

CITY of ALBUQUERQUE
TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-84 ENACTMENT NO. 0.2025.027

SPONSORED BY: Tammy Fiebelkorn

1 **ORDINANCE**

2 AMENDING SECTIONS 9-2-4-4 AND 9-2-3-7 OF THE HEART ORDINANCE
3 RELATING TO THE SALE OR GIFTING OF ANIMALS ON PUBLIC PROPERTY.

4 **WHEREAS, irresponsible and unlawful breeding practices contribute to the**
5 **overpopulation of companion animals and lead to suffering and severe health**
6 **problems including bleeding issues and death; and**

7 WHEREAS, the sale, exchange, or giveaway of animals on public property
8 is already prohibited under the HEART Ordinance yet continues to occur in a
9 manner that undermines animal welfare, public safety, and existing
10 regulations; and

11 WHEREAS, it is in the public interest to deter illicit animal sales by
12 authorizing the immediate seizure and impoundment of animals unlawfully
13 offered in public, and to protect those animals by ensuring they are spayed or
14 neutered and microchipped prior to any lawful disposition; and

15 WHEREAS, the alteration and microchipping of impounded animals
16 promote responsible pet ownership, improve return-to-owner rates, and
17 reduce long-term public costs associated with sheltering and euthanasia; and

18 WHEREAS, the continued sale of unaltered animals in unauthorized
19 settings contributes to cycles of neglect, abandonment, and overcrowding in
20 City shelters; and

21 WHEREAS, the City has a compelling interest in promoting the humane
22 treatment of animals and ensuring compliance with animal control laws
23 through proactive enforcement and proactive measures.

24 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
25 ALBUQUERQUE:

1 SECTION 1. Sections 9-2-4-4 and 9-2-3-7 of the HEART Ordinance are
2 amended as follows:

3 § 9-2-4-4 SALE OR GIFT OF AN ANIMAL.

4 (A) Public Property. No Person shall display, sell, deliver, offer for sale,
5 barter, auction, give away, or otherwise dispose of an Animal upon a street,
6 sidewalk, public park, public right-of-way or other public property. Adoption
7 events approved by the Mayor's designee, or any adoption events held by a
8 Rescue Group or Rescue individual are exempt.

9 (1) If a Person is found to be in violation of this section, the Mayor's
10 designee shall immediately Seize and Impound any Animals found in the
11 Person's public possession.

12 (2) Consistent with the Intake Process and other practices related to lost
13 and found Companion Animals, the Mayor's designee shall immediately Alter,
14 Microchip, and otherwise ensure all standards established by this article and
15 other applicable laws and regulations are met for each Animal.

16 (3) If the Owner fails to Reclaim the Animal within 10 days, the Animal
17 shall become the property of the Animal Welfare Department. However, no
18 Animal shall be released prior to being Altered and Microchipped.

19 (4) Any person who is convicted of violating this section shall be deemed
20 guilty of a petty misdemeanor and subject to the penalty provisions set forth
21 in ROA 1994, § 1-1-99.

22 § 9-2-3-7 COMPANION ANIMAL LITTER PERMIT.

23 (H) The following Care and Disposition requirements regarding Litter
24 Companion Animals are in effect whether or not the Owner of the Litter
25 possesses a Litter Permit:

26 (8) Puppies and kittens can only be sold, given as a gift or other transfer
27 or conveyance from the location listed on the Litter Permit. Puppies or kittens
28 being sold on public property or commercial property even with the Owner's
29 permission are in violation of this article and the puppies and kittens and any
30 other Animals in the Person's public possession shall be seized and
31 Impounded pursuant to Section 9-2-4-4(A) of this article. Any Animal Seized
32 and Impounded pursuant to Section 9-2-4-4(A) of this article shall not be
33 eligible for an intact permit.

[Bracketed/Underscored Material] - New
[Bracketed/Strikethrough Material] - Deletion

1
2 **SECTION 2. SEVERABILITY.** If any section, paragraph, sentence, clause,
3 word or phrase of this Ordinance is for any reason held to be invalid or
4 unenforceable by any court of competent jurisdiction, such decision shall not
5 affect the validity of the remaining provisions of this Ordinance. The Council
6 hereby declares that it would have passed this Ordinance and each section,
7 paragraph, sentence, clause, word or phrase thereof irrespective of any
8 provision being declared unconstitutional or otherwise invalid.

9 **SECTION 3. COMPILATION.** SECTION 1 of this Ordinance amends, is
10 incorporated in, and is to be complied as part of the Revised Ordinances of
11 Albuquerque, New Mexico, 1994.

12 **SECTION 4. EFFECTIVE DATE.** This Ordinance takes effect five days after
13 publication by title and general summary.
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

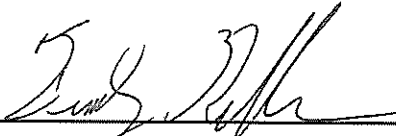
1 PASSED AND ADOPTED THIS 4th DAY OF August, 2025
2 BY A VOTE OF: 9 FOR 0 AGAINST.

3
4
5
6
7
8 

9
10 **Brook Bassan, President**
11 **City Council**
12

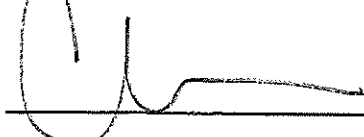
13
14 APPROVED THIS 18th DAY OF August, 2025
15
16

17
18 **Bill No. O-25-84**
19

20 

21
22 **Timothy M. Keller, Mayor**
23 **City of Albuquerque**
24

25
26 **ATTEST:**

27 

28
29 **Ethan Watson, City Clerk**
30