0.00	0.00	0	3,150.00	0.00	(3,150)	0.00%
Scenic Byways	0.00	0.00	0	0.00	0.00	0	0.00%
Agri-Nature Center	0.00	0.00	0	0.00	0.00	0	0.00%
Total Fund Revenues	90.00	0.00	(90)	5,720.00	0.00	(5,720)	0.00%
Expenditures							
Fine Arts	0.00	270.00	(270)	865.00	270.00	595	31.21%
Agricultural Committee	844.10	746.87	97	6,529.20	746.87	5,782	11.44%
Scenic Byways	0.00	0.00	0	459.64	0.00	460	0.00%
Agri-Nature Center	0.00	0.00	0	15,000.00	0.00	15,000	0.00%
Total Fund Expenditures	844.10	1,016.87	(173)	22,853.84	1,016.87	21,837	4.45%
Excess/(deficiency) of revenues over expenditures	(754.10)	(1,016.87)	(263)	(17,133.84)	(1,016.87)	16,117	0.00%
Other financing sources (uses)							
Operating transfers in	0.00	0.00	0	3,000.00	0.00	(3,000)	0.00%
Operating transfers out	0.00	0.00	0	(1,500.00)	0.00	(1,500)	0.00%
Total other financing sources (uses)	0.00	0.00	0	1,500.00	0.00	(4,500)	0.00%
Excess/(deficiency) after other financing sources (uses)	(754.10)	(1,016.87)	(263)	(15,633.84)	(1,016.87)	11,617	0.00%
Ending cash and cash equivalents	23,758.58	23,495.81	(263)	8,878.84	23,495.81	14,617	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
 From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
311 - Capital Project Infrastructure								
3111 - Improvements 4th Street - CN 3131828 (Reversion Date 06/30/2017)								
Revenues								
State Grant - Other	37230	15,000.00	0.00	(15,000)	358,738.75	0.00	(358,739)	0.00%
		15,000.00	0.00	(15,000)	358,738.75	0.00	(358,739)	0.00%
Expenditures								
Capital Expenditure - Roadway	48080	15,000.00	0.00	15,000	358,738.75	0.00	358,739	0.00%
Total Fund Expenditures		15,000.00	0.00	15,000	358,738.75	0.00	358,739	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
311 - Capital Project Infrastructure								
3113 - Improvements 4th Street - CN 3150909 (Reversion Date 06/30/2019)								
Revenues								
State Grant - Other	37230	0.00	0.00	0	350,500.00	0.00	(350,500)	0.00%
		0.00	0.00	0	350,500.00	0.00	(350,500)	0.00%
Expenditures								
Capital Expenditure - Roadway	48080	0.00	0.00	0	350,500.00	0.00	350,500	0.00%
Total Fund Expenditures		0.00	0.00	0	350,500.00	0.00	350,500	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0	0.00%

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current Budget	Cash Basis Actual	PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
311 - Capital Project Infrastructure							
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0	
Revenues							
Improvements 4th St - C3131828	15,000.00	0.00	(15,000)	358,738.75	0.00	(358,739)	0.00%
Improvements 4th St - C3150909	0.00	0.00	0	350,500.00	0.00	(350,500)	0.00%
	<u>15,000.00</u>	<u>0.00</u>	<u>(15,000)</u>	<u>709,238.75</u>	<u>0.00</u>	<u>(709,239)</u>	<u>0.00%</u>
Expenditures							
Improvements 4th St - C3131828	15,000.00	0.00	15,000	358,738.75	0.00	358,739	0.00%
Improvements 4th St - C3150909	0.00	0.00	0	350,500.00	0.00	350,500	0.00%
Total Fund Expenditures	<u>15,000.00</u>	<u>0.00</u>	<u>15,000</u>	<u>709,238.75</u>	<u>0.00</u>	<u>709,239</u>	<u>0.00%</u>
Excess/(deficiency) of revenues over expenditures	<u>0.00</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>0</u>	<u>0.00%</u>
Ending cash and cash equivalents	<u>0.00</u>	<u>0.00</u>	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>0</u>	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
312 - Capital Project Buildings								
3121 - Agri-Nature Center Improvements - ID 15-0734 (Reversion Date 06/30/2019)								
Revenues								
State Grant - Other	37230	29,341.78	15,799.28	(13,543)	165,000.00	15,799.28	(149,201)	9.58%
		<u>29,341.78</u>	<u>15,799.28</u>	<u>(13,543)</u>	<u>165,000.00</u>	<u>15,799.28</u>	<u>(149,201)</u>	<u>9.58%</u>
Expenditures								
Capital Expenditure - Buildings	48010	0.00	0.00	0	135,658.22	0.00	135,658	0.00%
Total Fund Expenditures		<u>0.00</u>	<u>0.00</u>	<u>0</u>	<u>135,658.22</u>	<u>0.00</u>	<u>135,658</u>	<u>0.00%</u>
Excess/(deficiency) of revenues over expenditures		<u>29,341.78</u>	<u>15,799.28</u>	<u>(13,543)</u>	<u>29,341.78</u>	<u>15,799.28</u>	<u>(13,543)</u>	<u>53.85%</u>

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
312 - Capital Project Buildings							
Beginning cash and cash equivalents	(29,341.78)	(29,341.78)	0	(29,341.78)	(29,341.78)	0	
Revenues							
Improvements Agri-Nature ID 15-0734	29,341.78	15,799.28	(13,543)	165,000.00	15,799.28	(149,201)	9.58%
	29,341.78	15,799.28	(13,543)	165,000.00	15,799.28	(149,201)	9.58%
Expenditures							
Improvements Agri-Nature ID 15-0734	0.00	0.00	0	135,658.22	0.00	135,658	0.00%
Total Fund Expenditures	0.00	0.00	0	135,658.22	0.00	135,658	0.00%
Excess/(deficiency) of revenues over expenditures	29,341.78	15,799.28	(13,543)	29,341.78	15,799.28	(13,543)	53.85%
Ending cash and cash equivalents	0.00	(13,542.50)	(13,543)	0.00	(13,542.50)	(13,543)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
380 - Purchase Real Property Reserve Fund								
3801 - Purchase Real Property Fund								
Beginning cash and cash equivalents	864,530.72	864,530.72	0	864,530.72	864,530.72	0		
Expenditures								
Property Purchase	48040	0.00	0.00	0	1,500,000.00	0.00	1,500,000	0.00%
Total Fund Expenditures		0.00	0.00	0	1,500,000.00	0.00	1,500,000	0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	(1,500,000.00)	0.00	1,500,000	0.00%
Other financing sources (uses)								
Operating transfers in	51001	0.00	0.00	0	635,469.28	0.00	(635,469)	0.00%
Total other financing sources (uses)		0.00	0.00	0	635,469.28	0.00	(635,469)	0.00%
Excess/(deficiency) after other financing sources (uses)		0.00	0.00	0	(864,530.72)	0.00	864,531	0.00%
Ending cash and cash equivalents		864,530.72	864,530.72	0	0.00	864,530.72	864,531	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
399 - Capital Project - Other							
3900 - Park Land and Plaza Reserve							
Beginning cash and cash equivalents	44,423.32	44,423.32	0	44,423.32	44,423.32	0	
Revenues							
Cash in Lieu of Land Dedication	36015	0.00	0.00	0	0.00	0.00	0 0.00%
		0.00	0.00	0	0.00	0.00	0 0.00%
Expenditures							
Land Acquisition	48040	0.00	0.00	0	0.00	0.00	0 0.00%
Total Fund Expenditures		0.00	0.00	0	0.00	0.00	0 0.00%
Excess/(deficiency) of revenues over expenditures		0.00	0.00	0	0.00	0.00	0 0.00%
Ending cash and cash equivalents	44,423.32	44,423.32	0	44,423.32	44,423.32	0	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget	
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance		
401 - General Obligation Bonds								
1830 - General Obligation Bonds								
Beginning cash and cash equivalents	44,719.86	44,719.86	0	44,719.86	44,719.86	0		
Revenues								
Property Taxes - Current	31500	0.00	0.00	0	230,861.03	0.00	(230,861)	0.00%
Property Taxes - Delinquent	31510	4,951.63	6,195.19	1,244	7,781.13	6,195.19	(1,586)	79.62%
Total Revenue		4,951.63	6,195.19	1,244	238,642.16	6,195.19	(232,447)	2.60%
Expenditures								
Debt Service Principal	49010	0.00	0.00	0	170,000.00	0.00	170,000	0.00%
Debt Service Interest	49020	0.00	0.00	0	132,367.50	0.00	132,368	0.00%
Total Fund Expenditures		0.00	0.00	0	302,367.50	0.00	302,368	0.00%
Excess/(deficiency) of revenues over expenditures		4,951.63	6,195.19	1,244	(63,725.34)	6,195.19	69,921	-9.72%
Other financing sources (uses)								
Operating transfers in	52001	0.00	0.00	0	19,005.48	0.00	19,005	0.00%
Total other financing sources (uses)		0.00	0.00	0.00	19,005.48	0.00	19,005.48	0.00%
Excess (deficiency) after other financing sources (uses)		4,951.63	6,195.19	1,243.56	(44,719.86)	6,195.19	88,926.01	-13.85%
Ending cash and cash equivalents		49,671.49	50,915.05	1,243.56	0.00	50,915.05	88,926.01	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
410 - General Obligation Bonds Reserve Fund							
4101 - General Obligation Bonds Reserve							
Beginning cash and cash equivalents	900,000.00	900,000.00	0	900,000.00	900,000.00	0	
Other financing sources (uses)							
Operating transfers in	51001	0.00	0.00	0	100,000.00	0.00	(100,000) 0.00%
Operating transfers out	52001	0.00	0.00	0	(19,005.48)	0.00	(19,005) 0.00%
Total other financing sources (uses)		0.00	0.00	0	80,994.52	0.00	(119,005) 0.00%
Excess/(deficiency) after other financing sources (uses)		0.00	0.00	0	80,994.52	0.00	(119,005) 0.00%
Ending cash and cash equivalents	900,000.00	900,000.00	0	980,994.52	900,000.00	(119,005)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date				
	Current PTD Budget	Cash Basis Actual	PTD Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
505 - Agri-Nature Center Farm Camps								
1500 - Farm Camps								
Beginning cash and cash equivalents	39,140.62	39,140.62	0	39,140.62	39,140.62	0		
Revenues								
Farm camp revenue	36065	0.00	0.00	0	30,000.00	0.00	(30,000)	0.00%
Total Revenue		0.00	0.00	0	30,000.00	0.00	(30,000)	0.00%
Expenditures								
Wages-Temporary	41040	4,218.13	4,218.14	(0)	18,861.88	4,218.14	14,644	22.36%
Overtime Wages	41050	157.50	157.50	0	157.50	157.50	0	100.00%
FICA regular	42010	271.29	271.28	0	1,179.21	271.28	908	23.01%
FICA medicare	42020	63.45	63.44	0	275.79	63.44	212	23.00%
Worker's Comp. Assessment	42080	0.00	0.00	0	11.50	0.00	12	0.00%
Supplies	46010	0.00	201.32	(201)	2,200.00	201.32	1,999	9.15%
Miscellaneous Expense	46090	0.00	0.00	0	150.00	0.00	150	0.00%
Training	47040	0.00	0.00	0	245.00	0.00	245	0.00%
Printing, Publishing, & Advert.	47080	0.00	0.00	0	250.00	0.00	250	0.00%
Insurance Workers' Compensation	47210	872.00	872.00	0	872.00	872.00	0	100.00%
Total Fund Expenditures		5,582.37	5,783.68	(201)	24,202.88	5,783.68	18,419	23.90%
Excess/(deficiency) of revenues over expenditures		(5,582.37)	(5,783.68)	(201)	5,797.12	(5,783.68)	(11,581)	-99.77%
Ending cash and cash equivalents		33,558.25	33,356.94	(201)	44,937.74	33,356.94	(11,581)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date				
	Current PTB Budget	Cash Basis Actual	PTD Current PTB Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	% of Total Budget	
900 - General Long Term Debt								
9000 - General Long Term Debt								
Beginning cash and cash equivalents	0.00	0.00	0	0.00	0.00	0		
Expenditures								
First American Bank Principal	49030	4,145.18	4,145.18	0	283,878.17	4,145.18	279,733	1.46%
First American Bank Interest	49035	1,977.84	1,977.84	0	6,042.99	1,977.84	4,065	32.73%
Luthy Note #2 Principal	49040	517.04	517.04	0	6,193.89	517.04	5,677	8.35%
Luthy Note #2 Interest	49045	1,249.91	1,249.91	0	15,009.51	1,249.91	13,760	8.33%
Luthy Note #3 Principal	49050	301.07	301.07	0	3,606.67	301.07	3,306	8.35%
Luthy Note #3 Interest	49055	727.81	727.81	0	8,739.89	727.81	8,012	8.33%
Total Fund Expenditures		8,918.85	8,918.85	0	323,471.12	8,918.85	314,552	2.76%
Excess/(deficiency) of revenues over expenditures		(8,918.85)	(8,918.85)	0	(323,471.12)	(8,918.85)	314,552	2.76%
Other financing sources (uses)								
Operating transfers in	51001	0.00	0.00	0	323,471.12	0.00	(323,471)	0.00%
Total other financing sources (uses)		0.00	0.00	0	323,471.12	0.00	(323,471)	0.00%
Excess/(deficiency) after other financing sources (uses)		(8,918.85)	(8,918.85)	0	0.00	(8,918.85)	(8,919)	
Ending cash and cash equivalents		(8,918.85)	(8,918.85)	0	0.00	(8,918.85)	(8,919)	

Village of Los Ranchos de Albuquerque
Statement of Revenues and Expenditures
From 7/1/2016 Through 07/31/2016

Account No.	Current Period			Year - to -Date			% of Total Budget
	Current PTD Budget	Cash Basis PTD Actual	Current PTD Variance	2016/2017 Original Budget	Cash Basis YTD Actual	YTD Budget Variance	
Summary of Revenues and Expenditures							
Beginning cash and cash equivalents	9,776,297.55	9,776,297.55	0	9,776,297.55	9,776,297.55	0	
Revenues							
General Fund	301,013.49	298,853.51	(2,160)	3,372,995.35	298,853.51	(3,074,142)	8.86%
Correction	0.00	0.00	0	80.00	0.00	(80)	0.00%
Emergency Medical Service Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Fire Protection Fund	106,399.00	108,856.00	2,457	106,399.00	108,856.00	2,457	102.31%
Law Enforcement Protection Fund	20,000.00	20,000.00	0	20,000.00	20,000.00	0	100.00%
Municipal Street Fund	18,419.63	17,566.69	(853)	204,630.46	17,566.69	(187,064)	8.58%
Special - Other Funds	90.00	0.00	(90)	5,720.00	0.00	(5,720)	0.00%
Capital Project Infrastructure	15,000.00	0.00	(15,000)	709,238.75	0.00	(709,239)	0.00%
Capital Project Buildings	29,341.78	15,799.28	(13,543)	165,000.00	15,799.28	(149,201)	9.58%
Purchase Real Property Reserve Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Capital Project - Other	0.00	0.00	0	0.00	0.00	0	0.00%
General Obligation Bonds	4,951.63	6,195.19	1,244	238,642.16	6,195.19	(232,447)	2.60%
General Obligation Bonds Reserve Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Agri-Nature Center Farm Camps	0.00	0.00	0	30,000.00	0.00	(30,000)	0.00%
General Long Term Debt	0.00	0.00	0	0.00	0.00	0	0.00%
Total Revenues	495,215.53	467,270.67	(27,945)	4,852,705.72	467,270.67	(4,385,435)	9.63%
Expenditures							
General Fund	305,780.70	299,471.98	6,309	3,369,835.37	299,471.98	3,070,363	8.89%
Correction	0.00	0.00	0	0.00	0.00	0	0.00%
Emergency Medical Service Fund	0.00	0.00	0	0.00	0.00	0	0.00%
Fire Protection Fund	0.00	0.00	0	106,399.00	0.00	106,399	0.00%
Law Enforcement Protection Fund	0.00	0.00	0	62,000.00	0.00	62,000	0.00%
Municipal Street Fund	0.00	0.00	0	500,000.00	0.00	500,000	0.00%
Special - Other Funds	844.10	1,016.87	(173)	22,853.84	1,016.87	21,837	4.45%
Capital Project Infrastructure	15,000.00	0.00	15,000	709,238.75	0.00	709,239	0.00%
Capital Project Buildings	0.00	0.00	0	135,658.22	0.00	135,658	0.00%
Purchase Real Property Reserve Fund	0.00	0.00	0	1,500,000.00	0.00	1,500,000	0.00%
Capital Project - Other	0.00	0.00	0	0.00	0.00	0	0.00%
General Obligation Bonds	0.00	0.00	0	302,367.50	0.00	302,368	0.00%
Agri-Nature Center Farm Camps	5,582.37	5,783.68	(201)	24,202.88	5,783.68	18,419	23.90%
General Long Term Debt	8,918.85	8,918.85	0	323,471.12	8,918.85	314,552	2.76%
Total Expenditures	336,126.02	315,191.38	20,935	7,056,026.68	315,191.38	6,740,835	4.47%
Excess/(deficiency) of revenues over expenditures	159,089.51	152,079.29	(7,010)	(2,203,320.96)	152,079.29	2,355,400	-6.90%
Other financing sources (uses)							
Operating transfers in	0.00	0.00	0.00	1,122,945.88	0.00	(1,084,934.92)	0.00%
Operating transfers out	0.00	0.00	0.00	(1,122,945.88)	0.00	1,081,934.92	0.00%
	0.00	0.00	0	0.00	0.00	(3,000)	0.00%
Excess/(deficiency) after other financing sources (uses)	159,089.51	152,079.29	(7,010)	(2,203,320.96)	152,079.29	2,352,400	-6.90%
Ending cash and cash equivalents	9,935,387.06	9,928,376.84	(7,010)	7,572,976.59	9,928,376.84	2,355,400	

Ending cash and cash equivalents
\$9,928,376.84

Village of Los Ranchos de Albuquerque

Check Register for the Month of July 2016

Payee	Check Date	Check Number	Check Amount
AIRPRO	7/19/2016	38943	105.70
Total AIRPRO			<u>105.70</u>
Albuquerque Asphalt, Inc.	7/29/2016	38963	6,579.23
Total Albuquerque Asphalt, Inc.			<u>6,579.23</u>
Albuquerque Bernalillo County	7/8/2016	38904	2,470.96
Albuquerque Bernalillo County	7/29/2016	38962	3,332.49
Total Albuquerque Bernalillo County			<u>5,803.45</u>
Albuquerque Power Equipment	7/8/2016	38905	339.38
Albuquerque Power Equipment	7/19/2016	38941	68.16
Total Albuquerque Power Equipment			<u>407.54</u>
Albuquerque Publishing Co.	7/19/2016	38942	120.20
Total Albuquerque Publishing Co.			<u>120.20</u>
Alibi	7/8/2016	38906	160.90
Alibi	7/19/2016	38944	53.66
Alibi	7/29/2016	38964	107.31
Total Alibi			<u>321.87</u>
AMAFCA	7/1/2016	38879	5,000.00
Total AMAFCA			<u>5,000.00</u>
America Tent Rentals	7/1/2016	38880	425.00
Total America Tent Rentals			<u>425.00</u>
Art of Hair	7/19/2016	38939	156.00
Total Art of Hair			<u>156.00</u>
AutoZone, Inc.	7/29/2016	38966	27.74
Total AutoZone, Inc.			<u>27.74</u>
Bank of America	7/8/2016	38907	1,495.84
Total Bank of America			<u>1,495.84</u>
Bank of America, N.A.	7/15/2016	BoA-07152016	664.91
Total Bank of America, N.A.			<u>664.91</u>
Bernalillo County	7/1/2016	38876	113,300.00
Total Bernalillo County			<u>113,300.00</u>
C. Fred Luthy, Jr. and	7/19/2016	38937	1,766.95

Village of Los Ranchos de Albuquerque

Check Register for the Month of July 2016

Payee	Check Date	Check Number	Check Amount
Total C. Fred Luthy, Jr. and			1,766.95
Chappell Law Firm, P.A.	7/19/2016	38945	6,365.40
Total Chappell Law Firm, P.A.			6,365.40
Comcast	7/29/2016	38967	177.11
Total Comcast			177.11
Construction Rental & Supply	7/8/2016	38908	83.90
Total Construction Rental & Supply			83.90
Dan's Boots & Saddles	7/19/2016	38946	6.99
Total Dan's Boots & Saddles			6.99
De Lage Landen	7/8/2016	38909	416.30
De Lage Landen	7/29/2016	38968	416.30
Total De Lage Landen			832.60
Delta Dental of New Mexico	7/1/2016	38881	515.83
Delta Dental of New Mexico	7/19/2016	38947	515.83
Total Delta Dental of New Mexico			1,031.66
Diamond Shine LLC	7/19/2016	38948	321.94
Total Diamond Shine LLC			321.94
Document Solutions, Inc.	7/8/2016	38910	249.16
Total Document Solutions, Inc.			249.16
Facility Solutions Group	7/29/2016	38969	172.76
Total Facility Solutions Group			172.76
First American Bank	7/1/2016	38877	6,123.02
Total First American Bank			6,123.02
Fred Luthy	7/19/2016	38938	1,028.88
Total Fred Luthy			1,028.88
G & T Auto	7/19/2016	38949	548.10
G & T Auto	7/29/2016	38970	92.34
Total G & T Auto			640.44
Grainger	7/29/2016	38971	55.70
Total Grainger			55.70

Village of Los Ranchos de Albuquerque

Check Register for the Month of July 2016

Payee	Check Date	Check Number	Check Amount
High Mesa Consulting Group	7/8/2016	38911	190.26
Total High Mesa Consulting Group			<u>190.26</u>
Highway Supply LLC	7/29/2016	38973	15,166.08
Total Highway Supply LLC			<u>15,166.08</u>
Home Depot Credit Services	7/8/2016	38912	366.46
Home Depot Credit Services	7/19/2016	38951	109.98
Home Depot Credit Services	7/29/2016	38974	182.90
Total Home Depot Credit Services			<u>659.34</u>
Information Display Company	7/29/2016	38975	427.00
Total Information Display Company			<u>427.00</u>
Internal Revenue Service	7/8/2016	43176279	6,825.81
Internal Revenue Service	7/22/2016	13564944	5,879.78
Total Internal Revenue Service			<u>12,705.59</u>
J-H Supply Company	7/19/2016	38952	214.80
Total J-H Supply Company			<u>214.80</u>
Julie C. Hirshfield	7/8/2016	38903	201.32
Total Julie C. Hirshfield			<u>201.32</u>
Middle Rio Grande Stormwater	7/29/2016	38976	1,000.00
Total Middle Rio Grande Stormwater			<u>1,000.00</u>
New Mexico Gas Company	7/19/2016	38953	98.23
Total New Mexico Gas Company			<u>98.23</u>
New Mexico Government	7/8/2016	38914	50.00
Total New Mexico Government			<u>50.00</u>
New Mexico Municipal	7/8/2016	38917	150.00
Total New Mexico Municipal			<u>150.00</u>
New Mexico Municipal Clerks	7/8/2016	38916	60.00
Total New Mexico Municipal Clerks			<u>60.00</u>
New Mexico Municipal League	7/8/2016	38915	5,500.00
Total New Mexico Municipal League			<u>5,500.00</u>
New Mexico Self Insurers' Fund	7/8/2016	38918	56,244.20
Total New Mexico Self Insurers' Fund			<u>56,244.20</u>

Village of Los Ranchos de Albuquerque

Check Register for the Month of July 2016

Payee	Check Date	Check Number	Check Amount
NM City Management Association	7/8/2016	38913	520.00
Total NM City Management			<u>520.00</u>
NM Municipal Court Clerks	7/1/2016	38878	60.00
Total NM Municipal Court Clerks			<u>60.00</u>
NM State Treasurer-PERA	7/8/2016	38902	4,300.03
NM State Treasurer-PERA	7/22/2016	38936	4,300.03
Total NM State Treasurer-PERA			<u>8,600.06</u>
Pamela Armbrecht	7/29/2016	38965	270.00
Total Pamela Armbrecht			<u>270.00</u>
PNM	7/19/2016	38955	3,238.90
Total PNM			<u>3,238.90</u>
Porch & Associates LLC	7/8/2016	38919	3,215.63
Total Porch & Associates LLC			<u>3,215.63</u>
Presbyterian Health Plan	7/1/2016	38882	6,681.61
Presbyterian Health Plan	7/29/2016	38977	6,681.61
Total Presbyterian Health Plan			<u>13,363.22</u>
Print Source Unlimited	7/19/2016	38956	912.16
Total Print Source Unlimited			<u>912.16</u>
Secretary of State	7/19/2016	38940	20.00
Total Secretary of State			<u>20.00</u>
Sprinkler Irrigation Supply Co	7/8/2016	38920	59.72
Sprinkler Irrigation Supply Co	7/19/2016	38957	51.56
Total Sprinkler Irrigation Supply Co			<u>111.28</u>
Taxation & Revenue	7/29/2016	38961	1,486.79
Total Taxation & Revenue			<u>1,486.79</u>
The Hartford	7/19/2016	38950	307.12
The Hartford	7/29/2016	38972	307.12
Total The Hartford			<u>614.24</u>
TLC Plumbing & Utility	7/8/2016	38921	153.49
Total TLC Plumbing & Utility			<u>153.49</u>

Village of Los Ranchos de Albuquerque

Check Register for the Month of July 2016

Payee	Check Date	Check Number	Check Amount
VCA Town and Country	7/19/2016	38958	693.58
VCA Town and Country	7/29/2016	38978	995.35
Total VCA Town and Country			<u>1,688.93</u>
VCA Veterinary Care Animal	7/29/2016	38979	915.72
Total VCA Veterinary Care Animal			<u>915.72</u>
Verizon Wireless	7/29/2016	38980	232.36
Total Verizon Wireless			<u>232.36</u>
Vision Service Plan - (IC)	7/1/2016	38883	81.54
Vision Service Plan - (IC)	7/29/2016	38981	81.54
Total Vision Service Plan - (IC)			<u>163.08</u>
Waste Management of New Mexico	7/8/2016	38922	375.69
Total Waste Management of New			<u>375.69</u>
Report Total			<u>\$ 281,872.36</u>
Payroll	7/8/2016		18,589.28
Payroll	7/22/2016		14,875.27
Art of Hair	7/19/2016	38939	(156.00)
Petty Cash	7/29/2016		10.47
			<u>\$ 33,319.02</u>
			<u>\$ 315,191.38</u>
Expenditures Cash Report			<u>\$ 315,191.38</u>

7. PUBLIC HEARINGS AND APPLICATIONS

A. A REQUEST BY STEEL BENDER BREWYARD, LLC, 8305 SECOND ST. NW, LOS RANCHOS, NM FOR A SMALL BREWER LICENSE WITH ON PREMISE CONSUMPTION, PACKAGE SALES, AND PATIO SERVICE, APPLICATION # 999864, FROM THE NEW MEXICO ALCOHOL AND GAMING DIVISION. THE PROPERTY USING THE LICENSE IS LOCATED AT 8305 SECOND ST. NW, AND IS LEGALLY KNOWN AS LOT A, PLAT OF LOT A, EL PORTAL AT PASEO, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NM FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON JUNE 9, 2013. THE PROPERTY CONTAINS 5.1402 ACRES MORE OR LESS.

BOARD OF TRUSTEES

PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. • (505) 344-6582 Fax 344-8978

DATE ISSUED: July 26, 2016 **REPORT NO.** PZ-16-23
Small Brewers License # 999864

ATTENTION: Village of Los Ranchos Board of Trustees

SUBJECT: A small brewer license with on premise consumption, package sales, and patio service in the Gateway District (GD) Zone of the Fourth Street Commercial Character Area.

APPLICANT: Steel Bender Brewery, LLC

LOCATION AND LEGAL:

The property is located at 8305 2nd Street NW and is legally known as Lot A, Plat of Lot A, El Portal at Paseo, Village of Los Ranchos de Albuquerque, Bernalillo County, NM filed in the Office of the Bernalillo County Clerk on June 9, 2013. The property contains 5.1402 acres more or less.

SURROUNDING AREA: North - R-1 Bernalillo County then GD - Alameda Bible Church
East - Alameda Main Canal/ Second Street
South - Bernalillo County ENGLEBRECHT Subdivision
West - GD / Fourth Street

PROJECT:

The applicant has applied to the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department for a small brewer license with on premise consumption, package sales, and patio service, Application # 999864, from the NM Alcohol and Gaming Division. The Director of Alcohol and Gaming Division has granted Preliminary Approval, pending action by the Village of Los Ranchos Board of Trustees.

The applicant intends to operate a Brewery and Pub at this location.

A Site Development Plan for the Brewery was approved on October 9, 2013.

ANALYSIS

On February 28, 2014, the Planning and Zoning Director approved application CU-14-01, for a Brew Pub, as required by Village Code §9.2.12(C)(22) in the GD Zone of the 4th Street Commercial Character Area and Corridor.

The Conditional Use was appropriately public noticed and lacking any adverse public comment was approved by the Planning and Zoning Director.

A distance waiver was appropriately public noticed and approved by the Board of Trustees on October 15, 2015.

Alcohol and Gaming Division requires the governing body of the Village to hold a public hearing for approval of the license. Public notice is required and such notice was made on July 8, 2016 and July 25, 2016 in the Albuquerque Journal.

Notification to the applicant of the date, time and place of public hearing was sent by certified mail as required. Neighbors within 300 feet of the property were sent public notice of the hearing on July 8, 2016.

The governing body may disapprove the issuance or transfer of the license if:

The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; if the issuance or transfer would be in violation of a zoning or other ordinance of the governing body; or if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district.

RECOMMENDATIONS AND FINDINGS:

The Department recommends **approval** of the small brewer license with on premise consumption, package sales, and patio service, Application # 999864, in the Gateway District Zone of the Fourth Street Commercial Character Area.

Findings:

Public notice requirements have been met as per the New Mexico Alcohol and Gaming Division by publication in the Albuquerque Journal on July 8, 2016 and July 25, 2016.

Public Notice was sent by mail to all neighbors within 300 feet of the property on July 8, 2016.

The applicant received notice of date, time and place of public hearing by certified mail as required.

The property is located in the Gateway District (GD) Zone of the Fourth Street Commercial Character Area and Corridor. Brew Pubs are an allowable use in the GD Zone with a Conditional Use Permit.

The request for CU 14-01 was public noticed as per §9.2.25.

The Conditional Use Permit was approved on February 28, 2014.

The 2020 Master Plan Overall Village Goals 1.2.2 The Goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

Section 8, 8.2.1 Commercial Objectives:

- Create a business climate in which businesses flourish
- Focus Village commercial activities in the Village Center, Fourth Street and the Transit District
- Make the Village a shopping destination
- Encourage stores of a unique character that harmonize with the scale and nature of the Village whether local businesses, national businesses or new, compatible commercial activities



Tim McDonough
Director of Planning and Zoning



Date

Attachments: Application # 999864
Ortho and Zone map



**New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION**

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

June 15, 2016

Certified Mail No.: 9171 9690 0935 0079 1754 53

RECEIVED
JUN 17 2016
VILLAGE OF LOS RANCHOS

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

David Jablonski
Deputy Superintendent

Diana A. Martwick
Chief General Counsel

Mary Kay Root
Director

Village of Los Ranchos De Albuquerque

Attn: Stephanie Dominguez
6718 Rio Grande Blvd., NW
Los Ranchos De Albuquerque, NM 87107

Re: Lic. No. /Appl. No.: Application No. 999864

Name of Applicant: Steel Bender Brewery, LLC

Doing Business As: Steel Bender Brewery

Proposed Location: 8305 2nd Street NW, Los Ranchos de ABQ, NM 87114

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A SMALL BREWER LICENSE WITH ON PREMISE CONSUMPTION, PACKAGE SALES AND PATIO SERVICE.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Beverly Kennedy, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4548 Fax: (505) 476-4595
Email: beverly.kennedy@state.nm.us

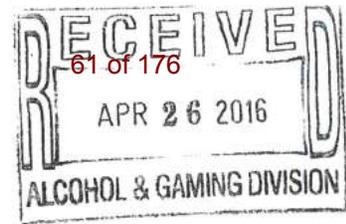
Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement

xc by email: Applicant

COPY

PREMISES, LOCATION, OWNERSHIP & DESCRIPTION OF PREMISES



1. The land and building which is proposed to be the licensed premise is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (please provide details) _____

2. If the land and building are not owned by Applicant, please indicate the following:

A. Owner(s) 2nd Street Holdings, LLC

B. Date and Term of Lease January 5, 2016 10 years

Attach a hand drawn map, zoning map, or other map, showing the location of the proposed premises, and the main adjacent streets, roads or highways, in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premise location is zoned (example C-1) C-1

If the premise is zoned, attach zoning statement from local government giving location address, type of zone and stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises-shortest distance).

287 ft Name of School Alameda Bible Church Address-Location of Church 220 El Pueblo Road NW, Los Ranchos, NM

5. Distance from nearest school *(Property line of school to licensed premises-shortest distance).

287 ft Name of Church Alameda Bible School Address-Location of School 220 El Pueblo Road NW, Los Ranchos, NM

6. Distance from military installation (Property line of military installation to licensed premises-shortest distance).

Miles 10 Name of Military Installation Kirtland Air Force Base

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premise. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Racetrack _____ Hotel _____ Other (Please specify) Small Brewer

Date: October 16, 2015

OFFICIAL NOTIFICATION OF DECISION

Second Street Holdings, LLC
Steel Bender Brewery LLC
P.O. Box 94058
Albuquerque, NM 87199

A request for a waiver from the 300 foot distance rule for a liquor license in proximity to a church or school in the Gateway District Zone of the 4th Street Commercial Corridor.

LEGAL DESCRIPTION:
8305 Second St. NW, legally known as Lot A, Plat of Lot A, El Portal at Paseo, Village of Los Ranchos de Albuquerque, Bernalillo County, New Mexico, filed in the Office of the Bernalillo County Clerk on June 9, 2013.

On October 14, 2015, the Village of Los Ranchos de Albuquerque, Board of Trustees voted to approve a waiver of the 300 foot distance rule for a small brewers license, a restaurant beer and wine license and a wholesale license for a small brewery/restaurant in building #1 of the approved site plan based on the following Findings:

FINDINGS:

The property is located in the GD Zone of the Fourth Street Commercial Character Area and Corridor, bars and lounges and wineries and brew pubs are a Conditional Use in the C-1 Zone.

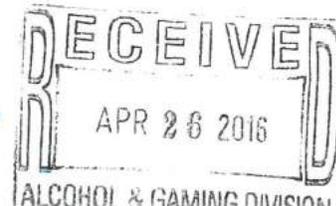
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Section 8, 8.2.1 Commercial Objectives:

- Create a business climate in which businesses flourish
- Focus Village commercial activities in the Village Center, Fourth Street and the (Gateway) Transit District
- Make the Village a shopping destination

COPY



- Encourage stores of a unique character that harmonize with the scale and nature of the Village whether local businesses, national businesses or new, compatible commercial activities

Public notice requirements have been met by publication in the Albuquerque Journal on September 30, 2015. Additionally, the Public Notice was sent by mail to all neighbors within 400 feet of the property on September 30, 2015.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY OCTOBER 31, 2015 IN THE MANNER DESCRIBED BELOW.

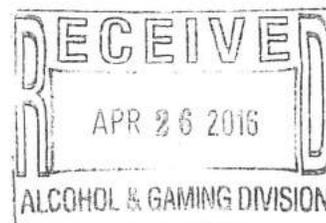
Board Decision Appeals. Appeals of the Board decisions may be made to the appropriate district court, pursuant to New Mexico State Statutes.

YOU WILL RECEIVE NOTIFICATION IF ANY PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, THE APPLICATION FOR WAIVER IS GRANTED.

Sincerely,



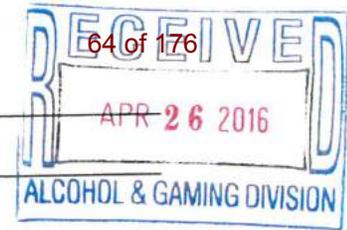
Tim McDonough
Director, Planning and Zoning



LIQUOR LICENSE APPLICATION

Application fee- \$200.00 Fees are non-refundable

ENTERED
200
1621071



State Liquor License # _____

Record Owner of License _____

Application Number 999564

Current D/B/A Name _____

Local Option (AGD use) Village of Los Ranchos de ASG

Current Premise Address _____

Application is for: (check one) Change of Structure _____ Change of Officers/Directors _____ Transfer of Ownership of Existing License _____ Transfer of Ownership and Location _____
Transfer Location _____ Other _____ Issue New License _____ X _____ Type of License being applied for Small Brewer's

Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) _____ Limited Liability Company _____ X

NAME OF APPLICANT (company or individual):

ADDRESS (INCLUDING CITY, STATE, ZIP)

TELEPHONE NUMBER

S Bender Brewery, LLC 8355 2nd Street NW, Los Ranchos de Albuquerque, NM 87114 505-344-1633
Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378 Email: lla@cybermesa.com

DBA Name to be used: Steel Bender Brewery Phone Number for licensed premises TBD

Physical Address Where License is to be used: 8305 2nd Street NW, Los Ranchos de Albuquerque, New Mexico 87114
(Street No./Highway No./State Road/City/County)

Mailing Address: 8355 2nd Street NW, Los Ranchos de Albuquerque, NM 87114
(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location? No If yes, give license number _____

I, (print name) Ethan Chant, as (title) Member being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant(s) Ethan Chant Date 4/7/16

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 7th day of April, 2016 by Ethan Chant (Name of Person(s) Signing Above)
NOTARY PUBLIC: Melanie Lattimer My Commission Expires: 8/16/2019



Local Governing Body of: _____ (CITY OR COUNTY) Hearing Held on: _____

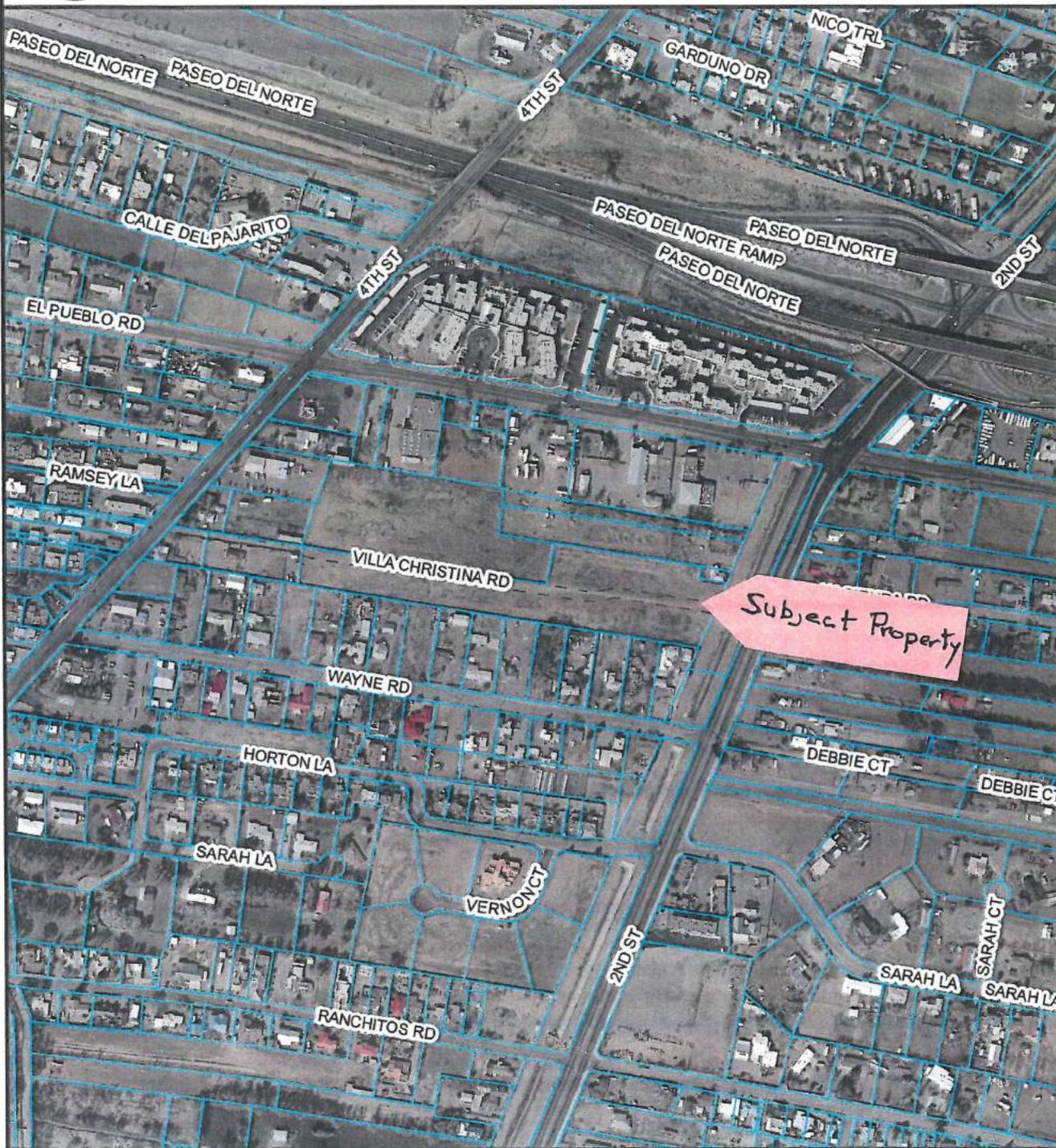
PLEASE CHECK ONE: APPROVED DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title):

For Alcohol and Gaming Division Use Only

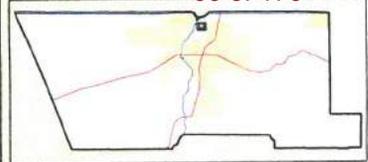
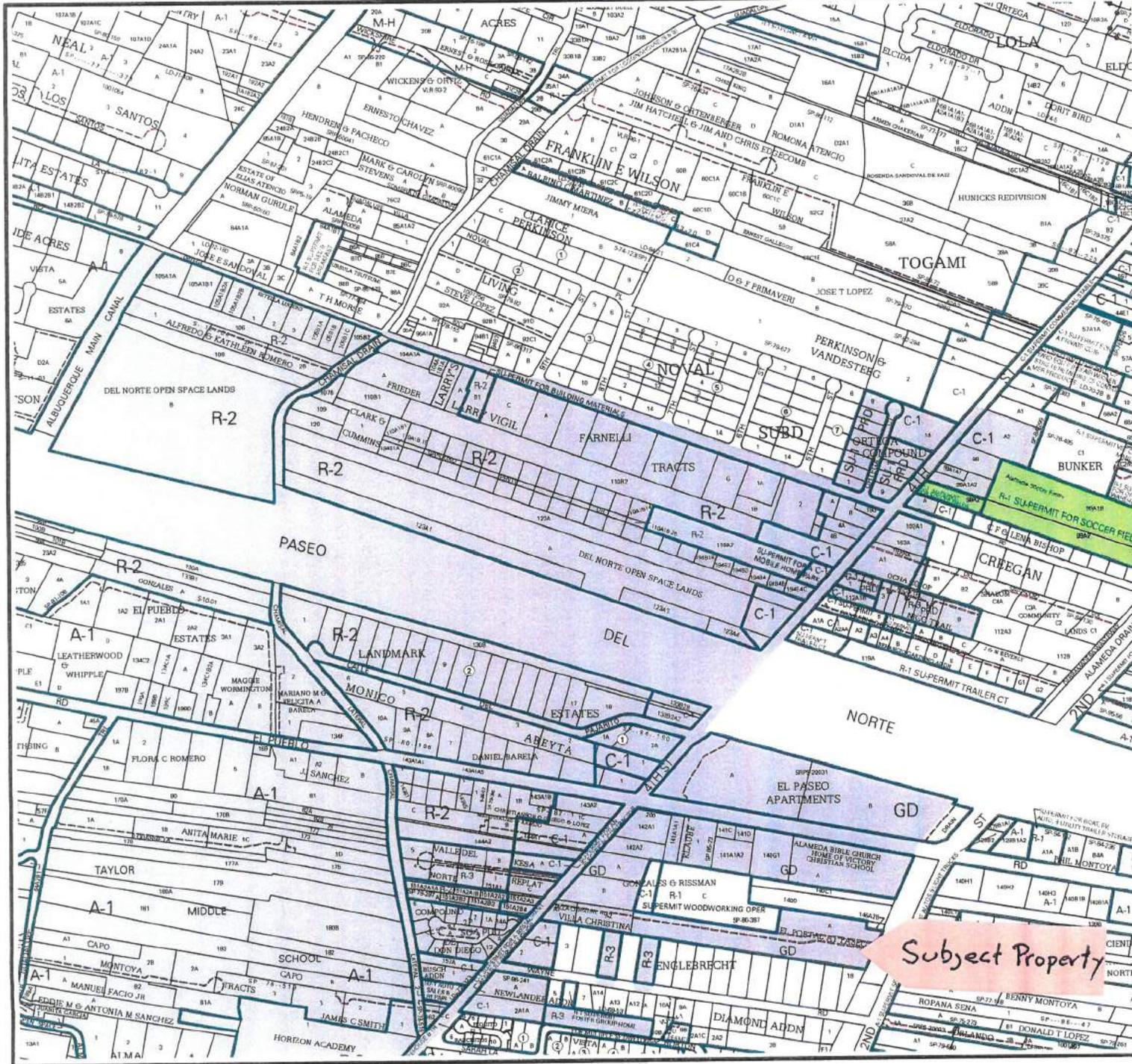
APPROVED _____ DISAPPROVED _____ DIRECTOR APPROVAL _____ DATE _____



Steel Bender Brewery 8355 Second St. NW

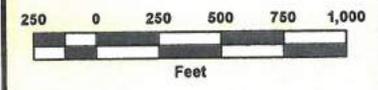


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	<p>0 496.30 992.6 Feet</p>	



LEGAL DESCRIPTION
 T11N
 R3E
 SEC 16

UNIFORM PROPERTY CODE
 1-015-064



Map amended through July 2014



PUBLIC WORKS DIVISION
 GIS PROGRAM

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Subject Property

C-15-Z



Village of
Los Ranchos de Albuquerque

SETTLED C. 1661 ... INCORPORATED 1958

MAYOR
LARRY P. ABRAHAM

ADMINISTRATOR
KELLY S. WARD

TRUSTEES
DON LOPEZ
MAYOR PRO-TEM
PABLO RAEL
MARY HOMAN
ALLEN LEWIS

*Approved
6-21-16
Mary Cantor*

June 20, 2016

Alcohol and Gaming Division
Attn: Beverly Kennedy, Hearing Officer
2550 Cerrillos Road, Second Floor
Santa Fe, New Mexico 87505

Re: Application No. 999865 and Application No. 999864:

Dear Ms. Beverly Kennedy,

The Village of Los Ranchos received Application No. 999865 and Application No. 999864 for Steel Bender Brewery, LLC for the proposed location of 8305 Second Street, NW, Los Ranchos, NM 87107. The Village is requesting an extension to the forty-five (45) day public hearing rule in order to meet the public notice requirements. The next regularly scheduled Board of Trustees Meeting will be held on July 13, 2016, which does not allow sufficient time to meet the thirty (30) day public notice requirements. The Village is requesting to hold the public hearing for Steel Bender Brewery, LLC on August 10, 2016.

If you have any questions, please do not hesitate to contact me at (505) 344-6582.

Thank You,

Stephanie Dominguez
Village Clerk



7. PUBLIC HEARINGS AND APPLICATIONS

B. A REQUEST BY STEEL BENDER BREWYARD, LLC, 8305 SECOND ST. NW, LOS RANCHOS, NM FOR A BEER WHOLESALER LICENSE SERVICE, APPLICATION # 999865, FROM THE NEW MEXICO ALCOHOL AND GAMING DIVISION. THE PROPERTY USING THE LICENSE IS LOCATED AT 8305 SECOND ST. NW, AND IS LEGALLY KNOWN AS LOT A, PLAT OF LOT A, EL PORTAL AT PASEO, VILLAGE OF LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NM FILED IN THE OFFICE OF THE BERNALILLO COUNTY CLERK ON JUNE 9, 2013. THE PROPERTY CONTAINS 5.1402 ACRES MORE OR LESS.

BOARD OF TRUSTEES PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. • (505) 344-6582 Fax 344-8978

DATE ISSUED: July 26, 2016 **REPORT NO.** PZ-16-24
Small Brewers License # 999865

ATTENTION: Village of Los Ranchos Board of Trustees

SUBJECT: A beer wholesaler license service, Application # 999865 in the Gateway District (GD) Zone of the Fourth Street Commercial Character Area.

APPLICANT: Steel Bender Brewery, LLC

LOCATION AND LEGAL:

The property is located at 8305 2nd Street NW and is legally known as Lot A, Plat of Lot A, El Portal at Paseo, Village of Los Ranchos de Albuquerque, Bernalillo County, NM filed in the Office of the Bernalillo County Clerk on June 9, 2013. The property contains 5.1402 acres more or less.

SURROUNDING AREA: North - R-1 Bernalillo County then GD - Alameda Bible Church
East - Alameda Main Canal/ Second Street
South - Bernalillo County ENGLEBRECHT Subdivision
West - GD / Fourth Street

PROJECT:

The applicant has applied to the Alcohol and Gaming Division of the New Mexico Regulation and Licensing Department for a beer wholesaler license service, Application # 999865, from the NM Alcohol and Gaming Division. The Director of Alcohol and Gaming Division has granted Preliminary Approval, pending action by the Village of Los Ranchos Board of Trustees.

The applicant intends to operate a Brewery and Pub at this location.

A Site Development Plan for the Brewery was approved on October 9, 2013.

ANALYSIS

On February 28, 2014, the Planning and Zoning Director approved application CU-14-01, for a Brew Pub, as required by Village Code §9.2.12(C)(22) in the GD Zone of the 4th Street Commercial Character Area and Corridor.

The Conditional Use was appropriately public noticed and lacking any adverse public comment was approved by the Planning and Zoning Director.

A distance waiver was appropriately public noticed and approved by the Board of Trustees on October 15, 2015.

Alcohol and Gaming Division requires the governing body of the Village to hold a public hearing for approval of the license. Public notice is required and such notice was made on July 8, 2016 and July 25, 2016 in the Albuquerque Journal.

Notification to the applicant of the date, time and place of public hearing was sent by certified mail as required. Neighbors within 300 feet of the property were sent public notice of the hearing on July 8, 2016.

The governing body may disapprove the issuance or transfer of the license if:

The proposed location is within an area where the sale of alcoholic beverages is prohibited by the laws of New Mexico; if the issuance or transfer would be in violation of a zoning or other ordinance of the governing body; or if the issuance would be detrimental to the public health, safety or morals of the residents of the local option district.

RECOMMENDATIONS AND FINDINGS:

The Department recommends **approval** of the small brewer license with on premise consumption, package sales, and patio service, Application # 999864, in the Gateway District Zone of the Fourth Street Commercial Character Area.

Findings:

Public notice requirements have been met as per the New Mexico Alcohol and Gaming Division by publication in the Albuquerque Journal on July 8, 2016 and July 25, 2016.

Public Notice was sent by mail to all neighbors within 300 feet of the property on July 8, 2016.

The applicant received notice of date, time and place of public hearing by certified mail as required.

The property is located in the Gateway District (GD) Zone of the Fourth Street Commercial Character Area and Corridor. Brew Pubs are an allowable use in the GD Zone with a Conditional Use Permit.

The request for CU 14-01 was public noticed as per §9.2.25.

The Conditional Use Permit was approved on February 28, 2014.

The 2020 Master Plan Overall Village Goals 1.2.2 The Goal is to create and promote the Village as a destination point where visitors and residents alike want to be and can take part in the Village lifestyle.

Section 8, 8.2.1 Commercial Objectives:

- Create a business climate in which businesses flourish
- Focus Village commercial activities in the Village Center, Fourth Street and the Transit District
- Make the Village a shopping destination
- Encourage stores of a unique character that harmonize with the scale and nature of the Village whether local businesses, national businesses or new, compatible commercial activities



Tim McDonough
Director of Planning and Zoning

7/26/2016
Date

Attachments: Application # 999864
Ortho and Zone map



New Mexico Regulation and Licensing Department
ALCOHOL AND GAMING DIVISION

P.O. Box 25101 ▪ Santa Fe, New Mexico 87504-5101
(505) 476-4875 ▪ Fax (505) 476-4595 ▪ www.rld.state.nm.us/alcoholandgaming

June 15, 2016

Certified Mail No.: 9171 9690 0935 0079 1754 53

Susana Martinez
Governor

Robert "Mike" Unthank
Superintendent

David Jablonski
Deputy Superintendent

Diana A. Martwick
Chief General Counsel

Mary Kay Root
Director

Village of Los Ranchos De Albuquerque

Attn: Stephanie Dominguez
6718 Rio Grande Blvd., NW
Los Ranchos De Albuquerque, NM 87107

RECEIVED

JUN 17 2016

VILLAGE OF LOS RANCHOS

Re: Lic. No. /Appl. No.: **Application No. 999865**

Name of Applicant: Steel Bender Brewery, LLC

Doing Business As: Steel Bender Brewery

Proposed Location: 8305 2nd Street NW, Los Ranchos de ABQ, NM 87114

Greetings:

The Director of the Alcohol and Gaming Division has reviewed the referenced Application and granted **Preliminary Approval**. It is being forwarded to you for Local Option District approval or disapproval of the Liquor License Application.

While the law states that "within forty-five (45) days after receipt of a Notice from the Alcohol and Gaming Division, the governing body shall hold a Public Hearing in the question of whether the department should approve the proposed issuance or transfer", we recognize the potential for conflict between the requirement for publication of 30 day notice and the 45 day hearing requirement. Should the Local Governing Body be unable to meet one of these requirements, please send a Request for Waiver/Extension by email to the assigned AGD Hearing Officer listed on page 2.

Notice of the Public Hearing required by the Liquor Control Act **shall be given by the governing body by publishing a notice** of the date, time, and place of the hearing **twice during the 30 days prior to the hearing** in a newspaper of general circulation within the territorial limits of the governing body. **The first notice must be published at least thirty (30) days before the hearing. Both publications must occur before a hearing can be conducted.** The notice shall include:

- (A) Name and address of the Applicant/Licensee;
- (B) The action proposed to be taken by the Alcohol & Gaming Division;
- (C) The location of the licensed premises.

The governing body is required to send notice by certified mail to the Applicant of the date, time, and place of the Public Hearing. The governing body may designate a Hearing Officer to conduct the hearing. A record **shall** be made of the hearing.

THE APPLICANT IS SEEKING A BEER WHOLESALER LICENSE.

Alcohol and Gaming Division
(505) 476-4875

Boards and Commissions Division
(505) 476-4600

Construction Industries Division
(505) 476-4700

Financial Institutions Division
(505) 476-4885

Manufactured Housing Division
(505) 476-4770

Securities Division
(505) 476-4580

Administrative Services Division
(505) 476-4800

Within thirty (30) days after the Public Hearing, the governing body shall notify the Alcohol and Gaming Division of their decision to approve or disapprove the issuance or transfer of the license by signing the enclosed original Page 1 of the Application. The original Page 1 of the Application must be returned together with the notices of publication. **If the Governing Body fails to either approve or disapprove the issuance or transfer of the license within thirty days after the Public Hearing, the Director may issue the license.**

If the Governing Body disapproves the issuance or transfer of the license, it shall notify the Alcohol and Gaming Division within thirty (30) days setting forth the reasons for the disapproval. A copy of the Minutes of the Public Hearing shall be submitted to the Alcohol and Gaming Division with the Notice of Disapproval (*Page 1 of the Application, noting disapproval*).

Respectfully,



Beverly Kennedy, Hearing Officer
NM Regulation & Licensing Dept. | Alcohol & Gaming Division
Phone: (505) 476-4548 Fax: (505) 476-4595
Email: beverly.kennedy@state.nm.us

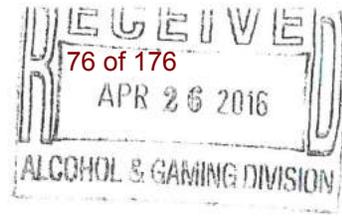
Enclosures:

1. Original Page 1 of the Application (*must be signed and returned w/notices of publication*)
2. Copy of Page 2 of the Application
3. Copy of Zoning Statement

xc by email: Applicant

COPY

PREMISES, LOCATION, OWNERSHIP & DESCRIPTION OF PREMISES



1. The land and building which is proposed to be the licensed premise is (check one):

Owned by Applicant _____ Leased by Applicant (attach copy of deed or lease) Other (please provide details) _____

2. If the land and building are not owned by Applicant, please indicate the following:

A. Owner(s) 2nd Street Holdings, LLC

B. Date and Term of Lease January 5, 2016 10 years

Attach a hand drawn map, zoning map, or other map, showing the location of the proposed premises, and the main adjacent streets, roads or highways, in relation to the closest church and school properties. This map should be drawn on a sheet of paper no larger than 8 1/2 x 11 inches.

3. Premise location is zoned (example C-1) C-1

If the premise is zoned, attach zoning statement from local government giving location address, type of zone and stating whether alcoholic beverages are allowed at proposed location. If there is no zoning, attach confirmation from local government indicating there is no zoning.

4. Distance from nearest church *(Property line of church to licensed premises-shortest distance).

287 ft Name of School Alameda Bible Church Address-Location of Church 220 El Pueblo Road NW, Los Ranchos, NM

5. Distance from nearest school *(Property line of school to licensed premises-shortest distance).

287 ft Name of Church Alameda Bible School Address-Location of School 220 El Pueblo Road NW, Los Ranchos, NM

6. Distance from military installation (Property line of military installation to licensed premises-shortest distance).

Miles 10 Name of Military Installation Kirtland Air Force Base

7. Attach, on a separate sheet, the detailed floor plan for each level (floor) where alcoholic beverages will be sold or consumed. Show exterior walls, doors, and interior walls. This will be the licensed premise. The floor plan should be no larger than 8 1/2 x 11 inches, and must include the total square footage of premises.

*If the distance is beyond 300 feet, but less than 400 feet, a registered engineer or licensed surveyor must complete a Survey Certificate showing the exact distance.

8. Type of Operation:

Lounge _____ Restaurant Package Racetrack _____ Hotel _____ Other (Please specify) _____

Date: October 16, 2015

OFFICIAL NOTIFICATION OF DECISION

Second Street Holdings, LLC
Steel Bender Brewery LLC
P.O. Box 94058
Albuquerque, NM 87199

A request for a waiver from the 300 foot distance rule for a liquor license in proximity to a church or school in the Gateway District Zone of the 4th Street Commercial Corridor.

LEGAL DESCRIPTION:
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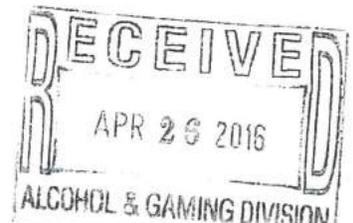
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COPY



Page 2 of 2

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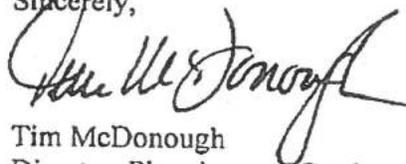
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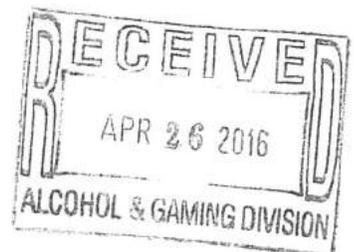
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Sincerely,



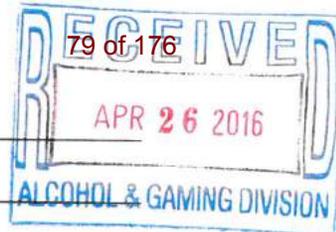
Tim McDonough
Director, Planning and Zoning



LIQUOR LICENSE APPLICATION

Application fee- \$200.00 Fees are non-refundable

4/24/16
APPROVED
210
4/20/16



State Liquor License # _____

Record Owner of License _____

Application Number 999805

Current D/B/A Name _____

Local Option (AGD use) Village of Los Ranchos de ABQ

Current Premise Address _____

Application is for: (check one) Change of Structure _____ Change of Officers/Directors _____ Transfer of Ownership of Existing License _____ Transfer of Ownership and Location _____
Transfer Location _____ Other _____ Issue New License _____ Type of License being applied for Limited Wholesaler

Applicant is: Individual _____ Corporation _____ Partnership (General or Limited) Beer _____ Limited Liability Company

NAME OF APPLICANT (company or individual):

ADDRESS (INCLUDING CITY, STATE, ZIP)

TELEPHONE NUMBER

Steel Bender Brewery, LLC

8355 2nd Street NW, Los Ranchos de Albuquerque, NM 87114

Notice also to: Linda L. Aikin, Esq., 530B Harkle Road, Santa Fe, NM 87505 PH: 505-982-6224 FAX: 505-992-8378 Email: lla@cybermesa.com

DBA Name to be used: Steel Bender Brewery

Phone Number for licensed premises TBD

Physical Address Where License is to be used: 8305 2nd Street NW, Los Ranchos de Albuquerque, New Mexico 87114
(Street No./Highway No./State Road/City/County)

Mailing Address: 8355 2nd Street NW, Los Ranchos de Albuquerque, NM 87114
(Street No./P.O. Box/City/State/Zip)

Are alcoholic beverages currently being dispensed at the proposed location? No If yes, give license number _____

I, (print name) Ethan Chant, as (title) Member being first duly sworn upon oath deposes and says: that he/she is the applicant or is authorized by the applicant to make this application; that he/she has read the same; knows the contents therein contained are true. Applicant(s) agree(s) that if any statements or representations herein are found to be false, the Director may refuse to issue or renew the license or may cause the license to be revoked at any time.

You must sign and date this form in the presence of a notary public.

Signature of Applicant(s) [Signature]

Date 4/7/16

Notary Public Use Only

SUBSCRIBED AND SWORN TO before me this 7th day of April, 2016 by Ethan Chant (Name of Person(s) Signing Above)

NOTARY PUBLIC: Melanie Lattimer



Official Seal
MELANIE LATTIMER
Notary Public
State of New Mexico
My Commission Expires 8/16/19

My Commission Expires: 8/16/2019

Local Governing Body of: _____ (CITY OR COUNTY) Hearing Held on: _____

PLEASE CHECK ONE: APPROVED DISAPPROVED CITY/COUNTY OFFICIAL (Signature and Title):

For Alcohol and Gaming Division Use Only

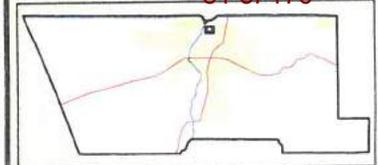
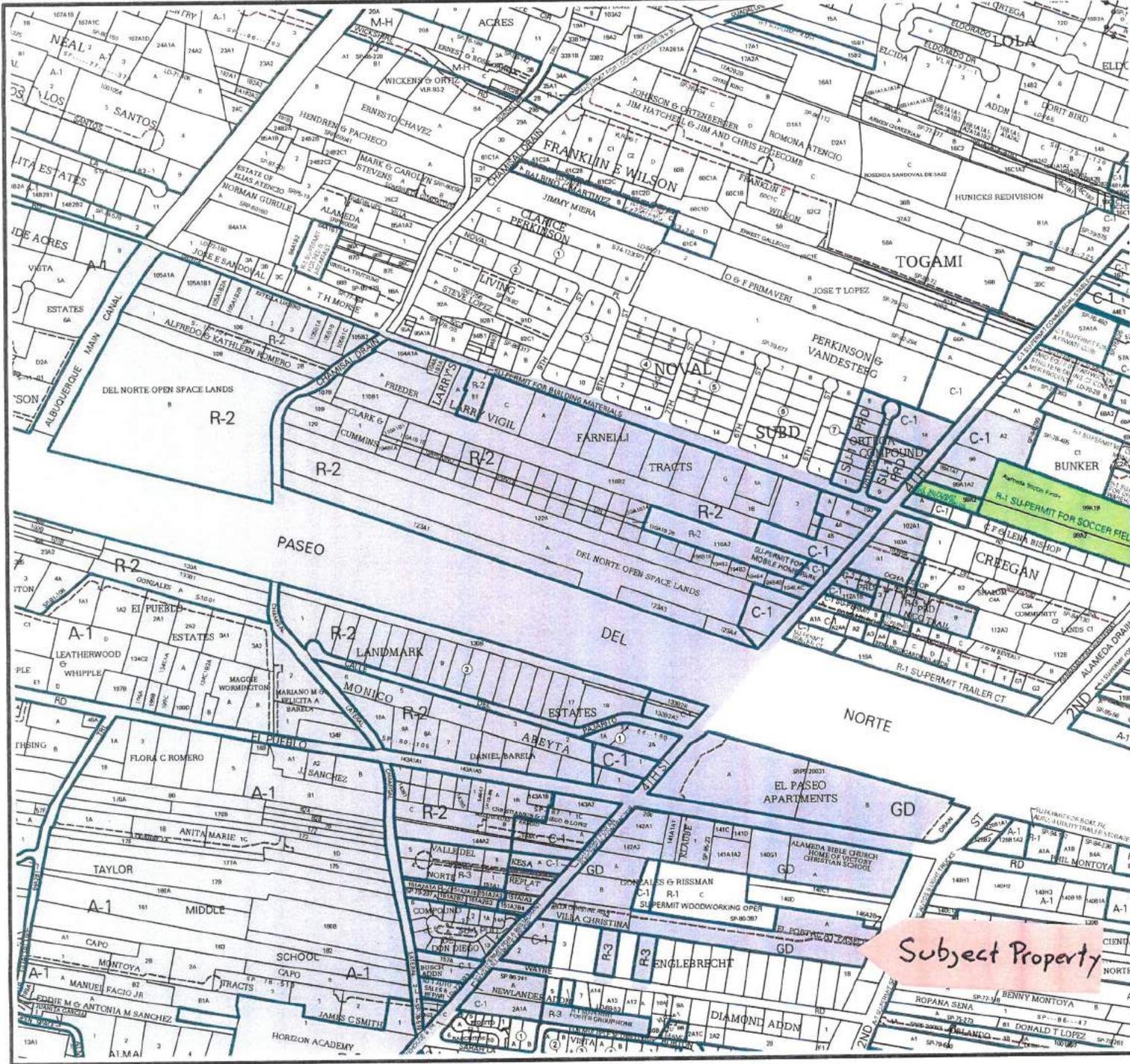
APPROVED _____ DISAPPROVED _____ DIRECTOR APPROVAL _____ DATE _____



Steel Bender Brewery 8355 Second St. NW

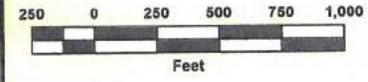


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 1-015-064



Map amended through July 2014



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Subject Property

C-15-Z



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ADMINISTRATOR
KELLY S. WARD

TRUSTEES
DON LOPEZ
MAYOR PRO-TEM
PABLO RAEI
MARY HOMAN
ALLEN LEWIS

*Approved
6-21-16
Mary Cantor*

June 20, 2016

Alcohol and Gaming Division
Attn: Beverly Kennedy, Hearing Officer
2550 Cerrillos Road, Second Floor
Santa Fe, New Mexico 87505

Re: Application No. 999865 and Application No. 999864:

Dear Ms. Beverly Kennedy,

The Village of Los Ranchos received Application No. 999865 and Application No. 999864 for Steel Bender Brewery, LLC for the proposed location of 8305 Second Street, NW, Los Ranchos, NM 87107. The Village is requesting an extension to the forty-five (45) day public hearing rule in order to meet the public notice requirements. The next regularly scheduled Board of Trustees Meeting will be held on July 13, 2016, which does not allow sufficient time to meet the thirty (30) day public notice requirements. The Village is requesting to hold the public hearing for Steel Bender Brewery, LLC on August 10, 2016.

If you have any questions, please do not hesitate to contact me at (505) 344-6582.

Thank You,

Stephanie Dominguez
Village Clerk



7. **PUBLIC HEARINGS AND APPLICATIONS**

- C. DISCUSSION AND APPROVAL OF A ZONE CHANGE AND ZONE MAP AMENDMENT FOR TRACT 157A, MRGCD MAP 29 IN THE C-1 ZONE OF THE FOURTH STREET COMMERCIAL CHARACTER AREA. *Deferred from the December 9, 2015 Board of Trustees Meeting.*

Addendum to the Planning Report

DATE ISSUED: August 2, 2016

REPORT NO. PZ-15-25

File: Z-15-01

PREPARED FOR: Village of Los Ranchos Board of Trustees

SUBJECT: A Zone Change and Zone Map Amendment for Tract 157a, MRGCD Map 29 in the C-1 Zone of the Fourth Street Commercial Character Area.

APPLICANT: JJM Properties LLC, Jerome Maldonado, Managing Member; & CISNE AZUL, LLC,

UPDATE:

This item was deferred from the December Board of Trustees meeting with a request that the Planning and Zoning Commission look at the larger issue of similar properties with dual zoning in the area with a recommendation on how to address the issues similar to the one cited in this instance. The Planning & Zoning Commission has been working diligently on the Village Center Zone and Commercial Zone to update those codes, and are nearing completion. At the last meeting the discussion of how to address these dual zoned properties, was placed on the Agenda. In their discussion they reiterated that it is unlikely that these properties, particularly those between Fourth Street and the Chamisal Lateral, will develop as single family residential uses on one acre or one half acre lots as is currently zoned. They discussed the possibility of zoning the entire lot commercial, but felt that a more effective use would be to create a zone that allows higher density residential use along with live work type units to transition between the commercial and existing residential uses. The Commission did not forward a formal recommendation at this time as this type of zoning is not currently available, however the consensus of the Commissioners was that a higher density residential use would be more appropriate.

Higher density residential use along with Mixed Use (commercial and residential on same lot) has been a reoccurring theme as the Commission looked at the VC and C-1 zones. I anticipate as we move forward revisions to existing zones or creation of new zones will be proposed to include these uses.

BOARD OF TRUSTEES PLANNING REPORT

Village of Los Ranchos • 6718 Rio Grande Blvd. NW • (505) 344-6582 Fax 344-8978

DATE ISSUED: October 23, 2015

REPORT NO. PZ-15-25

File: Z-15-01

PREPARED FOR: Village of Los Ranchos Board of Trustees

SUBJECT: A Zone Change and Zone Map Amendment for Tract 157a, MRGCD Map 29 in the C-1 Zone of the Fourth Street Commercial Character Area.

APPLICANT: JJM Properties LLC, Jerome Maldonado, Managing Member; & CISNE AZUL, LLC,

LOCATION AND PROPERTY DESCRIPTION:

The property is located at 7216 Fourth Street and is legally known as A certain tract of land within Projected Section 21, T11E, R3E, NMPM, Los Ranchos de Albuquerque, Bernalillo County, New Mexico being identified as Tract 157a of the Middle Rio Grande Conservancy District Property Map No. 29. The property contains 1.3595 acres, more or less. The property has dual zoning, C-1 on the front 300 feet, R-2 on the rear. The requested Zone Change is for the rear (easterly) 395 feet of the named Tract, as the front (westerly) 300 feet is zoned C-1.

Background:

The property owned by JJM Properties is occupied by Alliance Landscaping. Earlier this year a neighbor complained that the rear of the property was being used as a contractor's yard, for storage of vehicles and materials. Upon investigation the property was being used in that manner. A contractor's yard is not an allowable use on an R-2 property. Mr. Maldonado felt that the property had a history of being used as a contractor's yard, which was one reason he purchased it. We investigated to see if it qualified as a legal non-conforming use, but it was clear that any non-conforming use right had been vacated by virtue of not being used in that manner for a period of 180 continuous days.

The only option available for Mr. Maldonado to use the property as a contractor's yard is to request a zone change to C-1, followed by a Conditional Use approval for a contractors yard. Because contractor's yards are available in the C-1 and Gateway District zones, a Special Use Permit is not available for an R-2 property, **§9.2.17 Special Use Permits** states "Special Use Permits shall be issued where the proposed use is not provided for in any other zone."

SURROUNDING LAND USES:

North: C-1, A-1

East: Bernalillo County A-1, A-1 SUP contractor's yard

South: C-1, R-2

West: 4th Street, C-1

The property lies within the Fourth Street Character Area.

ANALYSIS:

Zone changes are to consider the following elements:

- 1) There has been a change in conditions since the Zoning Ordinance and Zone Map was enacted by the Village Trustees that warrants a zone change, or,
- 2) The Village erred when they zoned the land at issue.

NMSA 1978 § 3-21-5 (A) requires that “[t]he regulations and restrictions of any county or municipal zoning authority are to be in accordance with a comprehensive plan”.

4th Street Commercial Character Area. The 2020 Master Plan

8.2. Commerce Goal, The goal is to vitalize Fourth Street. The Village Center and the Transit District as the Villages major commercial and mixed use centers through both public and private efforts. Objective: Create a business climate where business flourishes.

8.2.1 Objectives

- Promote the goals in other sections of the Master Plan while adapting their objectives to the commercial and mixed use of each commercial district.

The only other zone that allows contractor’s yards is the Gateway Zone. Allowing the development of a contractor’s yard for an existing business supports the other zones.

- Create a business climate where business flourishes.

Businesses such as Alliance landscaping need an area to store equipment and materials to be successful.

- As a general rule maintain a consistent depth limit of 300 feet for commercial use (to avoid conflicts) between businesses and adjacent residential areas.

The Master Plan recognizes the 300 foot criteria but does not consider it a fixed value. In stating “as a general rule” the plan recognizes that there will be situations where strict adherence to a 300 foot limit may not be best answer. Further, by zoning residential directly behind commercial it has the potential to create conflicts between the commercial and residential uses rather than avoid them.

Over the years, land use has changed in this area. What was historically agricultural land, adjacent to and irrigated by the Chamisal Lateral, is no longer being cultivated. Additionally, the scale of commercial business along Fourth Street has changed from small businesses along the highway to Santa Fe to larger commercial enterprises providing services to a growing community. Further, the scale of commercial business today has created conflicts between commercial activity and adjacent residential uses, and this type of dual zoning sets up a situation to aggravate that conflict.

Public Notice

The Zone change was public noticed and no opposition was received during the public comment period. Two individuals who own a neighboring property did attend the P&Z meeting and addressed a concern that the property be screened from their property due to the noise and dust that occurs from time to time on the property.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission forwarded a recommendation of **approval**, on a 5-2 vote, for the zone change and zone map amendment from C-1/R-2 for JJM Properties, LLC in the 4th Street Commercial Corridor and Character Area.

Findings:

The property is zoned C-1/R-2 and lies in the 4th Street Character Area.

The proposed zone change and zone map amendment meets the zone change test 1) There has been a change in conditions since the Zoning Ordinance and Zone Map was enacted by the Village Trustees that warrants a zone change.

The proposed zone change and zone map amendment meets the requirement of NMSA Section 3-21-5 (A) and (B).

The 2020 Master Plan 8.2 Commercial Goal is to vitalize Fourth Street, the Village Center and the Transit District as the Village’s major commercial and mixed use centers through both public and private efforts.

8.2.2 Policy A. Strongly support the business community and use various economic incentives to strengthen local businesses as well as attract new ones.



Tim McDonough
Director, Planning and Zoning

Date: 10/27/15

- Attachments:
Application
Ortho
Zone Map
Applicants Submittal

Findings for Denial of Zone Change:

The property is zoned C-1/R-2 and lies in the 4th Street Character Area.

The property is zoned C-1 for the front 300 feet (fronting Fourth St.) and R-2 in the rear

- 1) The proposed zone change and zone map amendment does not meet the zone change test for either 1) there has been a change in conditions since the Zoning Ordinance and Zone Map was enacted by the Village Trustees that warrants a zone change, or, 2) the Village erred when they zoned the land at issue.

The proposed zone change and zone map amendment do not meet the requirement that: "[t]he regulations and restrictions of any county or municipal zoning authority are to be in accordance with a comprehensive plan".

The 2020 Master Plan 8.2. Commerce Goal

8.2.1 Objectives As a general rule maintain a consistent depth limit of 300 feet for commercial use between businesses and adjacent residential uses.

Village of Los Ranchos de Albuquerque
6718 Rio Grande Blvd. NW
Los Ranchos de Albuquerque, NM 87107
(505) 344-6582

ZONE MAP AMENDMENT APPLICATION

ZMA Case # _____ Related Cases _____

Name Jerome Muldonado Managing member JSM Properties, LLC

Address PO BOX 10218

City, State, Zip Albuquerque NM 87184

Phone 505-342-1276 Fax 505-890-0778

Location of property 7216 4th St NW

Current Zone R-2 Requested Zone C-1

Developer/Agent Name Jerome Muldonado

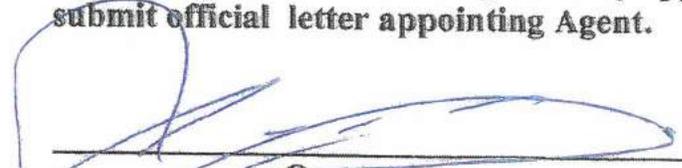
Firm Name J. Jacob Enterprises Inc.

Address 6841 4th St.

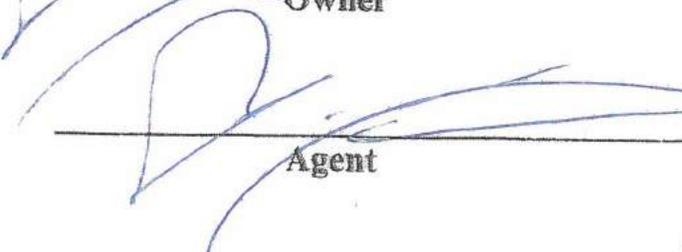
City, State, Zip Los Ranchos NM 87107

Phone 505-344-5300 Fax 505-890-0778

Applications Must be accompanied by appropriate fee. Owner's must sign or submit official letter appointing Agent.



Owner



Agent

8-26-15
Date

8-26-15
Date



7216 Fourth St. NW JJM Properties, LLC

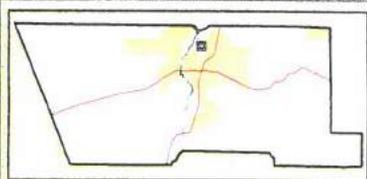
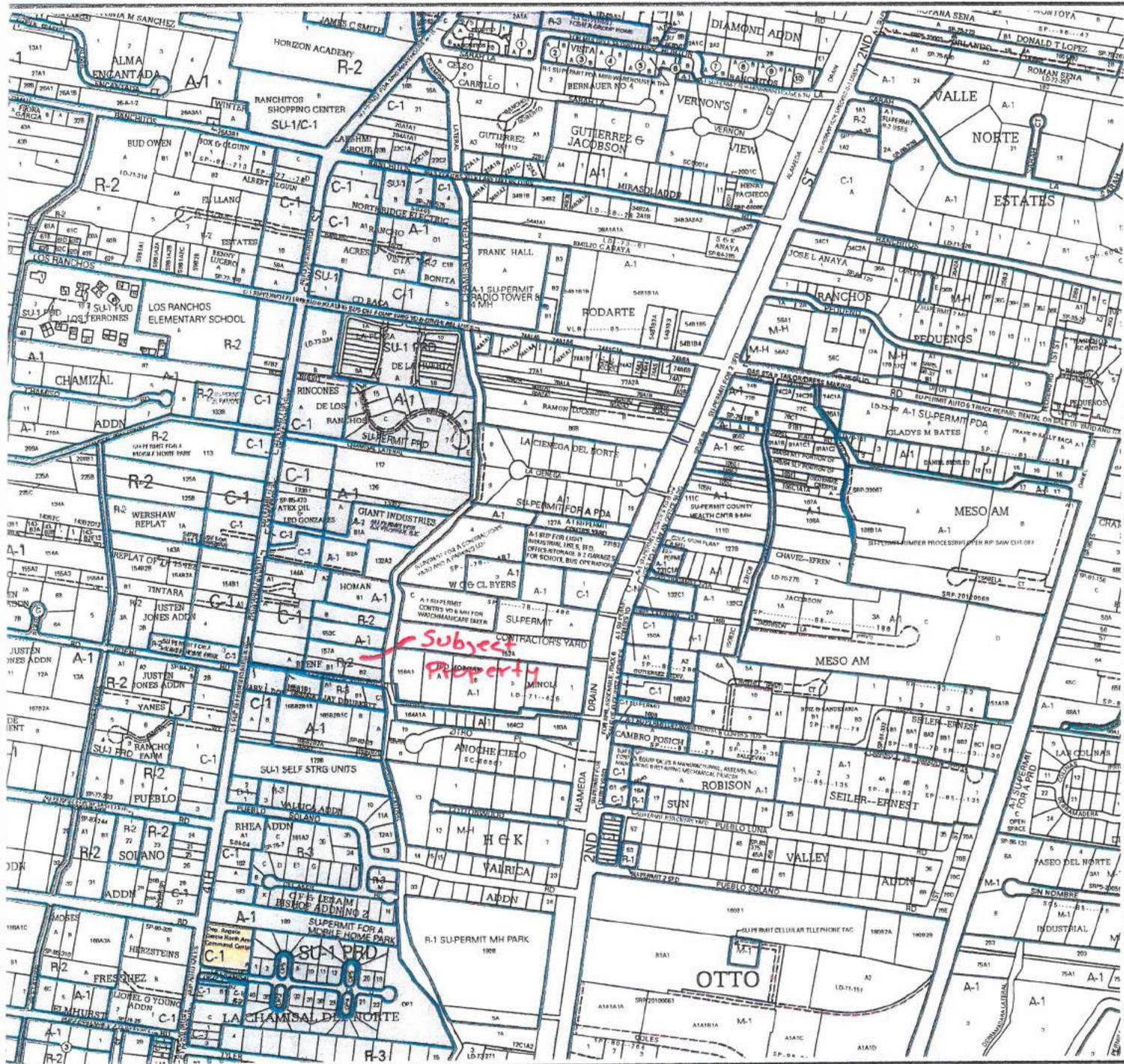


10/1/15

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. For current information visit www.bermco.gov/gis-program.

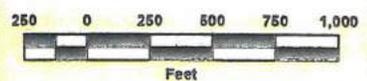
Notes





LEGAL DESCRIPTION
 T11N
 R3E
 SEC 21

UNIFORM PROPERTY CODE
 1-015-063



Map amended through July 2014



PUBLIC WORKS DIVISION
 GIS PROGRAM

This information is for reference only. Bernalillo County assumes no liability for errors associated with the use of these data. Users are solely responsible for confirming data accuracy when necessary. Source data are from Bernalillo County and the City of Albuquerque. For current information visit www.bermco.gov/gis-program.

D-15-Z

JJM Properties LLC
PO Box 10218
Albuquerque, NM 87184
(505) 342-1276

October 1, 2015

Village of Los Ranchos
RE: Zone change request
7216 4th St NW
Los Ranchos, NM 87107

Attn: Tim McDonough,

JJM Properties LLC is requesting a zone change from R-2 to C-1 on the rear portion (385'), located at 7216 4th St. NW within the Village of Los Ranchos.

Jerome Maldonado who is the managing member of JJM Properties, LLC which is also the legal owner of the stated property and is also the active president of Alliance Landscaping Incorporated. Alliance Landscaping Incorporated has resided within the Village of Los Ranchos since 2001.

The property located at 7216 4th St. was originally purchased by JJM Properties LLC to accommodate a larger construction yard for Alliance Landscaping Incorporated. The original zoning was advertised as C-1 for the entire property and was utilized as a construction yard by Plaster Inc. and Bluer construction for numerous years prior to the purchase of JJM Properties LLC. The purpose of the zone change is to accommodate compliance with current and actual zoning presently recorded with the Village of Los Ranchos. Alliance Landscaping Incorporated would like to continue residing as an active business within the Village of Los Ranchos. A zone change from R-2 to C-1 would allow Alliance Landscaping Incorporated to continue their 14 year residence in the Village of Los Ranchos. The property which was distressed upon initial purchase three years ago, has been fully renovated and new business owners have been able to join our family of businesses within the Village of Los Ranchos. The cooperation with the council board and neighboring owners to consider the zone change request would allow additional upgrades and renovations to the stated property. It is our goal to continue working with the Village of Los Ranchos to accommodate these changes

Your consideration is greatly appreciated.

For additional questions, please do not hesitate to contact Jerome Maldonado directly at (505) 385-1600.

Jerome Maldonado, Managing Member
JJM Properties LLC

JM/as



PARCEL ID	SITUS ADDRESS
101506313820131202	7216 4TH ST NW
660908	7216 4TH ST NW
721350	7216 4TH ST NW

TAX AND PAYMENT HISTORY FOR: 1 015 063 138 201 31202

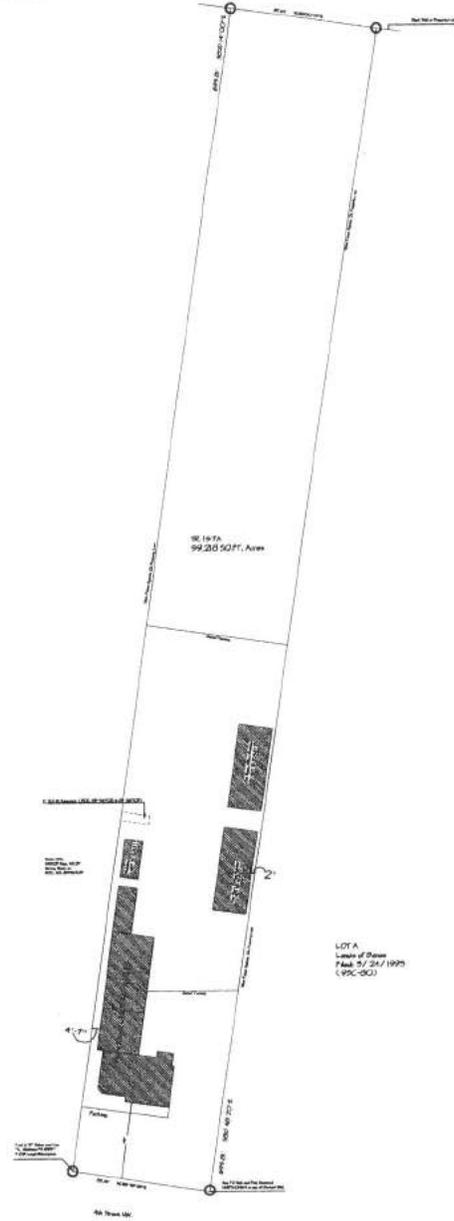
YEAR	NET TAXABLE	TAX	INTEREST	PENALTY	FEES	PAID	AMOUNT DUE	
2005		86,293	2,744.54	14.26	18.72	0.00	-2,777.52	0.00
2006		88,942	2,797.94	0.00	0.00	0.00	-2,797.94	0.00
2007		88,942	3,021.46	0.00	0.00	0.00	-3,021.46	0.00
2008		88,942	3,022.54	0.00	0.00	0.00	-3,022.54	0.00
2009		88,942	3,031.86	0.00	0.00	0.00	-3,031.86	0.00
2010		88,942	3,083.36	0.00	0.00	0.00	-3,083.36	0.00
2011		88,925	3,120.12	31.20	31.20	0.00	-3,182.52	0.00
2012		86,858	3,084.00	663.06	154.20	0.00	-3,901.26	0.00
2013		97,149	3,499.32	369.80	175.00	0.00	-4,044.12	0.00
2014		86,598	3,131.64	78.30	78.30	0.00	-3,288.24	0.00
Summary of Taxes Due				Payment information				Amount Due
1st Half Delinquent after Dec. 10, 2014				Current as of				Valid until
2nd Half Delinquent after May 10, 2015				8/29/2015				9/10/2015
	1ST HALF DUE	1,565.82	78.30	78.30	0.00	-1,722.42	0.00	
	2ND HALF DUE	1,565.82	0.00	0.00	0.00	-1,565.82	0.00	
	TOTAL DUE	3,131.64	78.30	78.30	0.00	-3,288.24	0.00	

To get Current Pay online Now!

Note!! All payments will be applied to Penalty and interest First then the Oldest Tax Bill

Click on Pay Button to Continue or Change Amount

ENTER PAYMENTS: Pay



Site Plan

Scale 1/32" = 1'

Final Drawing Checked By	Sheet
1. R. Montoya	1
2.	
3.	
4.	Of 10 Sheets

JJacobs Commercial
Albuquerque New Mexico

Sept. 30, 2015
Floor Plan

Ron Montoya Custom Designs
Residential Design and Drafting Services Fax 825-6487
8724 Alameda Park Drive N.E., Suite G Albuquerque
(505) 825-6474 Cell: (505) 825-6777

Take Back Deed

SPECIAL WARRANTY DEED

JJM PROPERTIES, LLC, a New Mexico Limited Liability Company, for consideration paid, grants to CISNE AZUL, LLC, a New Mexico Limited Liability Company, whose address is 4009 Aspen Ave NE, Albuquerque, NM 87110, the following described real estate in Bernalillo County, New Mexico:

A certain tract of land situate in Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico being identified as Tract 157a on M.R.G.C.D. Property Map No. 27 and being more particularly described as follows:

BEGINNING at the Northwest corner, a point on the Easterly line of a public street known as 4th Street N.W., whence the 1/4 corner between Sections 20 and 21, Township 11 North, Range 3 East, N.M.P.M., bears S. 01° 22' E., 1142 feet distant; THENCE running from said beginning point S. 82° 14' 00" E., 695.89 feet to the Northeast corner of the tract herein described, and also being a point on the Westerly line of the Chamisal Lateral; THENCE S. 08° 00' 43" W., 87.64 feet along said Westerly line of the Chamisal Lateral to the Southeast corner of the tract herein described; THENCE N. 81° 48' 20" W., 696.81 feet to the Southwest corner of the tract herein described, also being a point on the Easterly right-of-way line of 4th Street N.W.; THENCE N. 08° 39' 25" E., 82.45 feet along said Easterly right-of-way line of 4th Street N.W. to the Northwest corner of the tract herein described and the point and place of beginning.

with special warranty covenants.

WITNESS my hand and seal this 19th day of October, 2012.

JJM PROPERTIES, LLC

[Handwritten signature of Jerome Maldonado]

BY: JEROME MALDONADO, Managing Member

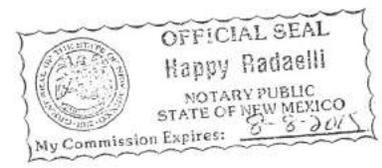
ACKNOWLEDGMENT

STATE OF NEW MEXICO)) ss. COUNTY OF BERNALILLO)

This instrument was acknowledged before me on October 19, 2012 by Jerome Maldonado, Managing Member, on behalf of JJM Properties, LLC, a New Mexico Limited Liability Company.

[Handwritten signature of Notary Public]

My Commission Expires: 8/8/2015



STAKED/BOUNDARY SURVEY
TRACT 157A, M.R.G.C.D. PROPERTY MAP NO. 27

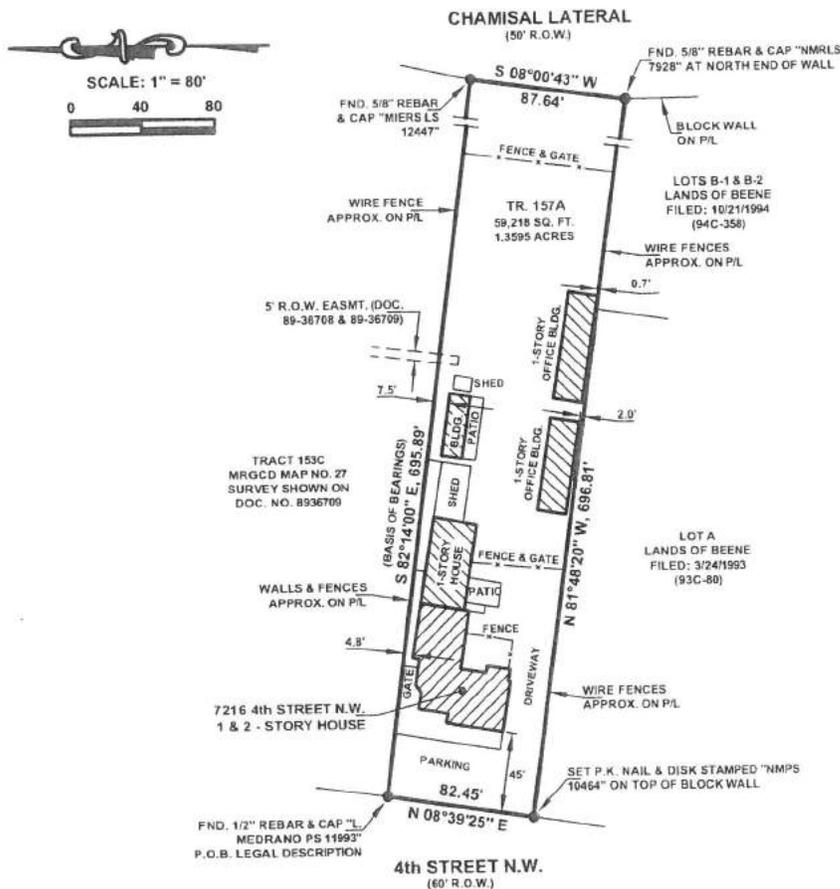
7216 4th STREET N.W., LOS RANCHOS DE ALBUQUERQUE, BERNALILLO COUNTY, NEW MEXICO

OCTOBER 2012

PAGE 1 OF 1

LEGAL DESCRIPTION

A certain tract of land situate in Section 21, Township 11 North, Range 3 East, N.M.P.M., Bernalillo County, New Mexico, being identified as tract 157A on M.R.G.C.D. Property Map No. 27 and being more particularly described as follows:
BEGINNING at the Northwest corner, a point on the Easterly line of a public street known as 4th Street N.W., whence the 1/4 corner between Sections 20 and 21, Township 11 North, Range 3 East, N.M.P.M., bears S.01°22'E., 1,142 feet distant; **THENCE** running from said beginning point S.82°14'00"E., 695.89 feet to the Northeast corner of the tract herein described, and also a point on the Westerly line of the Chamisal Lateral; **THENCE** S.08°00'43"W., 87.64 feet along said Westerly line of the Chamisal Lateral to the Southeast corner of the tract herein described; **THENCE** N.81°48'20"W., 696.81 feet to the Southwest corner of the tract herein described, also being a point on the Easterly right-of-way line of 4th Street N.W.; **THENCE** N.08°39'25"E., 82.45 feet along said Easterly right-of-way line of 4th Street N.W. to the Northwest corner of the tract herein described and the point and place of beginning.



NOTES

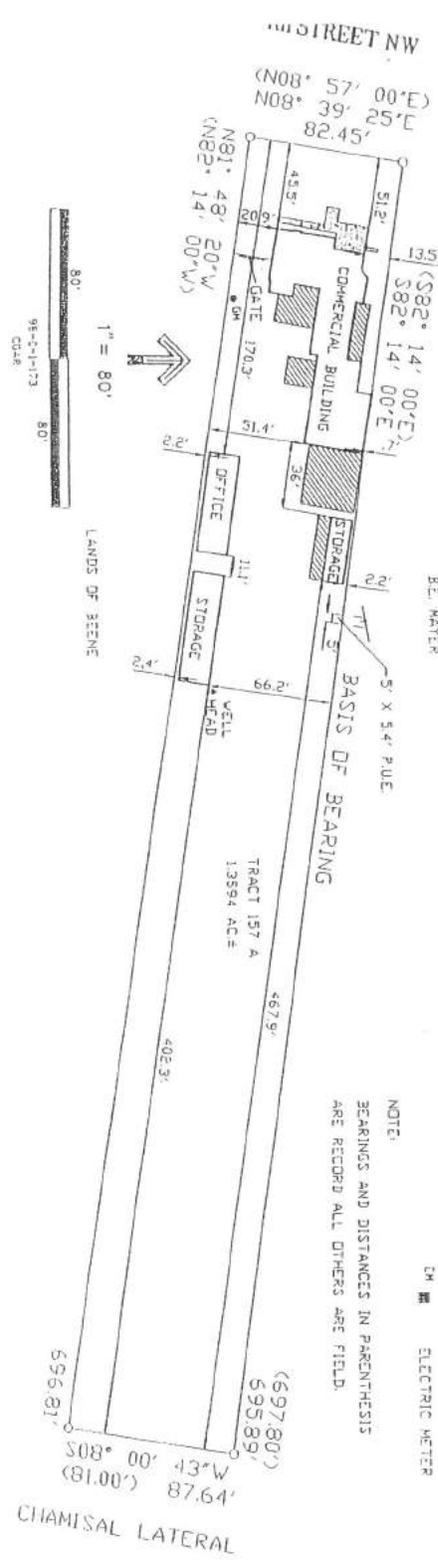
- BEARINGS SHOWN ARE BASED THE LEGAL DESCRIPTION PROVIDED BY THE TITLE COMPANY. DISTANCES ARE GROUND. BEARINGS AND DISTANCES ARE FIELD AND RECORD VALUES.
- ALL PROPERTY CORNERS WERE FOUND OR SET AS SHOWN.
- DOCUMENTS USED IN THIS SURVEY ARE RECORDED PLATS AS REFERENCED HEREON AND THE LEGAL DESCRIPTION PROVIDED BY THE TITLE COMPANY.
- EASEMENTS SHOWN ARE PER TITLE COMMITMENT NO. FT000114646 DATED SEPTEMBER 14, 2012 BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.
- THE SUBJECT PROPERTY LIES WITHIN ZONE "X" (OTHER AREAS, AREAS DETERMINED TO BE OUTSIDE THE 0.2 % ANNUAL CHANGE FLOODPLAIN) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NUMBER 35001C0117G, DATED SEPTEMBER 26, 2008.



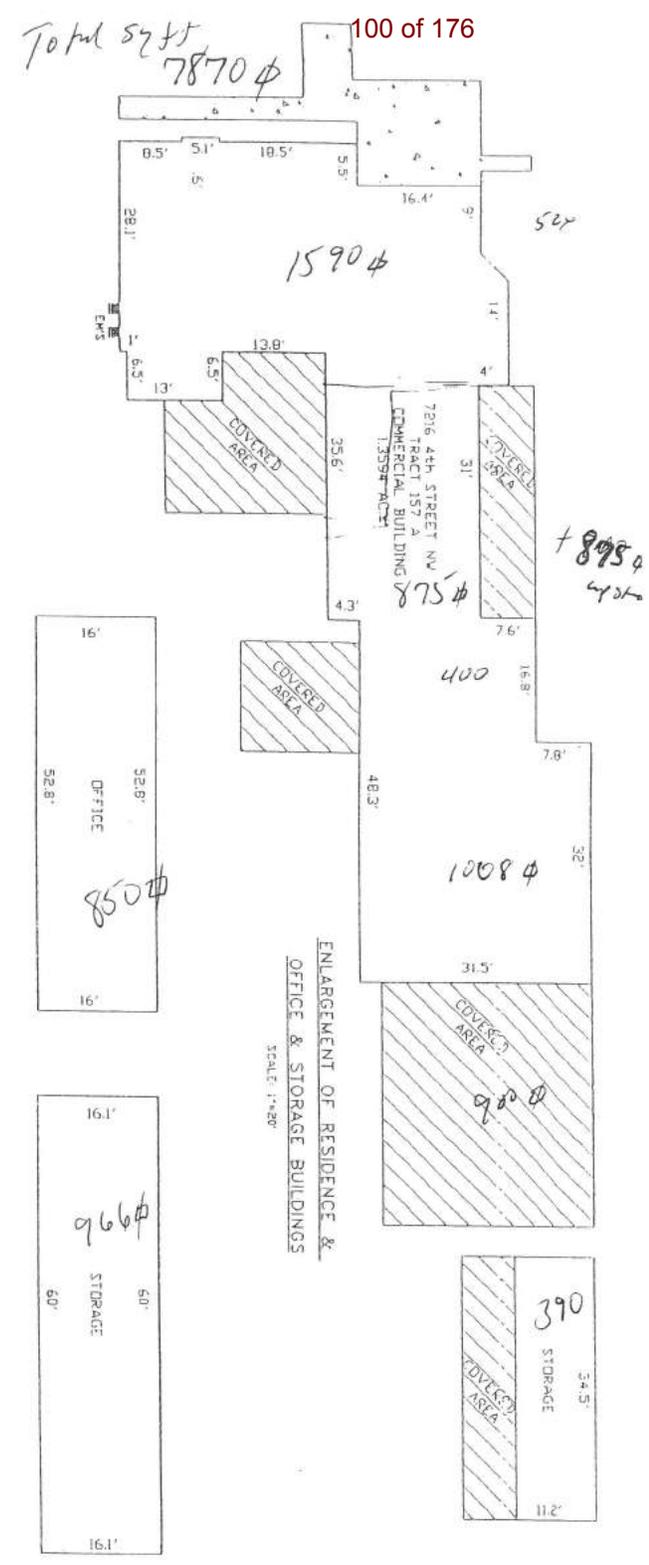
SURVEYOR'S CERTIFICATE

I, VLADIMIR JIRIK, NEW MEXICO PROFESSIONAL SURVEYOR NO. 10464, DO HEREBY CERTIFY THAT THIS BOUNDARY SURVEY PLAT AND THE ACTUAL SURVEY ON THE GROUND UPON WHICH IT IS BASED WERE PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION; THAT I AM RESPONSIBLE FOR THIS SURVEY; THAT THIS SURVEY MEETS THE MINIMUM STANDARDS FOR SURVEYING IN NEW MEXICO; AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Vladimir Jirik
 VLADIMIR JIRIK, NMPS NO. 10464
 PROFESSIONAL SURVEYING LLC
 P.O. BOX 94595, ALBUQUERQUE, NM 87199
 Office: 505.892.4597, Cell: 505.620.4228
 professional.surveying@comcast.net
 10/19/2012
 DATE

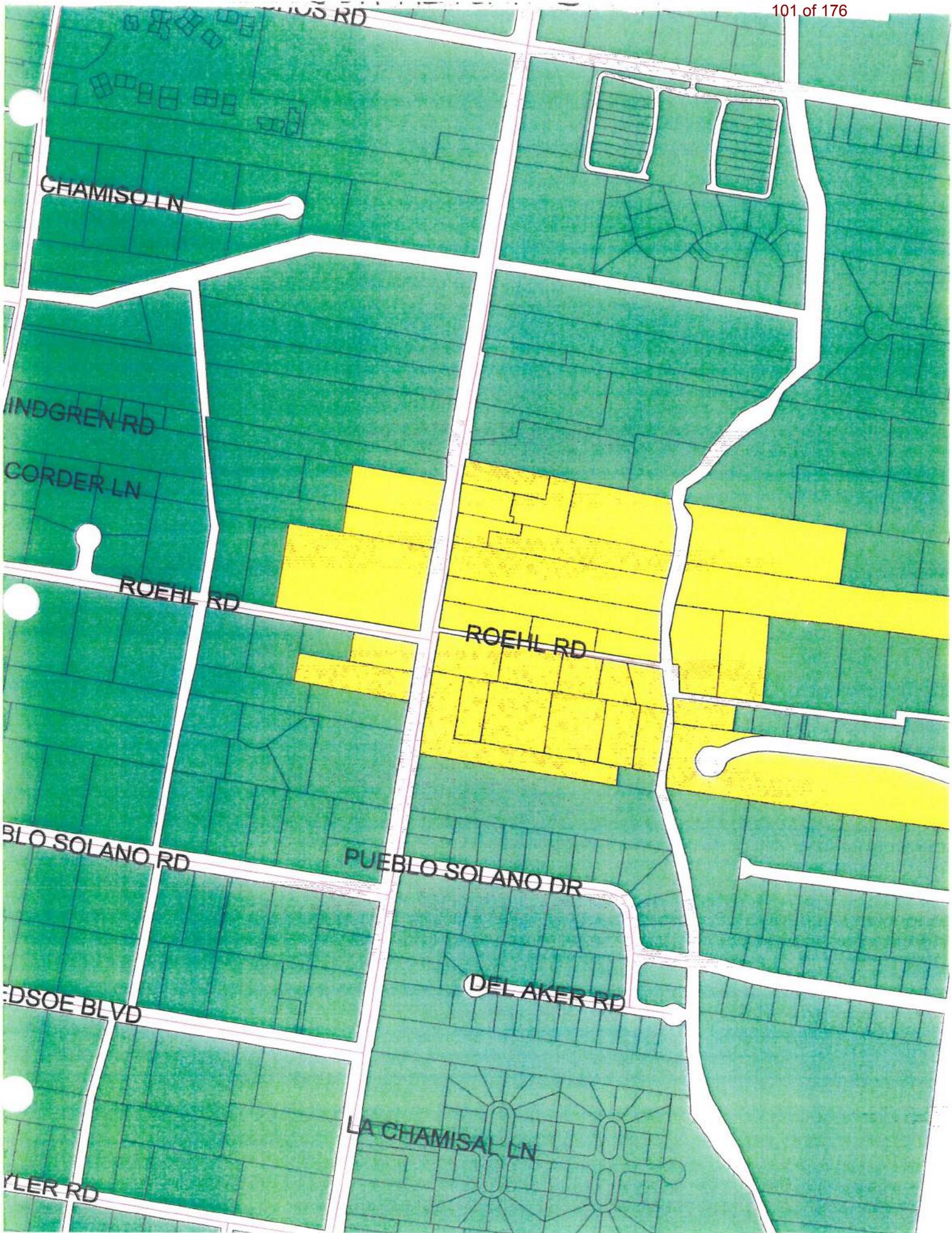


[Signature]
 JOHN MIERS
 MLS No. 12447



02-25-98
 DATE





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Attorney Chappell stated it makes sense to do it and since this is not a zoning matter. It's up to you if you want to read those conditions. It's fine as long as it goes up with the package with the recommendation.

Chairman Seligman asked for a repeat of the statement of the motion.

MOTION: Commissioner Colman moved to make a recommendation to the Board of Trustees to approve the application that was submitted subject to the department recommendations with the following conditions:

- 1. The future grading and drainage plans meet the stormwater management ordinance and shall be maintained.
- 2. Landscaping shall be maintained according to the Landscape Section of the Ordinance.
- 3. Dark Skies Section requirements shall be met.
- 4. Construction shall meet all current Village, County and State Codes.

SECOND: Commissioner Phillips seconded the motion.

Chairman Seligman asked if there were any comments on the motion then called for a vote.

VOTE: the vote carried unanimously (7-0).

C. Z-15-01 A request by JJM Properties, LLC for a Zone Change and Zone Map Amendment from R-2 to C-1 in the Fourth Street Commercial Corridor and Character Area. The property is located at 7216 Fourth Street and is legally known as A certain tract of land within Projected Section 21, T11E, R3E, NMPM, Los Ranchos de Albuquerque, Bernalillo County, New Mexico being identified as Tract 157a of the Middle Rio Grande Conservancy District Property Map No. 29. The property contains 1.395 acres, more or less. The requested Zone Change is for the rear (easterly) 395 feet of the named Tract, as the front (westerly) 300 feet is zoned C-1.

Chairman Seligman asked Planner McDonough for his planning report.

Planner McDonough gave the planning report with recommendations to forward to the Board of Trustees for approval.

Chairman Seligman asked if there were any questions or comments for Planner McDonough. Then recognized Commissioner Riccobene.

Commissioner Riccobene asked if it's Planner McDonough's recommendation that all the adjacent properties become C-1.

Planner McDonough stated at this time it's not his recommendation. He thinks they need to do a more thorough job at looking how they want to zone these properties as opposed to this blanket three hundred (300') foot rule.

1 The discussions over the past year have prompted that maybe there is
2 another zone more appropriate for a higher density residential or a mix use or
3 multi-family. There are awkward situations for zoning and land use issues on
4 these lots. This one has a specific issue at hand, but this needs to be studied
5 further with recommendations with a more global solution.
6

7 **Chairman Seligman** recognized Commissioner Phillips.

8
9 **Commissioner Phillips** asked if they reached out to the other neighbors on
10 this.

11
12 **Planner McDonough** stated they had mailed out public notices with a hand
13 delivery for one of the properties.

14
15 **Chairman Seligman** recognized Commissioner Brawley.

16
17 **Commissioner Brawley** stated if it is his understanding that this will trigger a
18 fifteen (15') foot buffer on both sides of the property reducing it from ninety
19 (90') feet to sixty (60') feet.

20
21 **Planner McDonough** stated that is the understanding and he has had that
22 conversation with the applicant.

23
24 **Commissioner Brawley** stated that they had talked about having enough
25 money so they could split that right of way with the M.R.G.C.D. so as to allow
26 access to the rear properties and keep them residential. No one has pursued
27 that because of lack of funding.

28
29 **Planner McDonough** stated he appreciated that comment as legal counsel
30 also made a similar comment with a different approach to solve it.

31
32 **Chairman Seligman** asked if this was now a non-conforming use.

33
34 **Planner McDonough** stated not a legally non-conforming use. They went
35 back and there were years where it was just a vacant lot.

36
37 **Chairman Seligman** stated so it is now a non-conforming lot.

38
39 **Planner McDonough** stated it is non-conforming and in violation of our code.

40
41 **Chairman Seligman** asked if there had been any citations.

42
43 **Planner McDonough** stated it started with a discussion and it came to this
44 action and whatever requirements after this.

45
46 **Chairman Seligman** asked if there were any other questions or comments.
47 Then recognized Commissioner Craig.

48
49 **Commissioner Craig** stated he had been on the property because of the
50 antique store.
51

1 **Commissioner Tourville** asked was it Un Gallo.

2
3 **Commissioner Craig** stated that's next door. He looked at the arbitrary three
4 hundred (300') feet and the R-2 zoning is wrong if they deny this it would be a
5 bad residential area and the request C-1 is much more appropriate. The C-1
6 seems to be the more attractive use and it seems a more natural solution.

7
8 **Chairman Seligman** recognized Commissioner Phillips.

9
10 **Commissioner Phillips** asked what gave Commissioner Craig that solution.

11
12 **Commissioner Craig** stated that they are having a lot of problems with the
13 entire area. The tank farm, which really bothers him and his concern is do
14 they use the Chamisal lateral as the east side for the Commercial Zone. Are
15 we setting precedent or are we looking at the two properties? What do we do
16 It's a nice little property and there are problems with the access especially to
17 the back portion. And he thinks changing the zone would correct the zoning
18 from R-2, which is incorrect zoning and we are showing it in the 2020 Master
19 Plan and with the 4th Street revitalization with everything going all the way
20 back to the Chamisal. Then asked if that was clear as mud.

21
22 **Chairman Seligman** recognized Commissioner Brawley.

23
24 **Commissioner Brawley** stated it's hard for him to swallow that there is an
25 error. It seems to be stretching it a bit. It was only last month they had a
26 serious concern over a resident. So it isn't as if there weren't residents back
27 there. He is struggling whether the argument is made in the recommendation
28 really the argument. He can see it as an arbitrary decision because at the
29 time it was a live/work situation. He would argue that a live/work is not an
30 unheard of or unusual kind of occupation. He is just expressing his concern.
31 The basis of the argument that it's an error that those who in their wisdom
32 determined the three hundred (300') foot did they simply make a mistake or
33 they didn't. He thinks that because it was arbitrary at the time and because
34 many years have gone by. The Village has developed since then that
35 subsequent changes have made that arbitrary decision now made it harder to
36 rationalize. Rather than being an error. He thins it makes more sense than
37 saying they made a mistake.

38
39 **Chairman Seligman** recognized Commissioner Colman.

40
41 **Commissioner Colman** stated its totally separate issues to make this once.

42
43 **Commissioner Craig** stated he thinks that this is the challenge from the
44 2020 Master Plan. They inherited this from the county. It doesn't seem to be
45 uniformly administered along 4th Street and because they have the Chamisal
46 lateral that goes somewhat at a diagonal and it terminates. Actually it doesn't
47 terminate it turns into the Griegos lateral.

48
49 **Commissioner Brawley** state that it might be important why the county
50 made that decision. It appears to have been in this area.

51

1 **Planner McDonough** stated he struggled with that same issue and he
2 landed on the side of error. He thinks it made a very good argument for
3 looking at it slightly different. The combination of an arbitrary number with the
4 situation with 4th Street today suggests that's not appropriate. He certainly
5 wouldn't argue that.
6

7 **Commissioner Brawley** stated that because of the original arbitrary decision
8 and because of passing of time the character of the area has changed. But
9 now re-visiting the arbitrary decision it may be appropriate.

10 **Planner McDonough** stated he would absolutely accept that.

11 **Chairman Seligman** recognized Attorney Chappell.

12
13 **Attorney Chappell** stated that McDonough and he have had some
14 discussions and he personally would be more comfortable with a change in
15 circumstance decision being to say there is an error in zoning. He doesn't like
16 the next person to say that the C-1 he lives next to was zoned wrong. He
17 would prefer to go the route in the change of conditions or as Planner
18 McDonough has done is to change his recommendation that the error is only
19 on that piece of property. That is something that is raised when they have
20 these kinds of things and so it can be easily dealt with. A change in
21 conditions rather than the argument that the C-1 was in error on the front
22 piece. He stated he would agree to that.
23
24
25

26 **Chairman Seligman** asked if there were any more comments. She is with
27 Attorney Chappell that she hasn't seen any evidence of it being an error in
28 zoning. So it's a change in condition than in the character has changed. But
29 the residences around here have her concerned about setting a precedent.
30 She understands they got noticed, but now they've changed the zoning
31 recommendation.
32

33 **Audience member** stated he was resident.

34
35 **Chairman Seligman** stated they will get to him once they are open for
36 comment. So the issues she has with calling it an error. Making a decision
37 right now on this particular piece because it's changed. The residents when
38 they bought based on the three hundred (300') feet so that is her feeling and
39 she would like to hear from them.
40

41 **Attorney Chappell** stated that Planner McDonough pointed out that they can
42 have an error that is not part of the zoning ordinance, but is an error based on
43 that particular piece because it makes it unusable. Change of conditions
44 maybe if the Commission wants to go that route. He thinks the standards for
45 housing, the standards for access to residential pieces based upon
46 emergency services. Access to all those have changed since this was
47 developed 30-40 years ago. There can be changes to development. The
48 housing the access to emergency services, which are conditions. Either way
49 he is jus the technician he doesn't know or care which way it goes. If they go
50 with direction of change that is the better way to go.
51

1 **Chairman Seligman** asked if there is any emergency access to that back
2 piece. Can an emergency vehicle pull in?
3

4 **Attorney Chappell** stated looking at it might be difficult for emergency
5 access for residential. The width of the access route required for residential
6 development it might be difficult to get to the rear piece. That is the point he is
7 making.
8

9 **Chairman Seligman** stated she wants to know if there is an issue. Is there
10 sufficient access if there was a residence back there?
11

12 **Planner McDonough** stated if they look at the property there is no dedicated
13 access to the back part. They just weave through this commercial site.
14 Around the buildings and parking. In it's present state he doesn't know that
15 they could guarantee that there is emergency access to the back without
16 some additional action to create an access way.
17

18 **Chairman Seligman** recognized Commissioner Riccobene.
19

20 **Commissioner Riccobene** stated they have this situation on a lot of
21 properties regardless of the uses back there. Whether it is commercial or
22 residential. It would seem to him that they should have an easement through
23 the forward property that creates access for emergency vehicles to get back
24 there regardless of it's use. Other than agriculture.
25

26 **Planner McDonough** stated that is true, but it is a single tract it's not a
27 separate property and a dedicated access has never been created. They've
28 seen it on other properties like the Newberry property the access easement
29 goes all the way to the back. Other properties have dedicated access to
30 subdivided tracts. This one by virtue of it not being subdivided just does not
31 have that dedicated access.
32

33 **Chairman Seligman** recognized Commissioner Brawley.
34

35 **Commissioner Brawley** stated it is less than an acre.
36

37 **Planner McDonough** stated it is less than an acre.
38

39 **Commissioner Brawley** stated so it could only have one.
40

41 **Chairman Seligman** asked if there were any more questions or comments.
42 Then recognized Commissioner Colman.
43

44 **Commissioner Colman** stated on a completely separate issue. This should
45 be a question for Attorney Chappell. She is wondering if legally a basis if she
46 looks at the front of the property of making some kind of request or condition
47 or granting this zone change to C-1 that the owner of the property comes into
48 compliance with whatever becomes the final of landscaping with trees. Can
49 they say we'll give you this zoning, but in exchange you make the front of the
50 property come into compliance with what they are spending millions of dollars
51 trying to do just down the street from there.

1 **Attorney Chappell** stated that would probably be stretching the titlement to
2 make conditions like that for profit. He is not requesting the zone change for
3 the property in the front to make that requirement for a different property
4 might be stretching it. His best guess is it's possible.
5

6 **Commissioner Colman** stated she just would like if things went wrong that
7 the 4th Street revitalization would have a short life. What are the chances.
8 She thinks that the Commission needs to take an opportunity each time we
9 look at properties that are fronting 4th Street by requesting things to see if
10 there is some that they would be willing to bring the front of the property to
11 make it more pedestrian friendly and plant some shade trees. So maybe they
12 can't do that in this circumstance, but if Attorney Chappell can investigate
13 more about the kinds of places we could do that because she thinks they
14 ought to be doing that just looking to the future.
15

16 **Attorney Chappell** stated they would have a whole problem with the contract
17 zoning and they are straight zoned to put some of those things in there. That
18 would be borderline that agreement simply for the granting of that zoning.
19 Those things are also suspect. It generally cleaner not to do that as a site
20 development process.
21

22 **Commissioner Colman** asked if there was a way to do an amendment to C-
23 1 zoning that any C-1 zoning in the 4th Street Corridor requires the kind of
24 landscaping that's being done. If they have a C-1 property if they come in and
25 ask for a building permit or road change, we have something legally to refer
26 to them? This is something we need to look in to. She doesn't know when
27 they'll have \$50 million dollars to redo 4th Street. If we could start requiring
28 property owners to come up to code. Overtime one person does it then the
29 next person says that looks pretty good and my customers are commenting
30 about it so I am going to do it also. They could build momentum by doing that.
31 If it's not fit to do it here then fine, but it would be something for the
32 Commission to consider on a one to one basis.
33

34 **Chairman Seligman** stated if they are converting zoning changing to C-1
35 does it comply with all the C-1 requirements. If they are given this new zoning
36 why don't we require complete compliance with the code.
37

38 **Planner McDonough** stated that what he's understood is the change zoning
39 only applies to that area that is currently zoned R-2 and for that portion of the
40 property. They would be expected to meet all the criteria of the C-1 zone.
41 We've talked about the buffering form the residential properties etc... He
42 thinks He thinks that does apply for that portion that is changing from R-2 to
43 C-1.
44

45 **Chairman Seligman** so that is what she is talking about they would have to
46 comply?
47

48 **Planner McDonough** affirmed the statement.
49

1 **Attorney Chappell** stated there is nothing that says that the front part
2 doesn't have to comply with the C-1 zoning. It's already C-1 everything in the
3 C=1 zone you'll find on track.
4

5 **Chairman Seligman** stated she doesn't see an access issue on a C-1
6 property. They would assume that they would have access to the back piece
7 of the property.
8

9 **Planner McDonough** stated correct.
10

11 **Chairman Seligman** asked if there were any other questions for Planner
12 McDonough. Then asked the applicant to come forward and state his name
13 and address for the record.
14

15 **Jerome Maldonado** 436 El Llano Lane, Los Ranchos stated he first wanted
16 to say thanks to Tim for helping him expediting this application. Then gave a
17 quick summary of the company and explained about this property and how he
18 wanted to work with the Commission to do things right. They have put up a
19 block wall on the east side of the property, but put up a ranch fence since
20 they didn't want to take down any of the elm trees. And reiterated he wanted
21 to work with the Commission to do things right.
22

23 **Chairman Seligman** asked if there were any questions of the applicant.
24 Seeing none, asked if there was any one who wanted to speak in favor of the
25 application. Seeing none she asked if there was anyone who wanted to
26 speak in opposition.
27

28 **Doug Copeland** 301 Roehl Road NW, Los Ranchos stated he did not
29 necessarily have an objection provided that certain things can be met. Right
30 now there is no buffer at all. There is a wire fence and there are some big elm
31 trees. Visually it's not good aesthetically. Dust and dirt are the complaints
32 from his tenants. He's okay with change if some sort of wall to block the view
33 and to keep the dirt down.
34

35 **Chairman Seligman** asked the audience member to state his name and
36 address for the record.
37

38 **Don Allison** 12501 Crest Ave NE, Albuquerque stated he is joint owner in
39 301 Roehl Road. Then handed out pictures to the Commission showing that
40 this was not an attractive use of the land. Showing gravel and concrete
41 railroad ties. Stating they are not hostile just want some changes.
42

43 **Doug Copeland** stated he has a duplex and is trying to rent it out everyone
44 likes the front, but once they see the back they are put off.
45

46 **Chairman Seligman** recognized Commissioner Colman.
47

48 **Commissioner Colman** stated that they are not against it would a six (6')
49 foot concrete block wall built by the owner help?
50

51 **Doug Copeland** stated it would have to be an eight (8') foot wall.

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Commissioner Colman stated she didn't think eight (8') feet was allowed.

Doug Copeland stated they put up an eight (8') foot wall up against the lateral.

Jerome Maldonado stated that it's six (6') feet to six feet eight inches (6' 8").

Doug Copeland stated that would be fine.

Commissioner Colman stated they don't do an eight (8') foot.

Doug Copeland stated a six (6') foot wall would do.

Commissioner Colman stated she would like to see them satisfied that their issues they are entitled to have those. And for the record they need to state what are their concerns.

Doug Copeland stated he would like to see some sort of wall or attractive fence that would block out the view. He understands there are some really old elm trees in the way and if they can work around it maybe have the wall off a bit.

Don Allison stated he thinks those elms are right on the property line.

Doug Copeland stated it is on their side of the property line.

Commissioner Colman stated so a concrete block wall on the interior of the trees.

Jerome Maldonado stated he's concerned about the elm trees.

Chairman Seligman called Mr. Maldonado to order. Stating if he wished to speak he can come back, but everything has to be on the record.

Doug Copeland stated just for the record they did not lodge the complaint.

Commissioner Colman stated if they are trying to rent it. It becomes an economic issue. So what they need is for the owner to comply so that everyone can move forward.

Doug Copeland stated he agreed with that.

Chairman Seligman asked if they bought the property in 2005 did they think it would become residential.

Doug Copeland stated they did know it was residential although there was no residential activity.

Chairman Seligman stated so they knew it would be residential.

1 **Doug Copeland** stated they knew that though they had no expectations of
2 buying property next to a commercial property.

3
4 **Chairman Seligman** stated that he said there was dust.

5
6 **Doug Copeland** stated there is dust when the trucks are unloading. It's also
7 noisy, but they don't come in very early to do that. His tenant complains a lot
8 about the dust.

9
10 **Chairman Seligman** asked in their opinion a solid wall would help.

11
12 **Doug Copeland** stated he felt it would help, but not completely solve it.

13
14 **Chairman Seligman** asked if there any other questions then recognized
15 Commissioner Phillips.

16
17 **Commissioner Phillips** asked for clarification on which was their property.

18
19 **Doug Copeland** stated there are two structures on the property a house and
20 a duplex.

21
22 **Don Allison** stated there is a single dwelling on the lot to the east. There is a
23 single dwelling to the west between the commercial lot and our residences.
24 The original owner split the acre he had into two ½ acre lots one went to his
25 sister the other they bought.

26
27 **Chairman Seligman** asked if there were any other questions and asked Mr.
28 Maldonado forward.

29
30 **Jerome Maldonado** stated they are fine with putting up some kind of barrier
31 to solve some of their concerns. He thinks a cedar fence could work and look
32 a lot nicer than a concrete wall. They are willing to work with them. The
33 property to the north of them is weedy and over grown with trees. The only
34 time they have activity is in the morning from 7:00 am to 7:30 am. In the
35 evening it's only the employees who do their residential work. Our main yard
36 is off Montano and Edith.

37
38 **Chairman Seligman** asked if there were any questions. Then asked when
39 did he buy the property.

40
41 **Jerome Maldonado** stated in October of 2012.

42
43 **Chairman Seligman** asked if he was aware it was zoned R-2.

44
45 **Jerome Maldonado** stated he wasn't and he went back to the property
46 disclosures. It was not properly disclosed. It was an oversight by him and the
47 reason they didn't question it was the plaster company had all kinds of
48 concrete and other piles of construction materials. They sold off in 2010 and
49 in 2013 when they took over. It was used as a construction yard prior to them
50 buying the property.
51

1 **Chairman Seligman** asked about the question on the title.

2
3 **Jerome Maldonado** stated it was originally purchased on a real estate
4 contract that is why there is a special warranty deed.

5
6 **Chairman Seligman** asked about the title.

7
8 **Jerome Maldonado** stated they granted to Cisne Azul, LLC a special
9 warranty deed by mistake. They own together other properties and id not
10 notice that they were put on this property by mistake. They own twenty (20)
11 LLC's.

12
13 **Chairman Seligman** asked if Cisne Azul, LLC was one of theirs.

14
15 **Jerome Maldonado** stated no that they have a small state holding company.

16
17 **Chairman Seligman** asked if he bought this property.

18
19 **Jerome Maldonado** stated JJM Properties bought it and he is the only
20 managing member of JJM Properties.

21
22 **Chairman Seligman** asked if they bought this off Cisne Azul, LLC.

23
24 **Jerome Maldonado** stated yes.

25
26 **Chairman Seligman** asked on a real estate contract.

27
28 **Jerome Maldonado** affirmed the statement.

29
30 **Chairman Seligman** asked if they are still on the real estate contract.

31
32 **Jerome Maldonado** stated they are and they are trying to settle on the
33 property and negotiate a contract.

34
35 **Chairman Seligman** stated that the warranty deed is being held in escrow.

36
37 **Jerome Maldonado** affirmed the statement.

38
39 **Chairman Seligman** asked if there any other questions and recognized
40 Commissioner Tourville.

41
42 **Commissioner Tourville** stated the main issue is the fence typically owners
43 negotiate who is going to pay for the fence. What kind of fence is it going to
44 be? CMU for those who don't know what that means is a cinder block wall.
45 But as he was saying he'd have to get rid of the elm trees. Cedar fencing can
46 go right up against the trees. If it's CMU, the trees begin to buckle the wall.
47 Cedar fencing or coyote fencing is easier to repair and more aesthetically
48 pleasing. So this is something they want to work out with the owners.

49
50 **Jerome Maldonado** stated they will. CMU walls can be affected by the roots
51 of the elm trees and cedar is much more aesthetically pleasing.

1 **Commissioner Tourville** stated or he could do a green belt with additional
2 vegetation.

3
4 **Jerome Maldonado** stated that they would have to consider that as well.

5
6 **Chairman Seligman** asked if there were any more questions or comments.
7 Thanked Mr. Maldonado and then closed the floor to further public comment.
8 Asking if there were any comments from the Commission. Then recognized
9 Commissioner Phillips.

10
11 **Commissioner Phillips** stated re-visiting the question they argued before he
12 would be much more strongly in favor of this error rationale simply because it
13 was arbitrary and the error was only discovered by this action. Looking at the
14 two possibilities he would look to using the center motion.

15
16 **Chairman Seligman** stated she had a question for Attorney Chappell are
17 they allowed to add the condition of the fence to the change in zones.

18
19 **Attorney Chappell** stated if the applicant volunteers' that as part of the
20 working with the neighbors that could be done apart from that if they just
21 imposed it now it is a problem. It might be appropriate if they are inclined to
22 approve the zone change is to recommend the verbal as part of the zone
23 change, which has to go to the Board of Trustees. The recommendation only
24 if the applicant is doing the buffering. They can do something like that and let
25 the Trustees make the decision. Since they are not doing the zoning, they are
26 doing the recommendations he thinks they can do that.

27
28 **Chairman Seligman** stated what about the error issue. Was the error the
29 zone or was the error another political entity.

30
31 **Attorney Chappell** stated the standard that is being used here is a cast that
32 specifically dealt with down zoning. Property owners were objecting to down
33 zoning from a C-1 to residential use. The court used that as a basis that had
34 to be shown in order to down zone somebody's property. The test may be a
35 bit different. If not down zoning somebody's property and he thinks the zoning
36 and police powers can be exercised in a court to the Master Plan. Certainly if
37 they are concerned the safest way to go in terms and other things is to meet
38 that criteria. That is not the only time municipalities have rezoned. That is
39 good criteria to follow and perhaps not the sole criteria of the Master Zoning
40 plan.

41
42 **Chairman Seligman** stated this is an up zone not a down zone.

43
44 **Attorney Chappell** stated it is, but they are going to have an argument form
45 adjoining property owner. If they are rezoning an entire area they have to us
46 different criteria.

47
48 **Chairman Seligman** asked if there were any questions or comments and
49 then recognized Commissioner Tourville.
50

1 **Commissioner Tourville** stated going back to what Commissioner
2 Riccobene said this is an old lot and they are going to have challenges with
3 these types of lots. If they look at them the east side is not going to be a
4 problem because they are up against the lateral. On the north side Jim Shull
5 will be putting up his brew pub and his intention of putting up a hops farm at
6 the rear. He doesn't think that's going to be a problem for him. Then
7 corrected himself saying that is actually two lots over. As far as traffic with the
8 commercial zoning. The concern that the neighbors on Pueblo Solano had
9 was that the Fresquez property would have people coming off 2nd Street and
10 that would cause traffic problems. Whereas, Roehl Road if you've ever driven
11 it from 4th Street to 2nd Street there is no traffic coming down. Having
12 residences back there and them having to drive through the commercial lot
13 just doesn't make sense. Having it zone residential makes no sense.
14

15 **Chairman Seligman** asked if there were any more comments. Then stated
16 that she didn't think if fell under change in conditions or the error in zoning.
17 These are all troubling to her because of the combined commercial and
18 residential zoning. She thinks that they need to protect the character of the
19 Village. They do have an applicant who is willing to work with the residents
20 and she thinks that is important. This is an acceptable use for them as long
21 as we have certain criteria. In her opinion they need to condition this. There
22 needs to be a substantial barrier specified. A buffer in place as part of the
23 change in zoning. They should make it clear that they take these case by
24 case because she doesn't want to set a precedent. She doesn't want to
25 someone else coming in and saying look what they did here. This happened
26 on this particular lot because of these particular circumstances. Then
27 recognized Commissioner Brawley.
28

29 **Commissioner Brawley** reiterated that he was still uncomfortable with the
30 error burden. He doesn't think the conditions have changed that much the
31 way he looks at it. He sees residential to the north, south and east. So what's
32 really happening here. The residents to the south did buy with the
33 expectations that the property behind them would remain residential. That's
34 not a guarantee. If they were to create a barrier in addition to a buffer. A
35 fifteen (15') foot buffer is required as soon as it becomes C-1. The need to
36 keep from dumping in that fifteen (15') foot area is will be overcome and if
37 there some sort of barrier there are complication in regard to some how
38 assure that what the conditions to the zone change will actually take place.
39 The village has not figured out how to deal with this. This is a precedent
40 action they are going to take and if they do change this zone they could have
41 this same situation before them form up and down both sides of the 4th
42 Street. They need to be prepared to do that. He is not saying it's impossible
43 to do. He's still not comfortable calling it an error and changes to the
44 conditions is a more rationale argument, but he doesn't think that argument
45 works here.
46

47 **Chairman Seligman** recognized Commissioner Phillips.
48

49 **Commissioner Phillips** stated that after listening to both the reason he
50 thinks it should be done under the error is because of the arbitrary three
51 hundred (300') foot its not two lots it's one single lot is that correct.

1 **Planner McDonough** stated that is correct.
2

3 **Commissioner Phillips** stated that is why he says an error because it was
4 done to one single lot not to two separate lots.
5

6 **Chairman Seligman** asked why he says arbitrary.
7

8 **Commissioner Phillips** stated that he used that word as a demonstration.
9

10 **Chairman Seligman** recognized Commissioner Brawley.
11

12 **Commissioner Brawley** stated he thought that arbitrary is the correct word
13 where there is no rationale that specifically identifies three hundred (300') feet
14 and doesn't apply to anything on the property i.e. parking. He would also
15 argue that this applied to hundreds of lots in this area both in and outside the
16 Village. When faced with the depth between 4th Street and the laterals on
17 both sides the county made an arbitrary decision. They said three hundred
18 (300') feet ought to be enough because of the scale of commercial at that
19 time. That's why he thinks it wasn't an error he thinks it was rationale and
20 arbitrary, but at the same time not this lots of conditions have changed. More
21 than 20-30 years since that decision was made. And they are correct in that
22 most of this, the three hundred (300') foot line was incorporated into the
23 Village. Arbitrary is in fact the right word. Arbitrary in the sense that this is no
24 hared rationale applied on any of this, which even further supports the
25 argument that it was not arbitrary because if they go up and down 4th Street
26 it's all three hundred (300') feet. And the argument here is conditions change
27 not error. Then apologized for repeating himself.
28

29 **Chairman Seligman** asked if there any more questions or comments. Then
30 recognized Commissioner Craig.
31

32 **Commissioner Craig** stated he is not comfortable with the number and the
33 Commission imposing design criteria as the Planning and Zoning
34 Commission, such as a cinder block wall. He agrees with Commissioner
35 Tourville on the barrier a coyote type fence because of the trees. He doesn't
36 think they should be doing as much as he like to design some of the activities
37 and his understanding on this C-1 is that it needs conditional approval for a
38 contractor's yard. If they do a C-1 they still have to come back as a
39 contractor's yard.
40

41 **Planner McDonough** stated that is correct the action this evening is only on
42 the C-1 zone.
43

44 **Commissioner Craig** stated they are approving C-1 zoning they are not
45 approving a contractor's yard.
46

47 **Chairman Seligman** recognized Commissioner Riccobene.
48

49 **Commissioner Riccobene** stated that nevertheless this would become a C-
50 1.
51

1 **Planner McDonough** stated that is correct if the recommendation and the
2 action is to approve the zone change to C-1 then it would stay as a C-1 zone.
3 Because this is a two step process and a conditional use is an administrative
4 process they couldn't track together.
5

6 **Chairman Seligman** recognized Commissioner Craig.
7

8 **Commissioner Craig** stated one of the arguments he mentally did today
9 when he looked at this was would he approve a residential request coming in
10 on this and he thinks he'd have a great deal of problems. Because it is an R-2
11 there is not enough room. R-2 is ½ acre so it would mean two (2) lots back
12 there. As a Commissioner he would have trouble approving because of the
13 access and the lack of square footage. So this seemed to be a C-1, which
14 they could do all the way down. It seemed like a more logical application for
15 this property. He thinks it has been divided into C-1 and R-2 with bad access.
16 Whomever did it he assumes would have done it as one parcel.
17

18 **Chairman Seligman** stated her understanding is that the county set the three
19 hundred (300') foot commercial area. They need to consider the precedent of
20 what they are doing. What bothers her is it's zoned R-2 and being used as a
21 commercial property now.
22

23 **Commissioner Craig** stated that the buildings are sitting on the C-1.
24

25 **Chairman Seligman** stated she know that but it's being used right now as a
26 C-1.
27

28 **Commissioner Craig** stated they were dumping materials there before.
29

30 **Chairman Seligman** stated that maybe it had been done before, but that
31 doesn't make it right. They aren't charged with what it is now. In essence a
32 clean up. They are trying to make someone, who has invested in the Village
33 whole. They also invested in a property that the one end was commercial the
34 other was R-2.
35

36 **Commissioner Craig** stated he asked himself another question. The trailer
37 park across from Dan's Boots and Saddles is a C-1 all the way to the lateral.
38 The building up front only goes to one hundred fifty (150') feet. They are
39 checkerboard patterned all along 4th Street with no consistency and yes they
40 say there is three hundred (300') feet zone, but it's violated the entire length
41 of 4th Street. He shouldn't say all of 4th as the lateral cuts it off.
42

43 **Chairman Seligman** stated they don't know what the criteria was for the
44 zone changes. They don't know why this one had three hundred (300') feet
45 and why some had less, some had no restrictions. Do they have the ability to
46 grant a C-1 zone? If they don't see that and those aren't there. Then they
47 can't grant it. If they are there, then it's fine.
48

49 **Commissioner Craig** stated he thought they were beginning to split hairs.
50 They have an issue here that needs to be resolved. Are they in a position to
51 judge probably not? Is it changing conditions probably. Something happened

1 with this property that needs to be resolved. That's why the applicants are
2 here and the neighbors.

3
4 **Chairman Seligman** recognized Commissioner Brawley.

5
6 **Commissioner Brawley** stated he is in general agreement with what
7 Commissioner Craig is saying. It's a little hard to put these cases into
8 perspective without some understanding of what drove these.

9
10 **Commissioner Craig** stated he didn't think they had two properties that are
11 like this as they are. Looking at the zigzag as they are going along. There are
12 subdivisions behind some of these properties.

13
14 **Chairman Seligman** recognized Commissioner Colman.

15
16 **Commissioner Colman** stated it isn't there some sort of provision for an
17 administrative cleanup. When something is done in a broad sweeping
18 manner and time goes by and they are looking at a specific property the
19 narrowness of the lot, the lack of access, and they all agree that someone
20 came before us and didn't want to put a house back there. Isn't there some
21 kind of provision in law that says Planning Commissions and Trustees looking
22 at the specific circumstances and administratively clean up the zone map. On
23 this property they are going to change the zoning to C-1 because it makes
24 more sense.

25
26 **Attorney Chappell** stated there is not a catch-all like that. They can go back
27 and fix things it still is a zone change. They run into problems like this one if
28 they change one piece of property not according to a plan it becomes spot
29 zoning. Something they can't do even if it's been tested. This might be a spot
30 zoning unless the Master Plan shows this as commercial. The Board of
31 Trustees, who have the ultimate decision can change a zoning plan. They
32 can correct some errors, but it's still a zoning question. If this is a spot zoning
33 the thing that does happen is if they change it to C-1 and then decide it
34 doesn't work, they cannot change it back because they would have to show
35 change in conditions. Each property to the north could demand changing to
36 C-1. This is what they can get when they go piecemeal. So they have to
37 consider this before they have to turn down the next person who comes in.
38 Then it becomes a legal matter and they get someone protesting. He would
39 rather not get into spot zoning. They have to look at each case.

40
41 **Chairman Seligman** recognized Commissioner Riccobene.

42
43 **Commissioner Riccobene** stated it make good sense that residents, but
44 along Roehl Road because there is access to those portions of the property.
45 Along the lateral there it also made sense that it was agriculture. Times are a
46 changing, but he's not sure it makes sense to keep it necessarily agriculture
47 and certainly residential. It's less than desirable access for a residential
48 household. So based on that he can definitely see changing this particular
49 parcel to the C-1 zoning.

50
51 **Chairman Seligman** clarified changing conditions.

1 **Commissioner Riccobene** affirmed the statement.

2
3 **Chairman Seligman** recognized Commissioner Brawley.

4
5 **Commissioner Brawley** stated that he agrees with the statement changing
6 conditions is the one to use. He had a problem with the first one. The change
7 in conditions stems from it's an R zone used as a C-1 that is a change in
8 conditions. The only one used as a basis for the decision.

9
10 **Attorney Chappell** stated he didn't think that was the basis for the decision
11 from a legal perspective that does not constitute a change in condition. That
12 would include the entire area not just a piece of property. He doesn't think it's
13 true in a zone case.

14
15 **Commissioner Riccobene** stated he would see the same condition in those
16 three parcels. The two to the north as well.

17
18 **Chairman Seligman** recognized Commissioner Craig.

19
20 **Commissioner Craig** state he is not sure why they are afraid of C-1. They
21 seem to be giving that impression that they are afraid of the 4th Street
22 revitalization with C-1 zoning, which is what we want along there. The three
23 hundred (300') feet it seems that they have spot zoning with residential in the
24 rear with no access. This gives me a headache, but Roehl Road gives him a
25 real headache. They have a lot of strange conditions on some properties.
26 That's why they are the Planning and Zoning Commission.

27
28 **Chairman Seligman** asked about the access. They have access they have
29 one owner, who can access the entire property. So there is no access issue.
30 She does not want to do spot zoning and does not want to set a precedent. It
31 is zoned residential and it hasn't changed. She doesn't want to damage
32 business in the area, but she also knows she doesn't want to set a precedent.

33
34 **Commissioner Craig** stated that they need to ask the question are the
35 neighbors commercial with a rental property.

36
37 **Chairman Seligman** stated is the rental considered a commercial property or
38 is it allowable in a residential property.

39
40 **Attorney Chappell** stated there is no prohibition in the ordinances being able
41 to rent a residential property. It would still be residential property.

42
43 **Commissioner Craig** stated he was not inferring that by fault it is a business.
44 So they have a business adjacent to a business.

45
46 **Attorney Chappell** stated he doesn't think it converts to a truly commercial
47 and they were there when they built it was a non-conforming use when they
48 came into the Village. He agrees with Commissioner Seligman there is no
49 access issue it comes down to a policy decision as to whether or not the
50 change in conditions makes this a commercial area as opposed to what was
51 originally a residential area. This will probably set a precedent for the entire

1 area. The next step is they cannot do a construction yard without a
2 conditional use permit. They are granted unless they damage adjacent
3 properties. That will come up specifically in the conditional use application.
4

5 **Chairman Seligman** recognized Commissioner Riccobene.
6

7 **Commissioner Riccobene** stated at that time they will address the
8 recommendation to the Trustees if they thought there needed to be an
9 agreement between the owners of the rental and the commercial use. So that
10 is when they would address that issue. Because right now changing it to C-1
11 only requires a buffer.
12

13 **Attorney Chappell** stated it requires a buffer in the fifteen (15') foot setback.
14 If this was changed to a C-1 and they put an engineering office back there
15 would you have the same issue as the construction yard.
16

17 **Commissioner Riccobene** thanked Attorney Chappell.
18

19 **Chairman Seligman** asked if there were any more comments or questions
20 and then asked if there was a motion.
21

22 **MOTION: Commissioner Riccobene** moved to allow the zone change to C-
23 1 based on changes of conditional use for the area.
24

25 **Chairman Seligman** asked if there was a second.
26

27 **SECOND: Commissioner Tourville** seconded the motion.
28

29 **Chairman Seligman** asked if there was any discussion on the motion. Then
30 recognized Commissioner Phillips.
31

32 **Commissioner Phillips** stated they are just recommending.
33

34 **MOTION: Commissioner Riccobene** moved to recommend to the Trustees
35 to allow the zone change to C-1 based on changes of conditional use of the
36 area.
37

38 **SECOND: Commissioner Tourville** seconded the motion.
39

40 **Chairman Seligman** asked if there was further discussion. Then called for a
41 vote.
42

43 **VOTE:** the motion carried with a vote of (5-2) with Commissioner Brawley
44 and Commissioner Seligman voting nay.
45

46 **Chairman Seligman** stated that this formally closed the request by JJM
47 Properties, LLC for a Zone Change and Zone Map Amendment from R-2 to
48 C-1 in the Fourth Street Commercial Corridor.
49
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51

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5. **OLD BUSINESS**-There was no old business.

6. **NEW BUSINESS**- There was no new business.

7. **REPORTS**

A. Planning Department Report

The report and discussion was on the following:

- Stormwater permit.
- Building permits & new businesses.
- Question about new residences.
 - 2 new residences one in El Prado and one in Nuevo Hacienda

9. **COMMISSIONER'S INFORMAL DISCUSSION**

Discussion was on the following

- PNM & weed cutting
- Cows and goats
- 4th Street and the issues they are seeing and the uniqueness of the properties
- Zone Codes
- Work sessions
- Ditch rights

10. **ADJOURNMENT**

Chairman Seligman asked if there was a motion for adjournment.

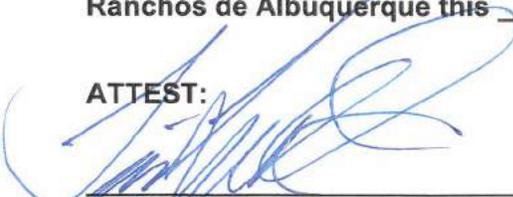
MOTION: Commissioner Brawley motioned for adjournment at 9:45 p.m.

SECOND: Commissioner Colman seconded the motion.

VOTE: carried unanimously (7-0).

APPROVED by the Planning and Zoning Commission of the Village Los Ranchos de Albuquerque this 13th day of November, 2015.

ATTEST:



Tim Tourville, Secretary
Planning and Zoning Commission

8. OLD BUSINESS

A. DISCUSSION AND APPROVAL OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 11, ARTICLE 1 MUNICIPAL COURT, SECTION 1 MUNICIPAL COURT §11.1.1, SECTION 2 JURISDICTION §11.1.2, SECTION 3 QUALIFICATIONS OF JUDGE §11.1.3, SECTION 4 ELECTION OF JUDGE §11.1.4, SECTION 5 VACANCIES §11.1.5, SECTION 6 OATH OF OFFICE §11.1.6, SECTION 8 TEMPORARY MUNICIPAL JUDGE §11.1.8, SECTION 9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE §11.1.9, AND SECTION 10 DUTIES GENERALLY §11.1.10.

Village of Los Ranchos de Albuquerque

Board of Trustees

Meeting Date: August 10, 2016

Title: DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 11, ARTICLE 1 MUNICIPAL COURT, SECTION 1 MUNICIPAL COURT §11.1.1, SECTION 2 JURISDICTION §11.1.2, SECTION 3 QUALIFICATIONS OF JUDGE §11.1.3, SECTION 4 ELECTION OF JUDGE §11.1.4, SECTION 5 VACANCIES §11.1.5, SECTION 6 OATH OF OFFICE §11.1.6, SECTION 8 TEMPORARY MUNICIPAL JUDGE §11.1.8, SECTION 9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE §11.1.9, AND SECTION 10 DUTIES GENERALLY §11.1.10.

Action: Discussion and Approval

Summary:

At the June 8 BOT, the Board of Trustees directed staff to draft amendments to the municipal court ordinance to provide for the appointment of a temporary judge panel. In the event that the elected judge cannot preside over a particular case, a process is established for the appointment of a judge to preside over the case.

The amendment updates the qualification requirements for the municipal judge position.

Additionally, the amendment removes the restriction placed on the court regarding traffic ordinances.

It has been properly advertised and was available for public review. As of August 5, 2016 no comments have been received.

Staff recommends approval.

**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 254**

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 1, MUNICIPAL COURT, OF
THE CODIFIED ORDINANCES.

NOW, THEREFORE, be it ordained by the governing body of the Village of Los Ranchos de Albuquerque (the "Village"), that Chapter 11, Article 1, Municipal Court, is amended as follows:

Section 11.1.1 is hereby deleted in its entirety and the following substituted therefore:

The Village hereby recognizes the Municipal Court as established in NMSA 1978, § 35-14-1 and hereby creates a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside. This ordinance is adopted to implement the operation of the Municipal Court as authorized by state statute.

Section 11.1.2 is hereby amended so as to delete the words "excluding traffic ordinances."

Section 11.1.3 is hereby deleted in its entirety and the following substituted therefore:

The Municipal Judge must be a registered voter, over 21 years of age, and a resident of the Village and shall continually retain residence within the Village throughout the term of office. A candidate for Municipal Judge shall not have been convicted of a felony or a misdemeanor of moral turpitude in any jurisdiction. The Municipal Judge shall hold no other elective public office during the term for which he or she is elected or appointed. Maintaining "residence" as used herein, shall mean maintaining the primary residence of such individual within the Village and residing in such residence for not less than 200 days during each calendar year.

Section 11.1.4 is hereby deleted in its entirety and the following substituted therefore:

The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until expiration of the four (4) year term. An elected Municipal Judge shall take office the first day following expiration of the term of the sitting Municipal Judge. Any qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board of Trustees ("Board") prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village and the candidate receiving the highest number of votes cast shall be declared elected to office.

Section 11.1.5 is hereby amended so as to add the following sentence at the beginning of such section: In the event that the Municipal Judge resigns, is removed, dies or ceases residence within the municipality, the Mayor shall declare the office of the Municipal Judge vacant.

Section 11.1.6 is hereby amended so as to add "A signed original of" to the beginning of the last sentence.

Section 11.1.8 is hereby deleted in its entirety and the following substituted therefore:

During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy or an abandonment of office, or in the event of a disqualification or recusal of the Municipal Judge, the following procedure is hereby adopted for the purpose of identifying one or more temporary judges to serve as an alternate Municipal Judge in the event of an incapacity or absence as stated above.

- (A) **CREATION OF PANEL.** The Board of Trustees shall endeavor to designate up to three (3) individuals ("Panel") who are qualified to serve as a Municipal Judge under Municipal Code § 11.1.3 and who are willing to serve as a temporary municipal judge.
- (B) **CANDIDATES FOR PANEL.** The Municipal Judge, the Mayor, or any member of the Board of Trustees may submit names of individuals who are qualified to serve as a temporary judge for consideration of the Board of Trustees.
- (C) **SELECTION OF PANEL.** The Board of Trustees may conduct such inquiry it believes necessary to obtain information about any potential candidate for a temporary judge to assure that such individual is qualified to serve in such capacity by reason of residence and background. Upon satisfaction with an individual's qualifications, such individual may be named to the Panel by a majority vote of the Board of Trustees at a regular or special public meeting.
- (D) **APPOINTMENT OF TEMPORARY JUDGE.** In the event of an absence, incapacity or other necessity for a temporary judge, the Municipal Judge shall have the authority to appoint a member of the Panel to serve as a temporary judge in specific cases. In the event the Municipal Judge is unwilling or unable to appoint a temporary judge, the Mayor shall have the authority to designate a member of the Panel as temporary judge for specific cases.
- (E) **TENURE OF PANEL.** Any member of the Panel may resign at any time and the Board of Trustees shall have the authority to remove any member of the Panel at any time, at its discretion.
- (F) **FAILURE TO DESIGNATE MEMBERS OF THE PANEL.** In the event the Board of Trustees is unwilling or is unable to designate individuals to serve on the Panel, the temporary judge shall be appointed by the Presiding Judge of the District Court of the Second Judicial District of New Mexico. The Municipal Judge is hereby authorized to submit a request, in writing, to the Presiding Judge for appointment of a temporary judge. If the Municipal Judge is unwilling or unable to do so, the Mayor shall be authorized to submit such a request. The temporary judge appointed by the Presiding Judge shall serve

as a temporary judge only for the specific case(s) for which the appointment is made.

Section 11.1.9 is hereby amended so as to delete the words "unless the temporary incapacity or absence of the Municipal Judge extends for more than five (5) days beyond what is authorized by the Village" from the last sentence of such section.

Section 11.1.10 is hereby amended so as to add the following sentence:

The Municipal Judge shall maintain the records and issue the documents as are required by state statutes and regulations of the Administrative Office of the Courts.

LIMITATION OF APPLICATION. This ordinance is adopted in accordance with the provisions of NMSA 1978, § 35-14-1, *et seq.*, and is not intended in any way to preclude the Supreme Court or the District Court from exercising superintending or supervisory authority over the Municipal Court of the Village of Los Ranchos de Albuquerque.

SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board of Trustees to pass each section, subsection, paragraph, clause, phrase and every part thereof separately and independently of every other part.

EFFECTIVE DATE, REPEAL, AND PUBLICATION. This Ordinance shall take effect and be in full force five (5) days after publication of this Ordinance.

COMPILING CLAUSE. This Ordinance shall be incorporated and compiled as part of the codified ordinances of the Village of Los Ranchos de Albuquerque.

APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 10th day of August, 2016.

Larry P. Abraham, Mayor

ATTEST:

Stephanie Dominguez, Village Clerk

VILLAGE OF LOS RANCHOS
PUBLIC NOTICE
ORDINANCE NO. __

NOTICE IS HEREBY GIVEN THAT ON WEDNESDAY, AUGUST 10, 2016, AT 7:00 P.M. AT THE WARREN J. GRAY VILLAGE HALL, LOCATED AT 6718 RIO GRANDE BLVD NW, LOS RANCHOS, NM, THE GOVERNING BODY WILL CONSIDER FOR ADOPTION AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 11, ARTICLE 1 MUNICIPAL COURT, SECTION 1 MUNICIPAL COURT §11.1.1, SECTION 2 JURISDICTION §11.1.2, SECTION 3 QUALIFICATIONS OF JUDGE §11.1.3, SECTION 4 ELECTION OF JUDGE §11.1.4, SECTION 5 VACANCIES §11.1.5, SECTION 6 OATH OF OFFICE §11.1.6, SECTION 8 TEMPORARY MUNICIPAL JUDGE §11.1.8, SECTION 9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE §11.1.9, AND SECTION 10 DUTIES GENERALLY §11.1.10.

The ordinance is available for review, and copies may be purchased at the Village Hall or may viewed on the Village web site: www.losranchosnm.gov.

/s/Stephanie Dominguez
Village Clerk
Journal: July 19, 2016

CHAPTER 11

MUNICIPAL COURT

ARTICLE 1. Municipal Court

ARTICLE 1. MUNICIPAL COURT

- SECTION 1. Municipal Court
- SECTION 2. Jurisdiction
- SECTION 3. Qualifications of Judge
- SECTION 4. Election of Judge
- SECTION 5. Vacancies
- SECTION 6. Oath of Office
- SECTION 7. Compensation
- SECTION 8. Temporary Municipal Judge
- SECTION 9. Compensation for Temporary Municipal Judge
- SECTION 10. Duties Generally
- SECTION 11. Reports and Remittances
- SECTION 12. Initiation of Proceedings
- SECTION 13. Personnel and Finances

§ 11.1.1 MUNICIPAL COURT

~~There is hereby created a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside.~~ **The Village hereby recognizes the Municipal Court as established in NMSA 1978, § 35-14-1 and hereby creates a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside. This ordinance is adopted to implement the operation of the Municipal Court as authorized by state statute.**

§ 11.1.2 JURISDICTION

~~The Municipal Court shall have jurisdiction over all offenses and complaints under the Ordinances of the Village of Los Ranchos de Albuquerque, excluding traffic ordinances, and may issue subpoenas and warrants and punish for contempt.~~

§ 11.1.3 QUALIFICATIONS OF JUDGE

~~The Municipal Judge shall be a resident of the Village of Los Ranchos de Albuquerque, shall be a qualified elector under the laws of the State of New Mexico, and shall hold no other elective public office during the term for which he or she is elected or appointed.~~ **The Municipal Judge must be a registered voter, over 21 years of age, and a resident of the Village and shall continually retain residence within the Village throughout the term of office. A candidate for Municipal Judge shall not have been convicted of a felony or a misdemeanor of moral turpitude in any jurisdiction. The Municipal Judge shall hold no other elective public office during the term for which he or she is elected or appointed. Maintaining "residence" as used herein, shall mean maintaining the primary residence of such individual within the Village and residing in such residence for not less than 200 days during each calendar year.**



§ 11.1.4 ELECTION OF JUDGE

~~The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until his or her successor is duly elected and qualified. The Municipal Judge shall take office the first day following election and qualification. Any qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village, and the candidate receiving the highest number of votes cast shall be declared elected to office.~~ **The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until expiration of the four (4) year term. An elected Municipal Judge shall take office the first day following expiration of the term of the sitting Municipal Judge. Any qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board of Trustees ("Board") prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village and the candidate receiving the highest number of votes cast shall be declared elected to office.**

§ 11.1.5 VACANCIES

In the event that the Municipal Judge resigns, is removed, dies or ceases residence within the municipality, the Mayor shall declare the office of the Municipal Judge vacant. Vacancies in the office of Municipal Judge shall be filled by appointment by the Board, at either a regular or special meeting, and Municipal Judges so appointed shall serve until the next regular Village election.

§ 11.1.6 OATH OF OFFICE

The Municipal Judge shall, prior to taking office, take a written oath to uphold the constitution and the laws of the United States of America and the State of New Mexico, and the ordinances of the Village of Los Ranchos, and to faithfully and impartially discharge and perform all of the duties of the office. **A signed original of the oath shall be filed in the office of the Village Clerk.**

§ 11.1.7 COMPENSATION

The compensation of the Municipal Judge shall be determined by ordinance duly adopted by the Board prior to the date of the beginning of the term for which the Municipal Judge is elected or appointed to serve. In the event that the Board fails to adopt an ordinance prescribing the compensation for the Municipal Judge, then the compensation prescribed for the preceding term of office shall continue until such compensation has been changed by ordinance. Compensation for Municipal Judge shall not be changed during the term to which such judge has been elected or appointed.

§ 11.1.8 TEMPORARY MUNICIPAL JUDGE

~~During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy in office, the Municipal Judge before absenting himself or herself, shall select, or upon his or her failure to select, the mayor shall~~



~~select a qualified person, subject to approval of the Board, to serve as temporary Municipal Judge with all powers of the Municipal Judge until the return of the municipal judge.~~

During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy or an abandonment of office, or in the event of a disqualification or recusal of the Municipal Judge, the following procedure is hereby adopted for the purpose of identifying one or more temporary judges to serve as an alternate Municipal Judge in the event of an incapacity or absence as stated above.

(A) **CREATION OF PANEL.** The Board of Trustees shall endeavor to designate up to three (3) individuals ("Panel") who are qualified to serve as a Municipal Judge under Municipal Code § 11.1.3 and who are willing to serve as a temporary municipal judge.

(B) **CANDIDATES FOR PANEL.** The Municipal Judge, the Mayor, or any member of the Board of Trustees may submit names of individuals who are qualified to serve as a temporary judge for consideration of the Board of Trustees.

(C) **SELECTION OF PANEL.** The Board of Trustees may conduct such inquiry it believes necessary to obtain information about any potential candidate for a temporary judge to assure that such individual is qualified to serve in such capacity by reason of residence and background. Upon satisfaction with an individual's qualifications, such individual may be named to the Panel by a majority vote of the Board of Trustees at a regular or special public meeting.

(D) **APPOINTMENT OF TEMPORARY JUDGE.** In the event of an absence, incapacity or other necessity for a temporary judge, the Municipal Judge shall have the authority to appoint a member of the Panel to serve as a temporary judge in specific cases. In the event the Municipal Judge is unwilling or unable to appoint a temporary judge, the Mayor shall have the authority to designate a member of the Panel as temporary judge for specific cases.

(E) **TENURE OF PANEL.** Any member of the Panel may resign at any time and the Board of Trustees shall have the authority to remove any member of the Panel at any time, at its discretion.

(F) **FAILURE TO DESIGNATE MEMBERS OF THE PANEL.** In the event the Board of Trustees is unwilling or is unable to designate individuals to serve on the Panel, the temporary judge shall be appointed by the Presiding Judge of the District Court of the Second Judicial District of New Mexico. The Municipal Judge is hereby authorized to submit a request, in writing, to the Presiding Judge for appointment of a temporary judge. If the Municipal Judge is unwilling or unable to do so, the Mayor shall be authorized to submit such a request. The temporary judge appointed by the Presiding Judge shall serve as a temporary judge only for the specific case(s) for which the appointment is made.

§ 11.1.9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE

During the temporary incapacity or absence of the Municipal Judge, the temporary Municipal Judge shall be paid the same compensation as is paid the Municipal Judge on a pro-rata basis. Compensation paid the temporary Municipal Judge shall not be deducted from the authorized salary of the Municipal Judge ~~unless the temporary incapacity or absence of the Municipal Judge extends more than five (5) days beyond what is authorized by the Village.~~



§ 11.1.10 DUTIES GENERALLY

The Municipal Judge shall preside over all hearings at every stage of any proceeding concerning a violation of any provision of the Ordinances of the Village. **The Municipal Judge shall maintain the records and issue the documents as are required by state statutes and regulations of the Administrative Office of the Courts.**

§ 11.1.11 REPORTS AND REMITTANCES

The Municipal Judge shall furnish written reports to the Board of all moneys collected by him or her not later than the tenth (10th) day of each month following collection and all moneys collected shall be paid to the Village Treasurer on the date of the filing of the report. All reports shall include an itemized statement showing the different amounts collected, the purpose of collection, the name of the person paying, and the date of payment.

§ 11.1.12 INITIATION OF PROCEEDINGS

(A) A defendant may be brought into Municipal Court for trial by any of the following methods:

(1) Arrest for violation of a municipal ordinance committed in the presence of the arresting officer;

(2) Arrest, or citation or summons, pursuant to a warrant based on the sworn complaint of any person having reasonable grounds to believe the defendant is guilty of violating a specified ordinance;

(3) Citation or summons; or

(4) Arrest pursuant to a warrant issued by the Municipal Judge for failure to appear to answer a citation or summons.

(B) Any citation or summons issued for violation of an ordinance shall require the party charged to appear before the Municipal Court at a specified time.

(1) If a citation is issued, the party charged shall sign the citation promising to appear before the Municipal Court at the time specified in the citation.

(2) If a summons is issued, it shall be served as provided by the Rules of Procedure for the Municipal Courts.

§ 11.1.13 PERSONNEL AND FINANCES

All personnel of the Municipal Court shall be employed or provided by the Village, and appropriations for the Court shall be controlled and budgeted for in the same manner as any other Village department.

Ordinance and State Law References regarding Chapter 11, Article 1 (f/k/a Chapter 18):

Ordinance #11, adopted August 2, 1961;

Ordinance #23, approved November 1, 1972, amending Ordinance No. 11;

Ordinance #62, effective date July 1, 1985 (replacing ORD #11);

Ordinance #63 effective September 27, 1985;

Ordinance #134, enacted Feb. 14, 1996, codifying Ordinances 62 and 63 as Chapter 18, with modifications.

Rules of Procedure for the Municipal Courts SCRA 1986, Rules 8-101, *et seq.*;

Service of Summons SCRA 1986, Rule 8-204;



Rules Governing Judicial Education, SCRA 1986, Rule 25-101, *et seq.*;
Citation in Lieu of Arrest Without a Warrant: § 31-1-6 NMSA 1978;
Municipal Courts § 35-14-1, *et seq.*, NMSA 1978;
Violations of Municipal Ordinances § 35-15-1, *et seq.*, NMSA 1978.



CHAPTER 11

MUNICIPAL COURT

ARTICLE 1. Municipal Court

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- SECTION 10. Duties Generally
- SECTION 11. Reports and Remittances
- SECTION 12. Initiation of Proceedings
- SECTION 13. Personnel and Finances

§ 11.1.1 MUNICIPAL COURT

The Village hereby recognizes the Municipal Court as established in NMSA 1978, § 35-14-1 and hereby creates a Municipal Court in the Village of Los Ranchos de Albuquerque. A Municipal Judge shall preside. This ordinance is adopted to implement the operation of the Municipal Court as authorized by state statute.

§ 11.1.2 JURISDICTION

The Municipal Court shall have jurisdiction over all offenses and complaints under the Ordinances of the Village of Los Ranchos de Albuquerque, and may issue subpoenas and warrants and punish for contempt.

§ 11.1.3 QUALIFICATIONS OF JUDGE

The Municipal Judge must be a registered voter, over 21 years of age, and a resident of the Village and shall continually retain residence within the Village throughout the term of office. A candidate for Municipal Judge shall not have been convicted of a felony or a misdemeanor of moral turpitude in any jurisdiction. The Municipal Judge shall hold no other elective public office during the term for which he or she is elected or appointed. Maintaining "residence" as used herein, shall mean maintaining the primary residence of such individual within the Village and residing in such residence for not less than 200 days during each calendar year.

§ 11.1.4 ELECTION OF JUDGE

The Municipal Judge shall be elected for a term of four (4) years at a regular municipal election and shall serve until expiration of the four (4) year term. An elected Municipal Judge shall take office the first day following expiration of the term of the sitting Municipal Judge. Any



qualified person may have his or her name placed upon an official ballot by filing with the Village Clerk, on a date to be set by the Board of Trustees ("Board") prior to the date of the election, a notarized declaration of his or her candidacy as provided in the election laws of the State of New Mexico. The official ballot shall be provided by the Village and the candidate receiving the highest number of votes cast shall be declared elected to office.

§ 11.1.5 VACANCIES

In the event that the Municipal Judge resigns, is removed, dies or ceases residence within the municipality, the Mayor shall declare the office of the Municipal Judge vacant. Vacancies in the office of Municipal Judge shall be filled by appointment by the Board, at either a regular or special meeting, and Municipal Judges so appointed shall serve until the next regular Village election.

§ 11.1.6 OATH OF OFFICE

The Municipal Judge shall, prior to taking office, take a written oath to uphold the constitution and the laws of the United States of America and the State of New Mexico, and the ordinances of the Village of Los Ranchos, and to faithfully and impartially discharge and perform all of the duties of the office. A signed original of the oath shall be filed in the office of the Village Clerk.

§ 11.1.7 COMPENSATION

The compensation of the Municipal Judge shall be determined by ordinance duly adopted by the Board prior to the date of the beginning of the term for which the Municipal Judge is elected or appointed to serve. In the event that the Board fails to adopt an ordinance prescribing the compensation for the Municipal Judge, then the compensation prescribed for the preceding term of office shall continue until such compensation has been changed by ordinance. Compensation for Municipal Judge shall not be changed during the term to which such judge has been elected or appointed.

§ 11.1.8 TEMPORARY MUNICIPAL JUDGE

During the temporary incapacity or absence of the Municipal Judge, under circumstances not tantamount to or constituting a vacancy or an abandonment of office, or in the event of a disqualification or recusal of the Municipal Judge, the following procedure is hereby adopted for the purpose of identifying one or more temporary judges to serve as an alternate Municipal Judge in the event of an incapacity or absence as stated above.

(A) CREATION OF PANEL. The Board of Trustees shall endeavor to designate up to three (3) individuals ("Panel") who are qualified to serve as a Municipal Judge under Municipal Code § 11.1.3 and who are willing to serve as a temporary municipal judge.

(B) CANDIDATES FOR PANEL. The Municipal Judge, the Mayor, or any member of the Board of Trustees may submit names of individuals who are qualified to serve as a temporary judge for consideration of the Board of Trustees.

(C) SELECTION OF PANEL. The Board of Trustees may conduct such inquiry it believes necessary to obtain information about any potential candidate for a temporary judge to assure that such individual is qualified to serve in such capacity by reason of residence and background. Upon satisfaction with an individual's qualifications, such individual may be



named to the Panel by a majority vote of the Board of Trustees at a regular or special public meeting.

(D) APPOINTMENT OF TEMPORARY JUDGE. In the event of an absence, incapacity or other necessity for a temporary judge, the Municipal Judge shall have the authority to appoint a member of the Panel to serve as a temporary judge in specific cases. In the event the Municipal Judge is unwilling or unable to appoint a temporary judge, the Mayor shall have the authority to designate a member of the Panel as temporary judge for specific cases.

(E) TENURE OF PANEL. Any member of the Panel may resign at any time and the Board of Trustees shall have the authority to remove any member of the Panel at any time, at its discretion.

(F) FAILURE TO DESIGNATE MEMBERS OF THE PANEL. In the event the Board of Trustees is unwilling or is unable to designate individuals to serve on the Panel, the temporary judge shall be appointed by the Presiding Judge of the District Court of the Second Judicial District of New Mexico. The Municipal Judge is hereby authorized to submit a request, in writing, to the Presiding Judge for appointment of a temporary judge. If the Municipal Judge is unwilling or unable to do so, the Mayor shall be authorized to submit such a request. The temporary judge appointed by the Presiding Judge shall serve as a temporary judge only for the specific case(s) for which the appointment is made.

§ 11.1.9 COMPENSATION FOR TEMPORARY MUNICIPAL JUDGE

During the temporary incapacity or absence of the Municipal Judge, the temporary Municipal Judge shall be paid the same compensation as is paid the Municipal Judge on a pro-rata basis. Compensation paid the temporary Municipal Judge shall not be deducted from the authorized salary of the Municipal Judge.

§ 11.1.10 DUTIES GENERALLY

The Municipal Judge shall preside over all hearings at every stage of any proceeding concerning a violation of any provision of the Ordinances of the Village. The Municipal Judge shall maintain the records and issue the documents as are required by state statutes and regulations of the Administrative Office of the Courts.

§ 11.1.11 REPORTS AND REMITTANCES

The Municipal Judge shall furnish written reports to the Board of all moneys collected by him or her not later than the tenth (10th) day of each month following collection and all moneys collected shall be paid to the Village Treasurer on the date of the filing of the report. All reports shall include an itemized statement showing the different amounts collected, the purpose of collection, the name of the person paying, and the date of payment.

§ 11.1.12 INITIATION OF PROCEEDINGS

(A) A defendant may be brought into Municipal Court for trial by any of the following methods:

- (1)** Arrest for violation of a municipal ordinance committed in the presence of the arresting officer;



(2) Arrest, or citation or summons, pursuant to a warrant based on the sworn complaint of any person having reasonable grounds to believe the defendant is guilty of violating a specified ordinance;

(3) Citation or summons; or

(4) Arrest pursuant to a warrant issued by the Municipal Judge for failure to appear to answer a citation or summons.

(B) Any citation or summons issued for violation of an ordinance shall require the party charged to appear before the Municipal Court at a specified time.

(1) If a citation is issued, the party charged shall sign the citation promising to appear before the Municipal Court at the time specified in the citation.

(2) If a summons is issued, it shall be served as provided by the Rules of Procedure for the Municipal Courts.

§ 11.1.13 PERSONNEL AND FINANCES

All personnel of the Municipal Court shall be employed or provided by the Village, and appropriations for the Court shall be controlled and budgeted for in the same manner as any other Village department.

Ordinance and State Law References regarding Chapter 11, Article 1 (f/k/a Chapter 18):

Ordinance #11, adopted August 2, 1961;

Ordinance #23, approved November 1, 1972, amending Ordinance No. 11;

Ordinance #62, effective date July 1, 1985 (replacing ORD #11);

Ordinance #63 effective September 27, 1985;

Ordinance #134, enacted Feb. 14, 1996, codifying Ordinances 62 and 63 as Chapter 18, with modifications.

Ordinance #254, adopted August 8, 2016

Rules of Procedure for the Municipal Courts SCRA 1986, Rules 8-101, *et seq.*;

Service of Summons SCRA 1986, Rule 8-204;

Rules Governing Judicial Education, SCRA 1986, Rule 25-101, *et seq.*;

Citation in Lieu of Arrest Without a Warrant: § 31-1-6 NMSA 1978;

Municipal Courts § 35-14-1, *et seq.*, NMSA 1978;

Violations of Municipal Ordinances § 35-15-1, *et seq.*, NMSA 1978.



8. OLD BUSINESS

B. DISCUSSION AND APPROVAL OF AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 7 CRIMINAL CODE, ARTICLE 2 ANIMAL CONTROL, SECTION 7 ENFORCEMENT AND PENALTIES §7.2.7.

Village of Los Ranchos de Albuquerque

Board of Trustees

Meeting Date: August 10, 2016

Title: DISCUSSION AND APPROVAL TO ADVERTISE AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 7 CRIMINAL CODE, ARTICLE 2 ANIMAL CONTROL, SECTION 7 ENFORCEMENT AND PENALTIES §7.2.7.

Action: Discussion and Approval

Summary:

At the June 8 BOT meeting, the Board adopted changes to the animal control ordinance. Section 7.2.7 includes a provision regarding penalty assessments that may be viewed, inadvertently, as coercive. The recommendation of the staff is that the provision be removed. We do not foresee adverse impact to the enforcement and application of the ordinance. This action will eliminate any argument that the Village biased its ordinance.

It has been properly advertised and was available for public review. As of August 5, 2016 no comments have been received.

Staff recommends approval.

**VILLAGE OF LOS RANCHOS DE ALBUQUERQUE
ORDINANCE NO. 255**

AN ORDINANCE AMENDING CHAPTER 7, ARTICLE 2, ANIMAL CONTROL, SECTION 7, ENFORCEMENT AND PENALTIES, OF THE CODIFIED ORDINANCES.

NOW, THEREFORE, be it ordained by the governing body of the Village of Los Ranchos de Albuquerque that Chapter 7, Article 2, Animal Control, Section 7, Enforcement and Penalties is amended as follows:

Section 7.2.7 is hereby amended so as to delete §7.2.7 (A)(1)(b), "If the Animal Control Officer contacts the owner of the animal before transporting the animal to the shelter pursuant to § 7.2.3(A), and the owner accepts the penalty assessment, the owner shall have the animal released to his immediate custody."

SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or part hereof is for any reason declared unconstitutional or invalid, the validity of the remaining portions hereof shall not be affected since it is the expressed intent of the Board of Trustees to pass each section, subsection, paragraph, clause, phrase and every part thereof separately and independently of every other part.

EFFECTIVE DATE, REPEAL, AND PUBLICATION. This Ordinance shall take effect and be in full force five (5) days after publication of this Ordinance.

COMPILING CLAUSE. This Ordinance shall be incorporated and compiled as part of the codified ordinances of the Village of Los Ranchos de Albuquerque.

APPROVED AND ADOPTED by the Governing Body of the Village of Los Ranchos de Albuquerque this 10th day of August, 2016.

Larry P. Abraham, Mayor

ATTEST:

Stephanie Dominguez, Village Clerk

Ad Proof/Order Confirmation

Customer Account

158 01 176

Ad Order Number

0001299891

VILL OF LOS RANCHOS
ATTN: KELLY WARD ADM
6718 RIO GRANDE BLVD NW
ALBUQUERQUE NM 87107 USA

Ordered By Stephanie

Customer Phone 5053446582

Joint Ad #

Customer Email

PO Number 00253

Ad Cost \$18.90

Sales Rep eaustin

Tax Amount \$1.38

Order Taker cwhite

Total Amount \$20.28

Payment Method Credit Card

Amount Due \$20.28

Payment Amount \$0.00

Affidavits 0

Pick Up

Product Albuquerque Journal

Placement

Legal Notices

Ad Number 0001299891-01

Classification

Government

Ad Type APC-Legals

Sort Text

VILLAGEOFLOS RANCHOSPUE

Ad Size 1 X 30 li

Color

Run Date

07/19/2016

07/19/2016

WYSIWYG Content

VILLAGE OF LOS RANCHOS
PUBLIC NOTICE
ORDINANCE NO. __

NOTICE IS HEREBY GIVEN THAT ON WEDNESDAY, AUGUST 10, 2016, AT 7:00 P.M. AT THE WARREN J. GRAY VILLAGE HALL, LOCATED AT 6718 RIO GRANDE BLVD NW, LOS RANCHOS, NM, THE GOVERNING BODY WILL CONSIDER FOR ADOPTION AN AMENDMENT TO THE 2013 CODIFIED ORDINANCES OF THE VILLAGE OF LOS RANCHOS DE ALBUQUERQUE CHAPTER 7 CRIMINAL CODE, ARTICLE 2 ANIMAL CONTROL, SECTION 7 ENFORCEMENT AND PENALTIES §7.2.7.

The ordinance is available for review, and copies may be purchased at the Village Hall or may viewed on the Village web site: www.losranchosnm.gov.

/s/Stephanie Dominguez
Village Clerk
Journal: July 19, 2016

ARTICLE 2. ANIMAL CONTROL

SECTION 1.	In General
SECTION 2.	Administration
SECTION 3.	Animal Control Impoundment Procedures
SECTION 4.	Permits Required
SECTION 5.	Owners' Duties and Prohibited Activities
SECTION 6.	Wild Animals; Canine Hybrids
SECTION 7.	Enforcement and Penalties

§ 7.2.1 IN GENERAL

(A) SHORT TITLE AND LEGISLATIVE INTENT.

(1) This Article shall be known and may be cited as the "Village of Los Ranchos Animal Control Ordinance."

(2) It is the intent of the Board of Trustees that enactment of this Article will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the Animal Control Officer's functions of housing, enforcement and recovery. It is the intent of the Board of Trustees to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this Article.

NOTE: All definitions are italicized in the body of the ordinance for clarity.

(B) **DEFINITIONS.** For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.

Adequate food means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each animal in good health; is easily accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate living area means adequate space for exercise suitable to the age, size, species and breed of animal and includes adequate shelter and shade independent of shelter.

Adequate shelter means provision of and access to shelter that is suitable for species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species. Shelter for companion animals shall consist of the following:

(1) Inside the residence of the animal's owner.

(2) A shelter that is an enclosed structure of appropriate dimensions for the breed and size of the animal, consisting of four sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.



(3) A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the animal.

Adequate space to prevent overcrowding includes but is not limited to sufficient space to allow animals restrained together to be able to move freely, turn around and lie down without having to come into contact with another animal or the sides of the enclosure.

Adequate space for exercise for confined animals shall include but not be limited to provision within the adequate living area of space that enables the animal to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species or with toys without hitting him/herself against the top of the enclosure.

Adequate water means constant access to a supply of unfrozen, potable water, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

Animal means any vertebrate member of the animal kingdom except humans.

Animal Control means the staff, facility, programs, shelter, lot, premises, and buildings maintained and/or contracted by the Village for the implementation of the control and care of animals.

Animal Control Officer means the Village Animal Control Officer or supervisor or his or her designated representative(s).

Animal fighting paraphernalia means equipment that any reasonable person would ascertain is used for animal fighting purposes which includes, but is not limited to:

(1) instruments designed to be attached to the leg of a bird, such as boxing gloves, knife, gaff, or other sharp instrument;

(2) items to train and condition animals to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and;

(3) the presence of any animal that appears to be a fighting animal alone or together with animals suspected of being used as bait animals including but not limited to rabbits, cats, and other dogs.

Bait animal is an animal used to train and/or condition other animals to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other animals used or trained to be used in fighting or to make the attacking animal more confident and aggressive.

Bite means an actual puncture or tear of the skin inflicted by the teeth of an animal.

Bona fide animal show includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking.

Breeder means a person who keeps, maintains or harbors any intact companion animal for the purposes of breeding.

Breeding means permitting, either intentionally or unintentionally, any animal to produce offspring.

Canine hybrid means:

(1) Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or



(2) An animal represented by its owner to an Animal Control Officer, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or

(3) Any animal which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

Companion animal means, but is not limited to, dogs, cats, ferrets, guinea pigs, domestic rabbits, and pot-bellied pigs.

Confinement means detainment or isolation of an animal.

Dangerous animal means any of the following:

(1) An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or

(2) An animal which, when unprovoked, injures a person or another animal in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or

(3) An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

Designee or designated representative means the Animal Control Officer or other appropriate staff.

Enclosed means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within. Establishment means a place of business together with its grounds and equipment.

Grooming parlor means an establishment or part thereof maintained for the purposes of performing cosmetological services for animals.

Guard dog means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard livestock.

Household means the collection of individuals, related or not, who reside at one street address.

Kennel means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained.

Kennel area is a secure space within which an animal is housed that is of sufficient height and strength to contain the animal within and provide sufficient room for the animal to comfortably move around within the structure.

Licensed veterinarian means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

Livestock means horses, cattle, pigs, sheep, goats, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities defined by the Animal Control Officer as agricultural.

Multiple animal site means any property where the number of dogs or cats owned, harbored or kept exceeds the number of animals allowed in § 7.2.5 (B) of this Article and are not otherwise included within the definition of professional animal site or shelter site.

Owner/responsible party means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his or her care, or permits an animal to remain on or about the premises owned or controlled by him or her.

Person means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.



Pet shop means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, except the term shall not apply to premises used exclusively for the sale of livestock.

Potable water means water that can be consumed without concern for adverse health effects.

Premises means a parcel of land and the structures thereon.

Professional animal site means any kennel, grooming parlor, or pet shops, with the exception of sites solely dedicated to livestock, state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

Qualified assistance animal means:

- (1) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or
- (2) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990; or
- (3) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

Quarantine means detention and isolation of an animal in order to observe for rabies.

Rabbit as used in this Article may be either a companion animal or livestock.

Research facility means any school, institution, organization or person as defined in the Animal Welfare Act of 1970, 7 U.S.C. § 2132, and recognized as exempted from the anticruelty provisions contained in NMSA 1978, § 30-18-1.

Shade independent of shelter includes, but is not limited to, trees, shrubs, bushes, patios, awnings or other natural or manmade structures that permit animals to be sheltered from direct sunlight in a manner that provides adequate space to prevent overcrowding.

Shelter facility means a non-profit animal facility operated for the purpose of bringing aid and comfort to a number of dogs or cats that exceeds the number of animals allowed in § 7.2.5 (B) of this Article.

Shelter site means a non-profit facility operated for the purpose of bringing aid or comfort to a number of dogs or cats that exceeds the number of animals allowed in § 7.2.5 (B) of this Article.

Show animal means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the Animal Control Officer, and which is involved in bona fide animal shows.

Sterilized means to be rendered permanently incapable of reproduction.

Stray means an animal found running at large.

To run or running at large means any animal free from physical restraint beyond the boundaries of the owner's premises.

Vaccination means protection provided against rabies by inoculation with a vaccine as required by NMSA 1978, § 77-1-3.

Vicious animal means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.

Village means the area within the jurisdictional boundaries of the Village of Los Ranchos de Albuquerque, including privately owned land, excluding the area within the



limits of any incorporated municipality or within the jurisdiction of the United States government or the State of New Mexico.

§ 7.2.2 ADMINISTRATION

(A) RULES AND REGULATIONS. Reasonable rules and regulations may be prescribed by the Board of Trustees to carry out the intent and purpose of this Article, pursuant to standards created by this Article. The Board of Trustees may delegate its powers to the Animal Control Officer as it may deem expedient. An Animal Control officer shall carry appropriate identification. Identification is to be surrendered to the Village upon cessation of employment.

(B) PROCEDURES AND COMPLAINTS. A complaint alleging any violation of this Article may be filed with the Animal Control Officer by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The Animal Control Officer may require the complainant to provide his name and address and swear to and affirm the complaint. It is unlawful for any person to intentionally make a report to the Animal Control Officer, which that person knows to be false at the time of making it, alleging a violation by another person of any violation of the Village of Los Ranchos Animal Control Ordinance.

(C) PROCEDURES FOR ANIMAL CONTROL OFFICER.

(1) The Animal Control Officer shall have the authority, and is directed to investigate upon probable cause, any alleged violation of this Article or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals.

(2) Animal Control Officer is authorized to inspect premises as necessary to perform his/her duties. If the owner or occupant of the premises objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.

(3) Whenever the Animal Control Officer has probable cause to believe that a person has violated this Article, the Animal Control Officer may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. The citation shall contain the name, address, date of birth and telephone number, if known, of the person violating this Article, the driver's license number of such violator, if known, the code section allegedly violated, and the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance. The Animal Control Officer shall present the citation to the person he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The Animal Control Officer shall deliver a copy of the citation to the person promising to appear.

(4) If the alleged violator refuses to give his written promise to appear, the Animal Control Officer shall prepare a criminal complaint with the Village of Los Ranchos Municipal Court.

(D) FEES FOR PERMITS. Fees for permits required pursuant to this Article shall be established and adopted through resolution by the Board of Trustees.

§ 7.2.3 ANIMAL CONTROL IMPOUNDMENT PROCEDURES

(A) IMPOUNDING ANIMALS.



(1) An Animal Control Officer may take up and impound in any Shelter Facility or Shelter Site a stray or any animal kept or maintained contrary to the requirements of this Article.

(a) The animal may be confined in accordance with the facilities regulations.

(b) The owner/responsible party shall be responsible for all impound fees, boarding fees, and other costs whether or not the animal is reclaimed.

(c) An unsterilized animal reclaimed by its owner shall be released without being sterilized upon payment of a \$75.00 intact fee for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the animal within 30 days after release or will obtain a breeder permit, intact permit, or its equivalent.

(d) Any stray which is not reclaimed or adopted may be humanely destroyed in accordance with the impound facility's regulations.

(2) An Animal Control Officer may take up and impound in any designated Animal Control Facility a stray or any livestock kept or maintained contrary to the requirements of this Article.

(a) The owner/responsible party shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.

(b) The Animal Control Officer may require inspection of enclosures for livestock and the living conditions of animals kept outdoors prior to reclaim.

(3) The Animal Control Officer shall maintain, for a reasonable period of time or as required by statute, a record of all animals impounded. At least the following information shall be included:

(a) A complete description of the animal;

(b) The manner and date of its acquisition;

(c) The date, manner, and place of impoundment;

(d) The impoundment number.

(4) Owners requesting removal of an animal shall be required to sign an owner's release at the time of impoundment.

(5) If a stray animal is not wearing a current rabies tag and is deemed critically injured or critically ill an Animal Control Officer may deliver the animal to a licensed veterinarian for euthanization. A report must be filed by the Animal Control Officer.

(6) Whenever the Animal Control Officer finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the Animal Control Officer may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the impound facility. If the animal is unclaimed at the end of the protective custody period, the animal may be humanely destroyed or otherwise disposed of by the impound facility.

(B) SEIZURE OF ANIMALS, EXCLUDING LIVESTOCK.

(1) A peace officer or Animal Control Officer who reasonably believes that the life or health of an animal is endangered due to violation of any provision in this Article may apply to the district court or the municipal court for a warrant to seize the animal(s).

(2) If the court finds probable cause that the animal's life or health is endangered as a result of the violation of any provision of this Article, the court shall issue a warrant for the seizure of the animal. The court shall also schedule a hearing on



the matter as expeditiously as possible within 30 days unless the Village demonstrates good cause for a later time.

(3) Written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

(4) If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.

(C) SEIZURE OF LIVESTOCK.

(1) A peace officer or Animal Control Officer who reasonably believes that the life or health of livestock is endangered because of the violation of any provision in this Article may apply to district court or municipal court for a warrant to seize the allegedly endangered livestock.

(2) On a showing of probable cause to believe that the life and health of livestock is endangered as a result of the violations of any provision of this Article, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within 30 days unless the Village demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those livestock allegedly being kept in a manner that their life or health is endangered. The Animal Control Officer shall establish procedures for preserving evidence of violations of this Article.

(3) The court executing the warrant shall notify the Animal Control Officer, have the livestock impounded, and give written notice to the owner of the livestock of the time and place of the court hearing.

(4) After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the livestock by violating any provision contained in the Article, the court shall order the impoundment of the livestock until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this Article, the court shall order the livestock returned to the owner.

(D) RETENTION OF STRAYS OR OWNER-SURRENDERED ANIMALS.

(1) No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than 24 hours without first reporting the possession of the animal to the Animal Control Officer.

(2) The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.

(3) No person having such an animal in his possession shall refuse to immediately surrender the animal to an Animal Control officer upon demand.

(4) Any stray animal identified by microchip or any other identification must be called into the Animal Control Officer.

§ 7.2.4 PERMITS REQUIRED

(A) GENERAL PROVISIONS.

(1) Valid permits are required to operate a multiple animal site, professional animal site, or shelter site, breed dogs or cats, have a litter of dogs and cats, possess a guard dog or possess an intact dog or cat that has been impounded as a stray. A person may obtain a permit under the following conditions:

(2) Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site and payment of an annual permit fee at the office of the Animal Control Officer. Failure



to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.

(3) Multiple animal sites, professional animal site and shelter site permits require a demonstration of a certification of zoning and land use from the Village of Los Ranchos Planning and Zoning Department.

(4) Upon presenting proper identification and with notice, an Animal Control Officer shall be allowed access to any multiple animal site, professional animal site or shelter site for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this Article, as well as for violation of other applicable laws, regulations, and ordinances.

(5) Permits must be posted in a conspicuous place on the permitted premises and are nontransferable.

(6) All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Village of Los Ranchos Business License Ordinance.

(B) SITE PERMIT REQUIREMENTS.

(1) Multiple animal sites, shelter sites and professional animal sites are required to meet all other provisions of the Village of Los Ranchos Animal Control Ordinance and the following standards: Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.

(2) The kennel area shall be kept clean and sanitary in a way that protects animals from disease and injury. Animals shall be protected from cleaning agents during cleaning. Provisions shall be made to remove animal and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this Article. Disposal shall be made so as to minimize vermin infestation, odors and the spread of disease.

(3) Kennel area buildings and fences shall be structurally sound and kept in good repair to keep animals clean and dry, protect them from injury, contain them and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state, county and Village regulations and kept in good repair.

(4) Fresh air in kennel area buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.

(5) Each animal shall be kept in compatible groups and have adequate space to prevent overcrowding. Kennel areas holding cats must contain an adequate number of litter boxes.

(6) All animals housed in the kennel area shall be provided with an adequate living area.

(7) Unsterilized female animals shall be segregated when in estrous except for breeding purposes.

(8) Each animal shall be observed daily by the person named on the permit or his/her designee. Any animal in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured animals shall be segregated from other animals based on veterinary recommendations to prevent disease spread or further injury.

(9) Insects, parasites and rodents shall be controlled.

(10) A valid rabies certificate signed by a licensed veterinarian shall be present for each dog and cat housed at the kennel facility.



(11) Records of animal inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an Animal Control Officer.

(C) BREEDER PERMIT.

(1) No person shall keep, maintain or harbor any intact companion animal for the purposes of breeding without a breeder permit. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.

(2) A female dog or cat shall have no more than one litter in any consecutive 12-month period.

(3) Upon presenting identification and with notice an Animal Control Officer shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.

(D) LITTER PERMIT.

(1) The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a breeder permit is required to obtain a litter permit for each litter.

(2) Subsequent to the issuance of a litter permit, the permitted animal shall be sterilized within 120 days of the issuance of the litter permit.

(E) REQUIREMENTS FOR TRANSFER OF OWNERSHIP.

(1) No person shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or breeder permit number to any potential recipient upon request.

(2) Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or breeder permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this Article.

(F) INTACT ANIMAL PERMIT.

(1) Any person having a stray unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact animal permit or have the animal sterilized within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof of current rabies vaccination for the animal. The permit will be renewed annually until proof of sterilization has been provided to the Animal Control Officer.

(2) Any animal found running at large twice shall be sterilized within 30 days of the second offense.

(3) An intact animal permit is required to keep a dog or cat exempt from being sterilized as mandated by applicable law when released prior to impound from an animal shelter.

§ 7.2.5 OWNER'S DUTIES AND PROHIBITED ACTIVITIES

(A) ANIMALS BITING PERSONS.

(1) The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the Animal Control Officer within 24 hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer if the officer deems it necessary to impound said animal for a period of quarantine no less than ten days from the day of the bite.

(2) A physician who renders professional treatment to a person bitten by an animal shall report to the Animal Control Officer that he has rendered professional



treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall report the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the Animal Control Officer in ascertaining the immunization status of the animal.

(3) An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the Animal Control Officer. The owner of the animal shall bear the cost of confinement.

(4) If the owner is unwilling or unable to quarantine the animal, the Animal Control Officer may impound the animal into protective custody for the period of the quarantine and the owner shall pay all related costs of the impoundment prior to reclaiming the animal.

(5) The Animal Control Officer may consent to quarantine the animal on the owner's premises. The premises where the home quarantine is to occur shall be inspected and approved for such purpose by the Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the Animal Control Officer for such home quarantine.

(6) If the animal shows signs of sickness, abnormal behavior, or if the animal escapes quarantine, the person having custody of the animal shall immediately notify the Animal Control Officer. The person having custody of an animal that dies during the quarantine period shall notify the Animal Control Officer and surrender the carcass of the animal to an Animal Control Officer.

(7) It is unlawful to violate the conditions of quarantine. If an officer deems it necessary to impound an animal for quarantine for violation of the above conditions and/or severity of the bite, the owner cannot remove the animal from observation until the quarantine period is complete. The owner shall bear the cost of the impoundment.

(8) It is unlawful for a person to keep an animal reported to have bitten any person on two unprovoked separate incidents. The owner has a duty to destroy said animal humanely or surrender such an animal to the Animal Control Officer for proper humane euthanization.

(B) NUMBER OF ANIMALS ALLOWED. No person or household shall own, harbor or keep more than a combined total of six dogs, cats or any combination thereof over the age of three months without, a multiple animal site permit, or shelter permit.

(C) RESTRAINT OF ANIMALS. A person owning or having charge, custody, care, or control over a companion animal, shall keep the animal upon his or her own premises within a secure enclosed pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property. It shall be unlawful to tether a companion animal as a form of confinement.

(1) Fixed point tethering of any companion animal to stationary objects is permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another animal and only when the owner is immediately present.

(2) A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the person with the dog is capable of controlling the dog. All other animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must exercise immediate custody. This section does not apply when an animal is participating in a bona fide animal show authorized by the Village or appropriate authorities, nor when a dog is in an off-leash park or other designated off-leash area.

(D) VACCINATIONS.



(1) It is the duty of any person(s) owning or keeping a dog, cat, or domestic ferret over the age of three months to have the animal vaccinated against rabies as prescribed by NMSA 1978, § 77-1-3 as amended. The Animal Control Officer may require that other animals have annual rabies vaccines.

(2) The veterinarian administering anti-rabies vaccines to any animal shall issue the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of vaccination, and the date immunity expires and the microchip number.

(3) It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the Animal Control Officer.

(E) ABANDONMENT. It is unlawful for a person to abandon an animal.

Abandonment does not apply to the trap, neuter and return (TNR) of feral cats. A person or organization managing un-owned cats by trap, neuter and return is not deemed the owner, harbinger, keeper, holder or possessor of such cats.

(F) ADMISSION OF QUALIFIED ASSISTANCE ANIMALS TO PUBLIC PLACES. Notwithstanding any other provision of law, a qualified assistance animal shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the qualified assistance animal is under the control of a person with a disability or a trainer of assistance animals. No person shall be required to pay any additional charges for his qualified assistance animal, but shall be liable for any damage done by his qualified assistance animal.

(G) ANIMALS DISTURBING THE PEACE.

(1) It is unlawful for a person to allow an animal to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the Village.

(2) It is unlawful to keep or maintain an animal in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(H) ANIMALS KILLING OR INJURING LIVESTOCK OR PROTECTED WILDLIFE.

(1) It is unlawful for a person to keep an animal known to have killed or injured livestock or protected wildlife. The owner has a duty to destroy said animal humanely or surrender such an animal to the Animal Control Officer for proper humane euthanization upon the order of the court.

(2) An owner of livestock shall have the right to kill an animal that has injured or killed livestock or protected wildlife while it is upon property controlled by the owner of the livestock.

(I) ANIMAL POISONING.

(1) It is unlawful for a person to make accessible to any animal, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.

(2) This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(J) ANIMALS RUNNING AT LARGE.



(1) It is unlawful for a person to allow or permit any animal to run at large in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the Village, or private property without the permission of the property owner.

(2) An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded. An Animal Control Officer may go upon private property in pursuit of an animal which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An officer may not enter a private building or residence in pursuit of an animal.

(3) A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.

(4) It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any animal to run at large upon the common areas of the multiple dwelling unit.

(K) INJURY TO ANIMALS BY MOTORISTS. Every operator of a motor or self-propelled vehicle upon the streets and ways of the Village shall immediately upon injuring, striking, maiming or running down any animal provide immediate notification to the Animal Control Officer, furnishing sufficient facts relative to the incident. Such animal shall be deemed an uncared for animal within the meaning of § 7.2.3(A)(5) of this Article. Emergency vehicles are excluded from this provision.

(L) ANIMAL WASTE. It is unlawful to permit a companion animal to defecate on public or private property other than the property of the owner of the animal unless such animal waste is immediately removed and properly disposed of by the person having custody of the animal.

(M) BREAKING INTO ANIMAL CONTROL FACILITIES OR VEHICLES. It is unlawful for a person to break into any animal center, facility, or vehicle wherein animals are impounded, or to in any manner remove or assist in the removal of any animal or equipment from such.

(N) CARE AND MAINTENANCE (COMPANION ANIMALS). Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

(1) Each animal shall be supplied adequate food, adequate water accessible and adequate space to prevent overcrowding.

(2) All animals are to be provided adequate living area and adequate space to prevent overcrowding and sufficient space for adequate exercise. All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(3) No animal shall be left unattended for more than 24 hours.

(4) No condition shall be maintained or permitted that is, or could be injurious to the animal.

(5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the animal from adverse weather conditions. An animal shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No animal shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a licensed veterinarian.

(6) The owner or custodian shall provide regular basic, necessary, and emergency professional veterinary care when needed. The owner or custodian shall take



an animal to a licensed veterinarian within a time frame indicated for an examination and adhere to recommended treatment if the Animal Control Officer or his agent finds this is necessary in order to maintain the health of the animal, and so orders.

(7) All animals kept outdoors shall be provided with adequate shelter, accessible at all times, to the animal.

(O) CARE AND MAINTENANCE (LIVESTOCK). Every person who owns or who has charge, care or custody of an animal defined under the Article as livestock shall comply with each of the following requirements:

(1) Each animal shall be supplied an adequate living area, adequate food, adequate water accessible and adequate space to prevent overcrowding.

(2) All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(3) No animal shall be without attention for more than 24 hours.

(4) No condition shall be maintained or permitted that is, or could be injurious to the animal.

(5) The owner/responsible party shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an animal to a licensed veterinarian within the time frame indicated for an examination and adhere to recommended treatment if the Animal Control Officer or his agent finds this is necessary in order to maintain the health of the animal, and so orders.

(P) CONFINEMENT OF FEMALE DOGS OR CATS IN MATING SEASON.

(1) A person in control of a female dog or cat in mating season shall confine such dog or cat so as to prevent other dogs or cats from attacking or being attracted to such female animal, except for intentional breeding purposes.

(2) It shall be unlawful to maintain a female dog or cat in mating season in any manner that creates a public nuisance.

(Q) CRUELTY TO ANIMALS.

(1) It is unlawful for a person to recklessly, willfully, negligently or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous or trespassing animals.

(2) It is unlawful for a person to fail to provide necessary sustenance, fail to provide necessary basic or emergency medical care, maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's well-being. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

(R) FIGHTS.

(1) It is unlawful for a person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

(a) It is unlawful for any person to sell, receive, possess, transport, loan, or give away any animal fighting paraphernalia.

(b) It is unlawful for any person to raise, train, condition, sell, receive, possess, transport, loan, or give away animals for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of the Village.

(c) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.



(2) Nothing in this section shall prohibit a person from engaging in legal hunting practices as allowed by state wildlife authorities.

(S) FOWL; IMPOUNDING OR CRATING. It is unlawful for a person to confine any wild or domestic fowl or birds unless provisions are made by such person for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours. No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(T) HOBBLING.

(1) It is unlawful for any person to hobble, tether, or stake livestock or other animals by any means which may cause injury or damage to said animal.

(2) It is unlawful for any person to hobble, tether, or stake livestock or other animals so that they become entangled or are prevented access to any and all care and maintenance items required by § 7.2-8(R) of this Article.

(U) INTERFERENCE WITH THE ANIMAL CONTROL OFFICER IN THE PERFORMANCE OF HIS DUTIES.

(1) No person shall attack, assault or in any way threaten or interfere with the Animal Control Officer in the performance of the duties required by this Article.

(2) No person shall conceal one's true name or identity or disguise oneself with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an Animal Control officer in the legal performance of his or her duties.

(3) No person shall interfere with or tamper with any equipment used by Animal Control Officers, including release of animals contained in such equipment.

(4) No person shall engage in conduct that would agitate, obstruct, oppose, or distract an Animal Control Officer in the legal performance of his or her duties.

(V) KEEPING A SERIOUSLY SICK OR INJURED ANIMAL.

(1) It is unlawful for a person to have, keep or harbor an animal which is seriously sick or injured, including starvation, without providing proper veterinary care.

(2) The Animal Control Officer may require the owner to provide a letter of health evaluation from a licensed veterinarian describing the condition of the animal and the treatment provided. The Animal Control Officer may utilize a standard body scoring system to evaluate the condition of an animal.

(3) In the absence of proper veterinary care, the Animal Control Officer may impound such a seriously sick or injured animal in accordance with the provisions of this Article.

(4) Any such animal impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(W) SALE AND DISPLAY OF ANIMALS.

(1) A person shall only sell, offer for sale, barter, give away or otherwise dispose of an animal at the physical address listed on the appropriate permit issued by the Animal Control Officer. No permit shall be required for any livestock sold for use as food.

(2) No person shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.

(3) No person shall offer an animal as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.

(4) Animal exhibits.

(a) No person shall operate, conduct, or maintain a permanent or temporary commercial animal show, circus, animal exhibition, animal ride,



petting zoo or carnival without first having obtained a permit from the Animal Control Officer. Conditions for permit approval include provisions for the humane care and treatment of the animals and the protection of public safety. Permits shall not be issued upon verification that the applicant has been convicted of charges of animal cruelty, abuse, or neglect, or has violated the Federal Animal Welfare Act.

(b) No person shall operate, conduct or maintain any animal exhibit under conditions that pose a danger to the public or the animals. Specific requirements shall be available upon request to the Animal Control Officer.

(c) The following are exempt from the requirements of this section:

- (i) Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit.
- (ii) Events sponsored by a municipal zoo or aquarium facility.
- (iii) Competitive sporting events.

(d) Persons involved in these exempt activities shall comply with all other applicable sections of this Article.

(5) Sale of live companion animals at pet shops is prohibited unless the pet shop has an approved professional animal site permit. Sale of cats or dogs in pet shops is prohibited.

(6) The sale of rabbits for purposes other than as a companion animal, which are not otherwise prohibited under this Article, is allowed.

(X) STERILIZATION AGREEMENTS/CONTRACTS. It shall be unlawful for a person to possess any unsterilized animal when such animal is required to be sterilized under the terms of any applicable sterilization agreement or contract.

(Y) UNLAWFUL USE OF RABIES TAG. It is unlawful for any person to remove or transfer any rabies tag from one animal to another. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing or permitting required under this Article.

(Z) VICIOUS OR DANGEROUS ANIMALS.

(1) It is unlawful for any person to keep or harbor a vicious animal. When an Animal Control Officer has probable cause to believe that an animal is vicious, the Animal Control Officer may take up and impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Article, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such vicious animal to destroy it humanely or turn such animal over to the Animal Control Officer for destruction.

(2) It shall be unlawful to maintain a dangerous animal in a manner which constitutes a threat to any person or other animal. When an Animal Control Officer has probable cause to believe that an animal is dangerous, the officer may take up or impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal, other than a dog, is dangerous, the court having jurisdiction over the enforcement of this Article shall, in addition to any fine or imprisonment imposed for a violation of this section, order appropriate conditions for registration, confinement, and handling of such dangerous animal by the owner. Any violation of the registration, confinement or handling of such animal by the owner as set by the Court may result in the immediate impoundment and humane destruction of such dangerous animal by the Animal Control Officer.

(3) The owner of any dog that is deemed dangerous by court determination or by admission of the owner shall register the dog as a dangerous animal with Animal Control.



The owner of such dangerous dog shall further comply with all of the registration and handling requirements as listed in NMSA 1978 § 77-1A-5(A) and 5(C). The Animal Control Officer shall also comply with §77-1A-5(D) in the event that the owner of such dangerous dog fails to comply with all registration, confinement, or handling requirements contained in such sections.

§ 7.2.6 WILD ANIMALS; CANINE HYBRIDS

(A) WILD ANIMALS.

(1) It shall be unlawful for a person to own, harbor, keep or exhibit on any private or public property in the Village any wild animal of a species that in its natural life is dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others, and include:

(a) Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.

(b) Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.

(c) All bears (ursidae), including grizzly bears, black bears, brown bears, etc.

(d) Raccoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.

(e) Primates (hominidae), including all non-human great apes other than qualified service animals.

(f) Skunks.

(g) Bats.

(h) Non-indigenous poisonous snakes.

(i) Alligators, crocodiles, caimans, or poisonous lizards.

(j) Venomous fish and piranha.

(k) Elephants (elephantidae).

(2) This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals or organizations holding a State of New Mexico regulated permit or a federally regulated permit.

(B) CANINE HYBRIDS.

(1) No person shall purchase, sell, offer for sale, or advertise for sale any animal that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.

(2) No person shall possess a canine hybrid without a valid canine hybrid permit. A person may apply for such a permit under the following conditions:

(a) Submission of a permit application.

(b) Submission of written proof from a licensed veterinarian that all animals over the age of six months for which a permit is requested have been spayed or neutered.

(c) All owners of permitted property shall grant reasonable access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the Animal Control Officer shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this Article, as well as for violation of other applicable laws, regulations, and ordinances.

(d) Payment of the annual permit fee.

(3) A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all animals to the property of the owner. An Animal Control Officer shall determine the adequacy of the enclosure.



A minimum livable area of 400 square feet must be provided for up to two canine hybrids, with an additional 100 square feet per animal for each additional hybrid. An exception to this subpart may be granted if the animal owner submits a written plan of adequate housing and exercise to the Animal Control Officer and such plan is approved by the Department.

(4) A canine hybrid permit will not be issued for the ownership of more than four canine hybrids.

(5) Each canine hybrid must be microchipped and wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's premises. While off of the owner's premises the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a person physically capable of controlling and restraining the animal.

(6) Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this Article.

§ 7.2.7 ENFORCEMENT AND PENALTIES

(A) **PENALTY ASSESSMENT MISDEMEANORS.** Any violation of this Article shall be a penalty assessment misdemeanor. For a first or second offense within any 12 month period for violations of § 7.2.4, § 7.2.5 (B), (C), (D), (F), (G), (I), (K,)(L), (N), (O), (P), (S) or (W), the Animal Control Officer shall offer the alleged violator the option of acknowledging guilt of the offense, foregoing a court hearing, and accepting a penalty assessment as established by resolution of the Board for the first or second offense, or of having the matter set for a court hearing. However, the offer of a penalty assessment in lieu of a court hearing for each additional offense that occurs within one year of the first offense shall be twice the prior penalty assessment.

(1) ACCEPTANCE OF PENALTY ASSESSMENT.

(a) If the alleged violator accepts the penalty assessment, his signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

~~(b) If the Animal Control Officer contacts the owner of the animal before transporting the animal to the shelter pursuant to § 7.2.3(A), and the owner accepts the penalty assessment, the owner shall have the animal released to his immediate custody.~~

~~(c)~~ (b) Payments of penalty assessments must be received in the Village Office within thirty (30) days from the date of citation. If the violation was under § 7.2.5(D) of this Article, payment must be accompanied by proof of rabies vaccination.

(2) REJECTION OF PENALTY ASSESSMENT.

(a) An alleged violator who chooses a court hearing shall be served with a citation requiring him to appear before the Municipal Court at a date and time stated in the citation. The citation may be served by mail or in person.

(b) The court shall have discretion to impose any penalties up to the maximum permitted by state law upon an alleged violator who chooses a court hearing and is convicted of the offense charged.

(B) **APPEARANCE.** Any person charged with any violation of any section other than those specified in § 7.2.7(A) of this Article shall be served with a citation requiring the alleged violator to appear before the Municipal Court at a date and time stated in the citation. The citation may be served by mail or in person. Each day such violation is committed or



permitted to continue shall constitute a separate offense and shall be punishable as such under this Article.

(C) MAXIMUM PENALTY. The maximum combined sentence of imprisonment that may be imposed for all offenses shall not be greater than one hundred seventy-nine (179) days and the combined maximum fine shall not exceed five hundred dollars (\$500.00).

(D) MINIMUM FINES. Minimum fines may be established by resolution of the Board of Trustees.

Ordinance and State Law References regarding Chapter 7, Article 2 (f/k/a Chapter 3):

Ordinance #105, July 22, 1992;

Ordinance #253, June 8, 2016;

Animals § 3-18-3 NMSA 1978;

Dogs §§ 77-1-12, 77-1-13 NMSA 1978;

Municipal Court Search Warrants SCRA Rule 8-207;

Maximum Penalty for violation of ordinances: § 3-17-1 (C)(1) NMSA 1978.

General authority relative to animals, NMSA 1978, §§ 4-37-1, 3-18-3; animals generally, NMSA 1978, § 77-1-1, et seq



ARTICLE 2. ANIMAL CONTROL

SECTION 1.	In General
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SECTION 4.	Permits Required
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SECTION 6.	Wild Animals; Canine Hybrids
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§ 7.2.1 IN GENERAL

(A) SHORT TITLE AND LEGISLATIVE INTENT.

(1) This Article shall be known and may be cited as the "Village of Los Ranchos Animal Control Ordinance."

(2) It is the intent of the Board of Trustees that enactment of this Article will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the Animal Control Officer's functions of housing, enforcement and recovery. It is the intent of the Board of Trustees to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this Article.

NOTE: All definitions are italicized in the body of the ordinance for clarity.

(B) DEFINITIONS. For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.

Adequate food means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each animal in good health; is easily accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate living area means adequate space for exercise suitable to the age, size, species and breed of animal and includes adequate shelter and shade independent of shelter.

Adequate shelter means provision of and access to shelter that is suitable for species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species. Shelter for companion animals shall consist of the following:

(1) Inside the residence of the animal's owner.

(2) A shelter that is an enclosed structure of appropriate dimensions for the breed and size of the animal, consisting of four sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.



(3) A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the animal.

Adequate space to prevent overcrowding includes but is not limited to sufficient space to allow animals restrained together to be able to move freely, turn around and lie down without having to come into contact with another animal or the sides of the enclosure.

Adequate space for exercise for confined animals shall include but not be limited to provision within the adequate living area of space that enables the animal to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species or with toys without hitting him/herself against the top of the enclosure.

Adequate water means constant access to a supply of unfrozen, potable water, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

Animal means any vertebrate member of the animal kingdom except humans.

Animal Control means the staff, facility, programs, shelter, lot, premises, and buildings maintained and/or contracted by the Village for the implementation of the control and care of animals.

Animal Control Officer means the Village Animal Control Officer or supervisor or his or her designated representative(s).

Animal fighting paraphernalia means equipment that any reasonable person would ascertain is used for animal fighting purposes which includes, but is not limited to:

(1) instruments designed to be attached to the leg of a bird, such as boxing gloves, knife, gaff, or other sharp instrument;

(2) items to train and condition animals to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and;

(3) the presence of any animal that appears to be a fighting animal alone or together with animals suspected of being used as bait animals including but not limited to rabbits, cats, and other dogs.

Bait animal is an animal used to train and/or condition other animals to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other animals used or trained to be used in fighting or to make the attacking animal more confident and aggressive.

Bite means an actual puncture or tear of the skin inflicted by the teeth of an animal.

Bona fide animal show includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking.

Breeder means a person who keeps, maintains or harbors any intact companion animal for the purposes of breeding.

Breeding means permitting, either intentionally or unintentionally, any animal to produce offspring.

Canine hybrid means:

(1) Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or



(2) An animal represented by its owner to an Animal Control Officer, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or

(3) Any animal which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

Companion animal means, but is not limited to, dogs, cats, ferrets, guinea pigs, domestic rabbits, and pot-bellied pigs.

Confinement means detainment or isolation of an animal.

Dangerous animal means any of the following:

(1) An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or

(2) An animal which, when unprovoked, injures a person or another animal in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or

(3) An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

Designee or designated representative means the Animal Control Officer or other appropriate staff.

Enclosed means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within. Establishment means a place of business together with its grounds and equipment.

Grooming parlor means an establishment or part thereof maintained for the purposes of performing cosmetological services for animals.

Guard dog means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard livestock.

Household means the collection of individuals, related or not, who reside at one street address.

Kennel means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained.

Kennel area is a secure space within which an animal is housed that is of sufficient height and strength to contain the animal within and provide sufficient room for the animal to comfortably move around within the structure.

Licensed veterinarian means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

Livestock means horses, cattle, pigs, sheep, goats, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities defined by the Animal Control Officer as agricultural.

Multiple animal site means any property where the number of dogs or cats owned, harbored or kept exceeds the number of animals allowed in § 7.2.5 (B) of this Article and are not otherwise included within the definition of professional animal site or shelter site.

Owner/responsible party means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his or her care, or permits an animal to remain on or about the premises owned or controlled by him or her.

Person means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.



Pet shop means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, except the term shall not apply to premises used exclusively for the sale of livestock.

Potable water means water that can be consumed without concern for adverse health effects.

Premises means a parcel of land and the structures thereon.

Professional animal site means any kennel, grooming parlor, or pet shops, with the exception of sites solely dedicated to livestock, state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

Qualified assistance animal means:

- (1) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or
- (2) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990; or
- (3) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

Quarantine means detention and isolation of an animal in order to observe for rabies.

Rabbit as used in this Article may be either a companion animal or livestock.

Research facility means any school, institution, organization or person as defined in the Animal Welfare Act of 1970, 7 U.S.C. § 2132, and recognized as exempted from the anticruelty provisions contained in NMSA 1978, § 30-18-1.

Shade independent of shelter includes, but is not limited to, trees, shrubs, bushes, patios, awnings or other natural or manmade structures that permit animals to be sheltered from direct sunlight in a manner that provides adequate space to prevent overcrowding.

Shelter facility means a non-profit animal facility operated for the purpose of bringing aid and comfort to a number of dogs or cats that exceeds the number of animals allowed in § 7.2.5 (B) of this Article.

Shelter site means a non-profit facility operated for the purpose of bringing aid or comfort to a number of dogs or cats that exceeds the number of animals allowed in § 7.2.5 (B) of this Article.

Show animal means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the Animal Control Officer, and which is involved in bona fide animal shows.

Sterilized means to be rendered permanently incapable of reproduction.

Stray means an animal found running at large.

To run or running at large means any animal free from physical restraint beyond the boundaries of the owner's premises.

Vaccination means protection provided against rabies by inoculation with a vaccine as required by NMSA 1978, § 77-1-3.

Vicious animal means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.

Village means the area within the jurisdictional boundaries of the Village of Los Ranchos de Albuquerque, including privately owned land, excluding the area within the



limits of any incorporated municipality or within the jurisdiction of the United States government or the State of New Mexico.

§ 7.2.2 ADMINISTRATION

(A) RULES AND REGULATIONS. Reasonable rules and regulations may be prescribed by the Board of Trustees to carry out the intent and purpose of this Article, pursuant to standards created by this Article. The Board of Trustees may delegate its powers to the Animal Control Officer as it may deem expedient. An Animal Control officer shall carry appropriate identification. Identification is to be surrendered to the Village upon cessation of employment.

(B) PROCEDURES AND COMPLAINTS. A complaint alleging any violation of this Article may be filed with the Animal Control Officer by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The Animal Control Officer may require the complainant to provide his name and address and swear to and affirm the complaint. It is unlawful for any person to intentionally make a report to the Animal Control Officer, which that person knows to be false at the time of making it, alleging a violation by another person of any violation of the Village of Los Ranchos Animal Control Ordinance.

(C) PROCEDURES FOR ANIMAL CONTROL OFFICER.

(1) The Animal Control Officer shall have the authority, and is directed to investigate upon probable cause, any alleged violation of this Article or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals.

(2) Animal Control Officer is authorized to inspect premises as necessary to perform his/her duties. If the owner or occupant of the premises objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.

(3) Whenever the Animal Control Officer has probable cause to believe that a person has violated this Article, the Animal Control Officer may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. The citation shall contain the name, address, date of birth and telephone number, if known, of the person violating this Article, the driver's license number of such violator, if known, the code section allegedly violated, and the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance. The Animal Control Officer shall present the citation to the person he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The Animal Control Officer shall deliver a copy of the citation to the person promising to appear.

(4) If the alleged violator refuses to give his written promise to appear, the Animal Control Officer shall prepare a criminal complaint with the Village of Los Ranchos Municipal Court.

(D) FEES FOR PERMITS. Fees for permits required pursuant to this Article shall be established and adopted through resolution by the Board of Trustees.

§ 7.2.3 ANIMAL CONTROL IMPOUNDMENT PROCEDURES

(A) IMPOUNDING ANIMALS.



(1) An Animal Control Officer may take up and impound in any Shelter Facility or Shelter Site a stray or any animal kept or maintained contrary to the requirements of this Article.

(a) The animal may be confined in accordance with the facilities regulations.

(b) The owner/responsible party shall be responsible for all impound fees, boarding fees, and other costs whether or not the animal is reclaimed.

(c) An unsterilized animal reclaimed by its owner shall be released without being sterilized upon payment of a \$75.00 intact fee for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the animal within 30 days after release or will obtain a breeder permit, intact permit, or its equivalent.

(d) Any stray which is not reclaimed or adopted may be humanely destroyed in accordance with the impound facility's regulations.

(2) An Animal Control Officer may take up and impound in any designated Animal Control Facility a stray or any livestock kept or maintained contrary to the requirements of this Article.

(a) The owner/responsible party shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.

(b) The Animal Control Officer may require inspection of enclosures for livestock and the living conditions of animals kept outdoors prior to reclaim.

(3) The Animal Control Officer shall maintain, for a reasonable period of time or as required by statute, a record of all animals impounded. At least the following information shall be included:

(a) A complete description of the animal;

(b) The manner and date of its acquisition;

(c) The date, manner, and place of impoundment;

(d) The impoundment number.

(4) Owners requesting removal of an animal shall be required to sign an owner's release at the time of impoundment.

(5) If a stray animal is not wearing a current rabies tag and is deemed critically injured or critically ill an Animal Control Officer may deliver the animal to a licensed veterinarian for euthanization. A report must be filed by the Animal Control Officer.

(6) Whenever the Animal Control Officer finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the Animal Control Officer may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the impound facility. If the animal is unclaimed at the end of the protective custody period, the animal may be humanely destroyed or otherwise disposed of by the impound facility.

(B) SEIZURE OF ANIMALS, EXCLUDING LIVESTOCK.

(1) A peace officer or Animal Control Officer who reasonably believes that the life or health of an animal is endangered due to violation of any provision in this Article may apply to the district court or the municipal court for a warrant to seize the animal(s).

(2) If the court finds probable cause that the animal's life or health is endangered as a result of the violation of any provision of this Article, the court shall issue a warrant for the seizure of the animal. The court shall also schedule a hearing on



the matter as expeditiously as possible within 30 days unless the Village demonstrates good cause for a later time.

(3) Written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

(4) If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.

(C) SEIZURE OF LIVESTOCK.

(1) A peace officer or Animal Control Officer who reasonably believes that the life or health of livestock is endangered because of the violation of any provision in this Article may apply to district court or municipal court for a warrant to seize the allegedly endangered livestock.

(2) On a showing of probable cause to believe that the life and health of livestock is endangered as a result of the violations of any provision of this Article, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within 30 days unless the Village demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those livestock allegedly being kept in a manner that their life or health is endangered. The Animal Control Officer shall establish procedures for preserving evidence of violations of this Article.

(3) The court executing the warrant shall notify the Animal Control Officer, have the livestock impounded, and give written notice to the owner of the livestock of the time and place of the court hearing.

(4) After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the livestock by violating any provision contained in the Article, the court shall order the impoundment of the livestock until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this Article, the court shall order the livestock returned to the owner.

(D) RETENTION OF STRAYS OR OWNER-SURRENDERED ANIMALS.

(1) No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than 24 hours without first reporting the possession of the animal to the Animal Control Officer.

(2) The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.

(3) No person having such an animal in his possession shall refuse to immediately surrender the animal to an Animal Control officer upon demand.

(4) Any stray animal identified by microchip or any other identification must be called into the Animal Control Officer.

§ 7.2.4 PERMITS REQUIRED

(A) GENERAL PROVISIONS.

(1) Valid permits are required to operate a multiple animal site, professional animal site, or shelter site, breed dogs or cats, have a litter of dogs and cats, possess a guard dog or possess an intact dog or cat that has been impounded as a stray. A person may obtain a permit under the following conditions:

(2) Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site and payment of an annual permit fee at the office of the Animal Control Officer. Failure



to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.

(3) Multiple animal sites, professional animal site and shelter site permits require a demonstration of a certification of zoning and land use from the Village of Los Ranchos Planning and Zoning Department.

(4) Upon presenting proper identification and with notice, an Animal Control Officer shall be allowed access to any multiple animal site, professional animal site or shelter site for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this Article, as well as for violation of other applicable laws, regulations, and ordinances.

(5) Permits must be posted in a conspicuous place on the permitted premises and are nontransferable.

(6) All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Village of Los Ranchos Business License Ordinance.

(B) SITE PERMIT REQUIREMENTS.

(1) Multiple animal sites, shelter sites and professional animal sites are required to meet all other provisions of the Village of Los Ranchos Animal Control Ordinance and the following standards: Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.

(2) The kennel area shall be kept clean and sanitary in a way that protects animals from disease and injury. Animals shall be protected from cleaning agents during cleaning. Provisions shall be made to remove animal and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this Article. Disposal shall be made so as to minimize vermin infestation, odors and the spread of disease.

(3) Kennel area buildings and fences shall be structurally sound and kept in good repair to keep animals clean and dry, protect them from injury, contain them and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state, county and Village regulations and kept in good repair.

(4) Fresh air in kennel area buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.

(5) Each animal shall be kept in compatible groups and have adequate space to prevent overcrowding. Kennel areas holding cats must contain an adequate number of litter boxes.

(6) All animals housed in the kennel area shall be provided with an adequate living area.

(7) Unsterilized female animals shall be segregated when in estrous except for breeding purposes.

(8) Each animal shall be observed daily by the person named on the permit or his/her designee. Any animal in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured animals shall be segregated from other animals based on veterinary recommendations to prevent disease spread or further injury.

(9) Insects, parasites and rodents shall be controlled.

(10) A valid rabies certificate signed by a licensed veterinarian shall be present for each dog and cat housed at the kennel facility.



(11) Records of animal inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an Animal Control Officer.

(C) BREEDER PERMIT.

(1) No person shall keep, maintain or harbor any intact companion animal for the purposes of breeding without a breeder permit. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.

(2) A female dog or cat shall have no more than one litter in any consecutive 12-month period.

(3) Upon presenting identification and with notice an Animal Control Officer shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.

(D) LITTER PERMIT.

(1) The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a breeder permit is required to obtain a litter permit for each litter.

(2) Subsequent to the issuance of a litter permit, the permitted animal shall be sterilized within 120 days of the issuance of the litter permit.

(E) REQUIREMENTS FOR TRANSFER OF OWNERSHIP.

(1) No person shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or breeder permit number to any potential recipient upon request.

(2) Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or breeder permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this Article.

(F) INTACT ANIMAL PERMIT.

(1) Any person having a stray unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact animal permit or have the animal sterilized within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof of current rabies vaccination for the animal. The permit will be renewed annually until proof of sterilization has been provided to the Animal Control Officer.

(2) Any animal found running at large twice shall be sterilized within 30 days of the second offense.

(3) An intact animal permit is required to keep a dog or cat exempt from being sterilized as mandated by applicable law when released prior to impound from an animal shelter.

§ 7.2.5 OWNER'S DUTIES AND PROHIBITED ACTIVITIES

(A) ANIMALS BITING PERSONS.

(1) The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the Animal Control Officer within 24 hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer if the officer deems it necessary to impound said animal for a period of quarantine no less than ten days from the day of the bite.

(2) A physician who renders professional treatment to a person bitten by an animal shall report to the Animal Control Officer that he has rendered professional



treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall report the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the Animal Control Officer in ascertaining the immunization status of the animal.

(3) An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the Animal Control Officer. The owner of the animal shall bear the cost of confinement.

(4) If the owner is unwilling or unable to quarantine the animal, the Animal Control Officer may impound the animal into protective custody for the period of the quarantine and the owner shall pay all related costs of the impoundment prior to reclaiming the animal.

(5) The Animal Control Officer may consent to quarantine the animal on the owner's premises. The premises where the home quarantine is to occur shall be inspected and approved for such purpose by the Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the Animal Control Officer for such home quarantine.

(6) If the animal shows signs of sickness, abnormal behavior, or if the animal escapes quarantine, the person having custody of the animal shall immediately notify the Animal Control Officer. The person having custody of an animal that dies during the quarantine period shall notify the Animal Control Officer and surrender the carcass of the animal to an Animal Control Officer.

(7) It is unlawful to violate the conditions of quarantine. If an officer deems it necessary to impound an animal for quarantine for violation of the above conditions and/or severity of the bite, the owner cannot remove the animal from observation until the quarantine period is complete. The owner shall bear the cost of the impoundment.

(8) It is unlawful for a person to keep an animal reported to have bitten any person on two unprovoked separate incidents. The owner has a duty to destroy said animal humanely or surrender such an animal to the Animal Control Officer for proper humane euthanization.

(B) NUMBER OF ANIMALS ALLOWED. No person or household shall own, harbor or keep more than a combined total of six dogs, cats or any combination thereof over the age of three months without, a multiple animal site permit, or shelter permit.

(C) RESTRAINT OF ANIMALS. A person owning or having charge, custody, care, or control over a companion animal, shall keep the animal upon his or her own premises within a secure enclosed pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property. It shall be unlawful to tether a companion animal as a form of confinement.

(1) Fixed point tethering of any companion animal to stationary objects is permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another animal and only when the owner is immediately present.

(2) A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the person with the dog is capable of controlling the dog. All other animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must exercise immediate custody. This section does not apply when an animal is participating in a bona fide animal show authorized by the Village or appropriate authorities, nor when a dog is in an off-leash park or other designated off-leash area.

(D) VACCINATIONS.



(1) It is the duty of any person(s) owning or keeping a dog, cat, or domestic ferret over the age of three months to have the animal vaccinated against rabies as prescribed by NMSA 1978, § 77-1-3 as amended. The Animal Control Officer may require that other animals have annual rabies vaccines.

(2) The veterinarian administering anti-rabies vaccines to any animal shall issue the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of vaccination, and the date immunity expires and the microchip number.

(3) It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the Animal Control Officer.

(E) ABANDONMENT. It is unlawful for a person to abandon an animal.

Abandonment does not apply to the trap, neuter and return (TNR) of feral cats. A person or organization managing un-owned cats by trap, neuter and return is not deemed the owner, harbinger, keeper, holder or possessor of such cats.

(F) ADMISSION OF QUALIFIED ASSISTANCE ANIMALS TO PUBLIC PLACES. Notwithstanding any other provision of law, a qualified assistance animal shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the qualified assistance animal is under the control of a person with a disability or a trainer of assistance animals. No person shall be required to pay any additional charges for his qualified assistance animal, but shall be liable for any damage done by his qualified assistance animal.

(G) ANIMALS DISTURBING THE PEACE.

(1) It is unlawful for a person to allow an animal to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the Village.

(2) It is unlawful to keep or maintain an animal in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(H) ANIMALS KILLING OR INJURING LIVESTOCK OR PROTECTED WILDLIFE.

(1) It is unlawful for a person to keep an animal known to have killed or injured livestock or protected wildlife. The owner has a duty to destroy said animal humanely or surrender such an animal to the Animal Control Officer for proper humane euthanization upon the order of the court.

(2) An owner of livestock shall have the right to kill an animal that has injured or killed livestock or protected wildlife while it is upon property controlled by the owner of the livestock.

(I) ANIMAL POISONING.

(1) It is unlawful for a person to make accessible to any animal, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.

(2) This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(J) ANIMALS RUNNING AT LARGE.



(1) It is unlawful for a person to allow or permit any animal to run at large in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the Village, or private property without the permission of the property owner.

(2) An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded. An Animal Control Officer may go upon private property in pursuit of an animal which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An officer may not enter a private building or residence in pursuit of an animal.

(3) A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.

(4) It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any animal to run at large upon the common areas of the multiple dwelling unit.

(K) INJURY TO ANIMALS BY MOTORISTS. Every operator of a motor or self-propelled vehicle upon the streets and ways of the Village shall immediately upon injuring, striking, maiming or running down any animal provide immediate notification to the Animal Control Officer, furnishing sufficient facts relative to the incident. Such animal shall be deemed an uncared for animal within the meaning of § 7.2.3(A)(5) of this Article. Emergency vehicles are excluded from this provision.

(L) ANIMAL WASTE. It is unlawful to permit a companion animal to defecate on public or private property other than the property of the owner of the animal unless such animal waste is immediately removed and properly disposed of by the person having custody of the animal.

(M) BREAKING INTO ANIMAL CONTROL FACILITIES OR VEHICLES. It is unlawful for a person to break into any animal center, facility, or vehicle wherein animals are impounded, or to in any manner remove or assist in the removal of any animal or equipment from such.

(N) CARE AND MAINTENANCE (COMPANION ANIMALS). Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

(1) Each animal shall be supplied adequate food, adequate water accessible and adequate space to prevent overcrowding.

(2) All animals are to be provided adequate living area and adequate space to prevent overcrowding and sufficient space for adequate exercise. All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(3) No animal shall be left unattended for more than 24 hours.

(4) No condition shall be maintained or permitted that is, or could be injurious to the animal.

(5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the animal from adverse weather conditions. An animal shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No animal shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a licensed veterinarian.

(6) The owner or custodian shall provide regular basic, necessary, and emergency professional veterinary care when needed. The owner or custodian shall take



an animal to a licensed veterinarian within a time frame indicated for an examination and adhere to recommended treatment if the Animal Control Officer or his agent finds this is necessary in order to maintain the health of the animal, and so orders.

(7) All animals kept outdoors shall be provided with adequate shelter, accessible at all times, to the animal.

(O) CARE AND MAINTENANCE (LIVESTOCK). Every person who owns or who has charge, care or custody of an animal defined under the Article as livestock shall comply with each of the following requirements:

(1) Each animal shall be supplied an adequate living area, adequate food, adequate water accessible and adequate space to prevent overcrowding.

(2) All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(3) No animal shall be without attention for more than 24 hours.

(4) No condition shall be maintained or permitted that is, or could be injurious to the animal.

(5) The owner/responsible party shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an animal to a licensed veterinarian within the time frame indicated for an examination and adhere to recommended treatment if the Animal Control Officer or his agent finds this is necessary in order to maintain the health of the animal, and so orders.

(P) CONFINEMENT OF FEMALE DOGS OR CATS IN MATING SEASON.

(1) A person in control of a female dog or cat in mating season shall confine such dog or cat so as to prevent other dogs or cats from attacking or being attracted to such female animal, except for intentional breeding purposes.

(2) It shall be unlawful to maintain a female dog or cat in mating season in any manner that creates a public nuisance.

(Q) CRUELTY TO ANIMALS.

(1) It is unlawful for a person to recklessly, willfully, negligently or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous or trespassing animals.

(2) It is unlawful for a person to fail to provide necessary sustenance, fail to provide necessary basic or emergency medical care, maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's well-being. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

(R) FIGHTS.

(1) It is unlawful for a person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

(a) It is unlawful for any person to sell, receive, possess, transport, loan, or give away any animal fighting paraphernalia.

(b) It is unlawful for any person to raise, train, condition, sell, receive, possess, transport, loan, or give away animals for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of the Village.

(c) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.



(2) Nothing in this section shall prohibit a person from engaging in legal hunting practices as allowed by state wildlife authorities.

(S) FOWL; IMPOUNDING OR CRATING. It is unlawful for a person to confine any wild or domestic fowl or birds unless provisions are made by such person for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours. No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(T) HOBBLING.

(1) It is unlawful for any person to hobble, tether, or stake livestock or other animals by any means which may cause injury or damage to said animal.

(2) It is unlawful for any person to hobble, tether, or stake livestock or other animals so that they become entangled or are prevented access to any and all care and maintenance items required by § 7.2-8(R) of this Article.

(U) INTERFERENCE WITH THE ANIMAL CONTROL OFFICER IN THE PERFORMANCE OF HIS DUTIES.

(1) No person shall attack, assault or in any way threaten or interfere with the Animal Control Officer in the performance of the duties required by this Article.

(2) No person shall conceal one's true name or identity or disguise oneself with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an Animal Control officer in the legal performance of his or her duties.

(3) No person shall interfere with or tamper with any equipment used by Animal Control Officers, including release of animals contained in such equipment.

(4) No person shall engage in conduct that would agitate, obstruct, oppose, or distract an Animal Control Officer in the legal performance of his or her duties.

(V) KEEPING A SERIOUSLY SICK OR INJURED ANIMAL.

(1) It is unlawful for a person to have, keep or harbor an animal which is seriously sick or injured, including starvation, without providing proper veterinary care.

(2) The Animal Control Officer may require the owner to provide a letter of health evaluation from a licensed veterinarian describing the condition of the animal and the treatment provided. The Animal Control Officer may utilize a standard body scoring system to evaluate the condition of an animal.

(3) In the absence of proper veterinary care, the Animal Control Officer may impound such a seriously sick or injured animal in accordance with the provisions of this Article.

(4) Any such animal impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(W) SALE AND DISPLAY OF ANIMALS.

(1) A person shall only sell, offer for sale, barter, give away or otherwise dispose of an animal at the physical address listed on the appropriate permit issued by the Animal Control Officer. No permit shall be required for any livestock sold for use as food.

(2) No person shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.

(3) No person shall offer an animal as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.

(4) Animal exhibits.

(a) No person shall operate, conduct, or maintain a permanent or temporary commercial animal show, circus, animal exhibition, animal ride,



petting zoo or carnival without first having obtained a permit from the Animal Control Officer. Conditions for permit approval include provisions for the humane care and treatment of the animals and the protection of public safety. Permits shall not be issued upon verification that the applicant has been convicted of charges of animal cruelty, abuse, or neglect, or has violated the Federal Animal Welfare Act.

(b) No person shall operate, conduct or maintain any animal exhibit under conditions that pose a danger to the public or the animals. Specific requirements shall be available upon request to the Animal Control Officer.

(c) The following are exempt from the requirements of this section:

- (i)** Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit.
- (ii)** Events sponsored by a municipal zoo or aquarium facility.
- (iii)** Competitive sporting events.

(d) Persons involved in these exempt activities shall comply with all other applicable sections of this Article.

(5) Sale of live companion animals at pet shops is prohibited unless the pet shop has an approved professional animal site permit. Sale of cats or dogs in pet shops is prohibited.

(6) The sale of rabbits for purposes other than as a companion animal, which are not otherwise prohibited under this Article, is allowed.

(X) STERILIZATION AGREEMENTS/CONTRACTS. It shall be unlawful for a person to possess any unsterilized animal when such animal is required to be sterilized under the terms of any applicable sterilization agreement or contract.

(Y) UNLAWFUL USE OF RABIES TAG. It is unlawful for any person to remove or transfer any rabies tag from one animal to another. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing or permitting required under this Article.

(Z) VICIOUS OR DANGEROUS ANIMALS.

(1) It is unlawful for any person to keep or harbor a vicious animal. When an Animal Control Officer has probable cause to believe that an animal is vicious, the Animal Control Officer may take up and impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Article, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such vicious animal to destroy it humanely or turn such animal over to the Animal Control Officer for destruction.

(2) It shall be unlawful to maintain a dangerous animal in a manner which constitutes a threat to any person or other animal. When an Animal Control Officer has probable cause to believe that an animal is dangerous, the officer may take up or impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal, other than a dog, is dangerous, the court having jurisdiction over the enforcement of this Article shall, in addition to any fine or imprisonment imposed for a violation of this section, order appropriate conditions for registration, confinement, and handling of such dangerous animal by the owner. Any violation of the registration, confinement or handling of such animal by the owner as set by the Court may result in the immediate impoundment and humane destruction of such dangerous animal by the Animal Control Officer.

(3) The owner of any dog that is deemed dangerous by court determination or by admission of the owner shall register the dog as a dangerous animal with Animal Control.



The owner of such dangerous dog shall further comply with all of the registration and handling requirements as listed in NMSA 1978 § 77-1A-5(A) and 5(C). The Animal Control Officer shall also comply with §77-1A-5(D) in the event that the owner of such dangerous dog fails to comply with all registration, confinement, or handling requirements contained in such sections.

§ 7.2.6 WILD ANIMALS; CANINE HYBRIDS

(A) WILD ANIMALS.

(1) It shall be unlawful for a person to own, harbor, keep or exhibit on any private or public property in the Village any wild animal of a species that in its natural life is dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others, and include:

(a) Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.

(b) Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.

(c) All bears (ursidae), including grizzly bears, black bears, brown bears, etc.

(d) Raccoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.

(e) Primates (hominidae), including all non-human great apes other than qualified service animals.

(f) Skunks.

(g) Bats.

(h) Non-indigenous poisonous snakes.

(i) Alligators, crocodiles, caimans, or poisonous lizards.

(j) Venomous fish and piranha.

(k) Elephants (elephantidae).

(2) This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals or organizations holding a State of New Mexico regulated permit or a federally regulated permit.

(B) CANINE HYBRIDS.

(1) No person shall purchase, sell, offer for sale, or advertise for sale any animal that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.

(2) No person shall possess a canine hybrid without a valid canine hybrid permit. A person may apply for such a permit under the following conditions:

(a) Submission of a permit application.

(b) Submission of written proof from a licensed veterinarian that all animals over the age of six months for which a permit is requested have been spayed or neutered.

(c) All owners of permitted property shall grant reasonable access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the Animal Control Officer shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this Article, as well as for violation of other applicable laws, regulations, and ordinances.

(d) Payment of the annual permit fee.

(3) A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all animals to the property of the owner. An Animal Control Officer shall determine the adequacy of the enclosure.



A minimum livable area of 400 square feet must be provided for up to two canine hybrids, with an additional 100 square feet per animal for each additional hybrid. An exception to this subpart may be granted if the animal owner submits a written plan of adequate housing and exercise to the Animal Control Officer and such plan is approved by the Department.

(4) A canine hybrid permit will not be issued for the ownership of more than four canine hybrids.

(5) Each canine hybrid must be microchipped and wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's premises. While off of the owner's premises the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a person physically capable of controlling and restraining the animal.

(6) Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this Article.

§ 7.2.7 ENFORCEMENT AND PENALTIES

(A) **PENALTY ASSESSMENT MISDEMEANORS.** Any violation of this Article shall be a penalty assessment misdemeanor. For a first or second offense within any 12 month period for violations of § 7.2.4, § 7.2.5 (B), (C), (D), (F), (G), (I), (K,)(L), (N), (O), (P), (S) or (W), the Animal Control Officer shall offer the alleged violator the option of acknowledging guilt of the offense, foregoing a court hearing, and accepting a penalty assessment as established by resolution of the Board for the first or second offense, or of having the matter set for a court hearing. However, the offer of a penalty assessment in lieu of a court hearing for each additional offense that occurs within one year of the first offense shall be twice the prior penalty assessment.

(1) **ACCEPTANCE OF PENALTY ASSESSMENT.**

(a) If the alleged violator accepts the penalty assessment, his signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

(b) Payments of penalty assessments must be received in the Village Office within thirty (30) days from the date of citation. If the violation was under § 7.2.5(D) of this Article, payment must be accompanied by proof of rabies vaccination.

(2) **REJECTION OF PENALTY ASSESSMENT.**

(a) An alleged violator who chooses a court hearing shall be served with a citation requiring him to appear before the Municipal Court at a date and time stated in the citation. The citation may be served by mail or in person.

(b) The court shall have discretion to impose any penalties up to the maximum permitted by state law upon an alleged violator who chooses a court hearing and is convicted of the offense charged.

(B) **APPEARANCE.** Any person charged with any violation of any section other than those specified in § 7.2.7(A) of this Article shall be served with a citation requiring the alleged violator to appear before the Municipal Court at a date and time stated in the citation. The citation may be served by mail or in person. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Article.

(C) **MAXIMUM PENALTY.** The maximum combined sentence of imprisonment that may be imposed for all offenses shall not be greater than one hundred seventy-nine (179) days and the combined maximum fine shall not exceed five hundred dollars (\$500.00).



(D) MINIMUM FINES. Minimum fines may be established by resolution of the Board of Trustees.

Ordinance and State Law References regarding Chapter 7, Article 2 (f/k/a Chapter 3):

Ordinance #105, July 22, 1992;

Ordinance #253, June 8, 2016;

Ordinance #255, August 10, 2016;

Animals § 3-18-3 NMSA 1978;

Dogs §§ 77-1-12, 77-1-13 NMSA 1978;

Municipal Court Search Warrants SCRA Rule 8-207;

Maximum Penalty for violation of ordinances: § 3-17-1 (C)(1) NMSA 1978.

General authority relative to animals, NMSA 1978, §§ 4-37-1, 3-18-3; animals generally, NMSA 1978, § 77-1-1, et seq



9. NEW BUSINESS

A. DISCUSSION AND APPROVAL OF A VOTING DELEGATE AND ALTERNATE FOR THE 2016 NEW MEXICO MUNICIPAL LEAGUE ANNUAL CONFERENCE.



MUNICIPAL CLERKS: PLEASE DISTRIBUTE COPIES TO YOUR ENTIRE GOVERNING BODY

TO: MAYORS/ GOVERNING BODY MEMBERS
FROM: William F. Fulginiti, Executive Director
SUBJECT: 2016 ANNUAL CONFERENCE VOTING DELEGATES
DATE: July 14, 2016

The 59th Annual Conference of the NM Municipal League will be held August 31st through September 2nd in Hobbs.

At the Annual Business Meeting on Thursday, September 1st, a President Elect, Vice President, Treasurer and three Directors-at-Large (2-Year Term) will be elected. Also, the *Annual Statement of Municipal Policy* and *Annual Conference Resolutions* will be adopted.

Each member municipality in good standing that is registered and attending the Annual Conference shall be entitled to one delegate vote in electing officers, deciding municipal policy and voting upon all other questions at the Annual Business Meeting. A municipality in good standing means that at least one-half of the municipality's current League annual dues must have been paid prior to or at the Conference. The vote of the municipality is cast by the Voting Delegate (or in her/his absence, the Alternate) who is selected by the governing body of the municipality.

The Annual Business Meeting will be conducted in accordance with Robert's Rules of Order Revised, and the Annual Business Meeting Rules and Procedures, which shall govern the actions and deliberations of the League membership assembled in convention. Attached for your information are the *Policy Process Outline and the Annual Business Meeting Rules and Procedures*.

Please place the selection of a Voting Delegate and Alternate on the agenda of your next official governing body meeting. **The Voting Delegate and Alternate must be persons planning to attend the Conference.** Once they are selected, enter the names and titles of the Voting Delegate and Alternate for your municipality and **return this form to the League Office no later than Friday, August 26, 2016.**

This is *not* an official registration form for the Annual Conference for either the Voting Delegate or the Alternate. Delegates must register for the Conference on the form provided in the Conference information you have already received.

Voting Delegates and Alternates must check in with NMML Staff at the Credential's Desk at Conference Registration.



Municipality: _____

Voting Delegate: _____ Title: _____

Alternate: _____ Title: _____

Approved By: _____

RETURN BY OR BEFORE AUGUST 26, 2016 to:

Jackie Portillo, Support Services Coordinator
NM Municipal League
P.O. Box 846 - Santa Fe, NM 87504
jportillo@nmml.org
Fax: 505-984-1392