

RESOLUTION NO. 5-10-23-11A

**RESOLUTION TO ESTABLISH A PERMIT PROCESS
FOR THE FEEDING OF FREE-ROAMING HORSES**

Whereas, Sandoval County is a political subdivision of the State of New Mexico;
and

Whereas, NMSA § 4-37-1 (1975) gives the Board of County Commissioners the authority to “provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants” and to make ordinances to carry out that authority; *and*

Whereas, the Board enacted Ordinance No. 5-10-23-10A on May 10, 2023 to ban the feeding of free-roaming horses without a horse feeding permit; *and*

Whereas, the Board wishes to enact a process for issuing horse feeding permits;

NOW, THEREFORE, BE IT ENACTED by the Board of County Commissioners of the County of Sandoval as follows:

Section 1. Short title.

This resolution may be cited as the “Free-Roaming Horse Feeding Permit Resolution.”

Section 2. Permits May be Issued.

A horse feeding permit may be issued by the Director of the Planning and Zoning Department pursuant to the terms of this resolution and under these conditions:

- A. No permit shall be issued for more than one-year at a time, but a permit may be renewed by submitting a new application in accordance with this resolution at least ninety days before its expiration; and
- B. No permit shall be issued for an area adjacent to any public road.

Section 3. Eligibility.

Only non-profit organizations which meet both of the following conditions shall be eligible to receive a horse feeding permit:

- A. It must be approved by the United States Internal Revenue Service as tax-exempt under Section 501(c)(3) of the Internal Revenue Code of 1986.
- B. It must have demonstrated experience and knowledge in the care of horse management and protection.

Section 4. Information Required.

An applicant for a horse feeding permit shall submit an application on a form prescribed by the Director of the Planning and Zoning Department. The applicant shall supply the following information:

- A. Full legal name of the organization;
- B. The jurisdiction in which the organization is incorporated;
- C. The physical address of the organization's office;
- D. The mailing address of the organization, if different;
- E. The name of a contact person at the organization;
- F. The telephone number of the contact person;
- G. The e-mail address of the contact person;
- H. The URL of the organization's website, if any;
- I. The location where horse feeding is proposed, including the address, parcel number, or legal description of the property;
- J. The length of time for which the permit is sought;
- K. A description of what kind of food, nutrients, or other substances which are to be provided to the horses;
- L. A description of the time and manner in which horses are to be fed;
- M. A description of the ability, skills, and knowledge of the care of horses of each individual connected to the organization who will be conducting and overseeing the horse feeding; and

- N. If the organization is not the owner of record of the proposed horse feeding location, the application must be signed by the owner of that location who must acknowledge that the owner agrees to the proposal.

Section 5. Supplemental Information

The application may be submitted with letters of support from adjacent property owners and the homeowners' association covering the area to demonstrate community support. Such letters are not necessary and a permit shall not be denied solely because of the absence of community support.

Section 6. Filing Applications.

The application shall be filed with Director of the Planning and Zoning Department with a fee of \$25.

Section 7. Third-Party Evaluation.

Sandoval County shall retain a consultant with scientific expertise and special knowledge of horse management and protection to evaluate applications. The consultant shall make a recommendation to the Director of the Planning and Zoning Department on whether the application should be approved, approved with conditions, or denied.

Section 8. Action on Permit Applications.

- A. If the application lacks any of the information required by Section 4, the Director of the Planning and Zoning Department shall inform the applicant and ask for the application to be resubmitted.
- B. Within thirty days of the receipt of an application which contains all the information required by Section 4, the Director of the Planning and Zoning Department shall forward the application to the consultant.
- C. Within thirty days of receiving the consultant's recommendation on the application, the Director of the Planning and Zoning Department shall approve, approve with conditions, or deny the application. If the recommendation is to approve with conditions or to deny the application, then the Director shall state the reasons for that decision in a written response to the applicant.

Section 9. Appeals to the Planning and Zoning Commission.

- A. Any applicant aggrieved by the decision of the Director of the Planning and Zoning Department on the application for a horse feeding permit may appeal such decision to the Planning and Zoning Commission.
- B. Such appeal shall be made in writing and submitted to the Director of the Planning and Zoning Department with a filing fee of \$100.
- C. An appeal must be submitted within thirty days of the issuance of the decision of the Director of the Planning and Zoning Department.
- D. Within sixty days of the receipt of the written appeal, the Planning and Zoning Commission shall hold a public hearing to make decide the appeal. Notification of the time and place of the public hearing shall be given in accordance with the Open Meetings Act. Notice shall also be provided to the applicant and the owners of property adjacent to the property that is the subject of the appeal.
- E. At the public hearing, the Planning and Zoning Commission may reverse, change, or affirm the decision made by the Director of the Planning and Zoning Department. A written decision shall be issued within sixty days of the hearing.

Section 10. Appeal to District Court.

An appeal of a decision by the Planning and Zoning Commission on the application for a horse feeding permit may be taken to the Thirteenth Judicial District Court pursuant to state law and the rules of court.

Section 11. Posting.

The Director of the Planning and Zoning Department shall cause this resolution and the horse feeding application form to be placed on the Sandoval County website.

Section 12. Effective Date.

This resolution shall be effective immediately but no applications for a horse feeding permit may be made before July 1, 2023.

Approved May 10, 2023.

BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF SANDOVAL

David J. Heil, Chairman

Michael Meek, Vice-Chairman

Katherine Bruch, District 1 Commissioner

Jay C. Block, District 2 Commissioner

Joshua Jones, District 5 Commissioner

ATTEST:

Anne Brady-Romero, County Clerk

APPROVED AS TO FORM:

Michael Eshleman, County Attorney