

# CITY of ALBUQUERQUE

## TWENTY SIXTH COUNCIL

COUNCIL BILL NO. O-25-84 ENACTMENT NO. \_\_\_\_\_

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 proactive measures.**

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

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

§ 9-2-4-4 SALE OR GIFT OF AN ANIMAL.

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

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

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

[(3) If no Person Reclaims the Animal within 10 days, the Animal shall be made available for Adoption.]

[(4) Any person who violates this section shall be deemed guilty of a petty misdemeanor and, upon conviction thereof, shall be subject to the penalty provisions set forth in ROA 1994, § 1-1-99.]

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

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

(8) Puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Litter Permit. Puppies or kittens being sold on public property or commercial property even with the Owner's permission are in violation of this article and the puppies and kittens [and any other Animals in the Person's public possession shall] ~~[may]~~ be seized [and Impounded pursuant to Section 9-2-4-4(A) of this article].

SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not

1 affect the validity of the remaining provisions of this Ordinance. The Council  
2 hereby declares that it would have passed this Ordinance and each section,  
3 paragraph, sentence, clause, word or phrase thereof irrespective of any  
4 provision being declared unconstitutional or otherwise invalid.

5 SECTION 3. COMPILATION. SECTION 1 of this Ordinance amends, is  
6 incorporated in, and is to be complied as part of the Revised Ordinances of  
7 Albuquerque, New Mexico, 1994.

8 SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after  
9 publication by title and general summary.

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