

CITY of ALBUQUERQUE

TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-81 ENACTMENT NO. _____

SPONSORED BY: Diane G. Gibson, by request

1 **ORDINANCE**

2 **AMENDING CHAPTER 9, ARTICLE 2, OF THE REVISED ORDINANCES OF**
3 **ALBUQUERQUE TO REMOVE THE REQUIREMENTS FOR ANNUAL**
4 **COMPANION ANIMAL LICENSES AND REPLACE SUCH LICENSES WITH THE**
5 **COMPANION PET MICROCHIP REQUIREMENT AND REGISTRATION OF SUCH**
6 **MICROCHIPS WITH THE ALBUQUERQUE ANIMAL CARE CENTER.**
7 **BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF**
8 **ALBUQUERQUE:**

9 **SECTION 1 § 9-2-1-2 is hereby amended as follows:**

10 **(C) The Council further finds that the public mind-set toward animals must**
11 **shift to the more progressive, humane, and compassionate attitude evident in**
12 **other jurisdictions with stricter animal laws. Several other municipalities have**
13 **achieved positive animal population management results by aggressively**
14 **[licensing and] microchipping companion animals, permitting and tracking pet**
15 **sales and animal breeding, and providing funding for free, low and moderate**
16 **income spay and neuter programs.**

17 **SECTION 2. § 9-2-1-4 is hereby amended as follows:**

18 **~~[LICENSE. An Albuquerque Companion Animal License.]~~**

19 **~~[LICENSE TAG. The tag supplied by AACC or its agents that contains the~~**
20 **~~number of an Albuquerque Companion Animal License.]~~**

21 ***PROOF OF OWNERSHIP.* Any documentation or evidence which proved to the**
22 **satisfaction of the Mayor that a Person is the Owner of an Animal, including,**
23 **but not limited to, ~~[an Albuquerque Companion Animal License,]~~ [a] Microchip**
24 **identification, Veterinarian invoice, official registration, or photographs of the**
25 **Animal.**

26 **SECTION 3. § 9-2-3-1 is hereby amended as follows:**

1 § 9-2-3-1 REQUIRED ALBUQUERQUE COMPANION ~~[ANIMAL LICENSE]~~ [PET
2 MICROCHIP]

3 (A) *Albuquerque Residents.* All residents of Albuquerque who own
4 Companion Animals shall have a ~~[current annual Albuquerque Companion~~
5 ~~Animal License]~~ [microchip implanted and registered with the appropriate
6 microchipping company as well as registered with AACC] for each Companion
7 Animal they own that is over the age of three months.

8 (B) *Non-Resident.* Any Person who lives in Bernalillo County or the
9 surrounding counties of Valencia, Cibola, Sandoval, Torrance or Santa Fe and
10 is not a City resident but who keeps a Companion Animal in the city for more
11 than 15 consecutive days or an aggregate of 30 days in any year shall obtain
12 ~~[an Albuquerque Companion Animal License]~~ [a Companion Pet Microchip
13 and register such Microchip with AACC].

14 (C) Companion Animals must have a current Rabies Vaccination and be
15 Microchipped or Permanently Identified ~~[before the Owner can be issued a~~
16 ~~License].~~

17 ~~[(D) Low Income Persons, Seniors, and Owners of Service Dogs must~~
18 ~~obtain an annual License for their Companion Animals but are exempt from~~
19 ~~the annual License fee.]~~

20 ~~[(E)] [(D)]~~ *Impounded Companion Animals.* Any Person who lives in
21 Bernalillo County or the surrounding counties of Valencia, Cibola, Sandoval,
22 Torrance or Santa Fe who owns a Companion Animal that has been
23 impounded by AACC shall obtain a ~~[City License]~~ [Companion Pet Microchip].

24 ~~[(F)] [(E)]~~ ~~[License Tags. A License Tag shall be issued with each License.]~~
25 [Collar or Harness Requirements.]

26 (1) Any Companion Animal outside the Owner's real property shall wear
27 a collar or a Harness with a current ~~[License Tag and an]~~ Anti-Rabies
28 Vaccination Tag attached to the collar or Harness, even if the Companion
29 Animal is Microchipped.

30 (2) A collar or Harness with the required tag attached may be removed
31 from the Companion Animal temporarily for medical care, training,
32 grooming, or when the Companion Animal is in a Bona Fide Animal Show.

1 ~~[(3) Replacement License tags shall be sold at the AACC at a cost of \$ 4~~
2 ~~each.]~~

3 ~~[(G) License fees are not refundable and Licenses are not transferable to~~
4 ~~any other Companion Animal.]~~

5 ~~[(H) The fee for an Albuquerque Companion Animal License is as stated in~~
6 ~~§ 9-2-3-16 of this article.]~~

7 ~~[(I) The fee for late License renewal shall be a minimum of \$10.]~~

8 SECTION 4. § 9-2-3-3(F) is hereby amended as follows:

9 (F) Any Permitted Premises open to the public shall post a sign
10 conspicuously observable by the public which states that all Companion
11 Animals in the city must be spayed or neutered unless they possess an Intact
12 Animal Permit and they must be ~~[Licensed and]~~ Microchipped or otherwise
13 Permanently Identified. Such signs shall be at least 8 ½ inches by 11 inches in
14 size and contain lettering at least 1 inch in height.

15 SECTION 5. § 9-2-3-6(A) is hereby amended as follows:

16 (A) All Intact Companion Animals must be ~~[Licensed and]~~ Permanently
17 Identified by a Microchip or other identification method acceptable to the
18 Mayor [and registered with the AACC] before an ICAP can be issued.

19 SECTION 6. The Humane and Ethical Animal Rules and Treatment (HEART)
20 Ordinance § 9-2-3-7(B) is hereby amended as follows:

21 (B) All female Intact Companion Animals must have an ICAP and be
22 ~~[Licensed and]~~ Microchipped or otherwise Permanently Identified before a
23 Litter Permit will be issued.

24 SECTION 7. § 9-2-3-8(A) is hereby amended as follows:

25 (A) All Companion Animals at a Multiple Companion Animal Site shall be
26 ~~[Licensed,]~~ Microchipped or otherwise Permanently Identified. Fostering a
27 pregnant Companion Animal and her eventual offspring is a temporary
28 exception to this rule.

29 SECTION 8. § 9-2-3-13 (A)(3) is hereby amended as follows:

30 (A)(3) The dog has been spayed or neutered [and] Microchipped~~[, and has a~~
31 ~~current Albuquerque Companion Animal License]~~.

32 SECTION 9. § 9-2-3-16 is hereby amended as follows:

33 § 9-2-3-16 ~~[LICENSE AND]~~ PERMIT FEES.

(A) There is hereby created a Humane and Ethical Animal Rules and Treatment (HEART) Ordinance Fund; 60% of all net ~~[License and]~~ Permit fees collected under the HEART Ordinance shall be deposited in the HEART Ordinance Fund. HEART Ordinance Fund monies are dedicated exclusively to programs for the free microchipping and the free spaying and neutering of Companion Animals for Low Income Persons, Moderate Income Persons, Seniors and when possible, the general public. All fees listed in this article are a minimum fee amount and may be increased administratively by the Mayor.

~~[(B) Albuquerque Companion Animal License Fee is \$6 per Animal. The License fee is waived for Seniors, Low Income Persons and Service Animals.]~~

~~[(B)]~~[(C)] *Permit Fees.*

(1) Intact Companion Animal Permit fee is \$150 per animal.

(2) Litter Permit fee is \$150 per litter.

(3) Exotic or Wild Animal Collection Permit fee is \$35.

(4) Multiple Companion Animal Site fee is \$25 per site.

(5) Guard Dog Site fee is \$150 per site.

(6) Animal Service Provider fee is \$25 per year.

(7) Pet Store Permit fee is \$50 per year.

(8) Animal Drawn Vehicle fee is \$150 per Animal.

(9) Trolley Permit fee is \$25 per Animal.

SECTION 10. § 9-2-4-3(F) is hereby amended as follows:

(F) *Unlawful Use of Tags.* No Person shall affix an Anti-Rabies ~~[or License]~~ tag to the collar or Harness of any Animal other than the Animal for which the Anti- Rabies ~~[or License]~~ tag was issued. No Person shall keep, manufacture or use a stolen, counterfeit or forged Animal Anti-Rabies Vaccination certificate ~~[;]~~ [or] Rabies tag~~[or License tag]~~.

SECTION 11. § 9-2-5-1(A)(2) is hereby amended as follows:

(2) The Owner shall provide to AACC the Owner's name, address, telephone number, a description of the Companion Animal together with any identification information such as ~~[an affixed License or]~~ [a] Microchip, a photograph if possible, the date of the loss, and the last known location of the Companion Animal prior to the loss.

SECTION 12. § 9-2-5-1(B)(7) is hereby amended as follows:

(7) To register, the Finder shall provide a description of the Companion Animal including, when applicable, any ~~[License,]~~ Microchip or other identification on the Companion Animal, the time and date when the Animal was found, and the location where the Animal was found.

SECTION 13. § 9-2-5-1(B)(11) is hereby amended as follows:

(11) If the Companion Animal is not ~~[Licensed or]~~ [Microchipped or] Altered, the Finder does not have to ~~[License or]~~ [Microchip or] Alter said Animal while in temporary possession but shall ~~[License or]~~ [Microchip and] Alter the Companion Animal when and if the Finder becomes the Owner under this section.

SECTION 14. § 9-2-6-1(E) is hereby amended as follows:

(E) *Veterinarians.*

(1) Each Veterinarian that Vaccinates ~~[or issues Licenses]~~ shall deliver to the city information regarding all Anti-Rabies Vaccinations administered ~~[and Licenses sold]~~ during the preceding month by the fifteenth day of the following month by either hard copy or in an electronic format approved by the city.

(2) Approved Veterinarians shall receive a credit of fifty cents for each Vaccination certificate submitted as a hard copy and one dollar for each submitted electronically. The credits will only be granted if the information is received by the fifteenth day of the month immediately following the month in which the Vaccination certificate was issued and if the information is complete and accurate as determined by the Mayor. ~~[The credits will be doubled if the Veterinarian also issues a License and collects the License fee from the Owner at the time of Vaccination. The Veterinarian will be billed \$6 for each License issued as provided further herein.]~~

~~[(3) The Veterinarian will be billed monthly by the city for the difference between License fees collected by the Veterinarian and credits accrued for information supplied. The Veterinarian shall pay the full amount due within 30 days of the date billed. Credits will be carried over. If the Veterinarian defaults, the city is entitled to pursue all available legal remedies.]~~

~~[(4)]~~ [3] Veterinarians shall post and maintain a sign clearly visible to the public stating that dogs and cats must ~~[have a City of Albuquerque Animal~~

1 ~~License and~~ be spayed, neutered or permitted in accordance with the
2 ordinance (including the proper citation) and have anti-rabies vaccinations as
3 mandated by the State of New Mexico and the City of Albuquerque. AACC will
4 provide one sign free to each Veterinarian.

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CITY OF ALBUQUERQUE

Albuquerque, New Mexico

Office of the Mayor

INTER-OFFICE MEMORANDUM

August 8, 2019

Mayor Timothy M. Keller

TO: Klarissa J. Peña, President, City Council

FROM: Timothy M. Keller, Mayor *K*

SUBJECT: Approval of the Ordinance Chapter 9, Article 2

For your consideration, please find the attached request to amend Chapter 9, Article 2, of the revised Ordinance of Albuquerque to remove the requirements for Annual Companion Animal Licenses and replace such licenses with the companion pet microchip requirement and registration of such microchip with the Albuquerque Animal care center. The fiscal impact is neutral as AWD receives a \$300k appropriation and pays approximately \$326K to contractor to administer the annual license program.

This Amended Ordinance is forward for your consideration and approval.

Approved:

Approved as to Legal Form:

SM

Sarita Nair
Chief Administrative Officer

9/3/19

Date

PC

Esteban A. Aguilar Jr.
City Attorney

8-15-19

Date

Recommended:

Na3

Danny Nevarez
Director, Animal Welfare Department

8/8/19

Date

Cover Analysis

1. What is it?

Amend Chapter 9, Article 2, of the revised Ordinance of Albuquerque to remove the requirements for Annual Companion Animal Licenses and replace such licenses with the companion pet microchip requirement and registration of such microchip with the Albuquerque Animal care center.

2. What will this piece of legislation do?

Eliminate the \$6.00 annual Companion Animal License fee and update the legislation to require microchip and registration.

3. Why is the project needed?

The Animal Welfare Department is proposing to end the annual pet licensing program while strengthening microchip compliance.

4. How much will it cost and what is the funding source?

Not Applicable

5. Is there a revenue source associated with this contract? If so, what level of income is projected?

The impact to future revenue will be neutral as AWD receives a \$300k appropriation and pays approximately \$326k to contractor to administer the annual license program.

FISCAL IMPACT ANALYSIS

TITLE: Eliminate the \$6 Annual Companion Animal License fee and update the legislation to require microchip and registration.

R: O:

FUND: 110

DEPT: 1010000

- ☒ No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.
- ☐ (If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

	Fiscal Years				Total
	2018	2019	2020	2021	
Base Salary/Wages					-
Fringe Benefits at	-	-	-	-	-
Subtotal Personnel	-	-	-	-	-
Operating Expenses		-			-
Contractual Services		-		-	-
Indirect Costs	-	-	-	-	-
Total Expenses	\$ -	\$ -	\$ -	\$ -	\$ -
<input type="checkbox"/> Estimated revenues not affected					
<input type="checkbox"/> Estimated revenue impact					-
Amount of Grant	-	-	-	-	
City Cash Match					
City Inkind Match					
City IDOH	-	-	-	-	-
Total Revenue	\$ -	\$ -	\$ -	\$ -	\$ -

These estimates do not include any adjustment for inflation.


COMMENTS: The impact to future revenue will be neutral. The FY20 Budget eliminates the \$6 annual pet licensing fee.

COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:

PREPARED BY:



Erica J. Garcia, Fiscal Officer

APPROVED:

 (acting) 8/8/19
Danny Nevarez, Director (date)

REVIEWED BY:


EXECUTIVE BUDGET ANALYST


BUDGET OFFICER (date)
8/8/19

 8/8/19
CITY ECONOMIST