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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.

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

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.**

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

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

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