

CITY of ALBUQUERQUE
TWENTY THIRD COUNCIL

COUNCIL BILL NO. O-19-81 ENACTMENT NO. O-2019-032

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:

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

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

PROOF OF OWNERSHIP. Any documentation or evidence which proved to the satisfaction of the Mayor that a Person is the Owner of an Animal, including, but not limited to, a Microchip identification, Veterinarian invoice, official registration, or photographs of the Animal.

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

23 § 9-2-3-1 REQUIRED ALBUQUERQUE COMPANION PET MICROCHIP

24 (A) *Albuquerque Residents.* All residents of Albuquerque who own
25 Companion Animals shall have a microchip implanted and registered with the

1 appropriate microchipping company as well as registered with AACC for each
2 Companion Animal they own that is over the age of three months.

3 (B) *Non-Resident*. Any Person who lives in Bernalillo County or the
4 surrounding counties of Valencia, Cibola, Sandoval, Tarrant or Santa Fe and
5 is not a City resident but who keeps a Companion Animal in the city for more
6 than 15 consecutive days or an aggregate of 30 days in any year shall obtain a
7 Companion Pet Microchip and register such Microchip with AACC.

8 (C) Companion Animals must have a current Rabies Vaccination and be
9 Microchipped or Permanently Identified.

10 (D) *Impounded Companion Animals*. Any Person who lives in Bernalillo
11 County or the surrounding counties of Valencia, Cibola, Sandoval, Tarrant or
12 Santa Fe who owns a Companion Animal that has been impounded by AACC
13 shall obtain a Companion Pet Microchip.

14 (E) *Collar or Harness Requirements*.

15 (1) Any Companion Animal outside the Owner's real property shall wear
16 a collar or a Harness with a current Anti-Rabies Vaccination Tag attached to
17 the collar or Harness, even if the Companion Animal is Microchipped.

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

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

22 (F) Any Permitted Premises open to the public shall post a sign
23 conspicuously observable by the public which states that all Companion
24 Animals in the city must be spayed or neutered unless they possess an Intact
25 Animal Permit and they must be Microchipped or otherwise Permanently
26 Identified. Such signs shall be at least 8 ½ inches by 11 inches in size and
27 contain lettering at least 1 inch in height.

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

29 (A) All Intact Companion Animals must be Permanently Identified by a
30 Microchip or other identification method acceptable to the Mayor and
31 registered with the AACC before an ICAP can be issued.

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

1 (B) All female Intact Companion Animals must have an ICAP and be
2 Microchipped or otherwise Permanently Identified before a Litter Permit will be
3 issued.

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

5 (A) All Companion Animals at a Multiple Companion Animal Site shall be
6 Microchipped or otherwise Permanently Identified. Fostering a pregnant
7 Companion Animal and her eventual offspring is a temporary exception to this
8 rule.

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

10 (A)(3) The dog has been spayed or neutered and Microchipped.

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

12 § 9-2-3-16 PERMIT FEES.

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

21 (B) *Permit Fees.*

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

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

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

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

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

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

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

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

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

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

32 (F) *Unlawful Use of Tags.* No Person shall affix an Anti-Rabies tag to the
33 collar or Harness of any Animal other than the Animal for which the Anti-

1 Rabies tag was issued. No Person shall keep, manufacture or use a stolen,
2 counterfeit or forged Animal Anti-Rabies Vaccination certificate or Rabies tag.

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

4 (2) The Owner shall provide to AACC the Owner's name, address,
5 telephone number, a description of the Companion Animal together with any
6 identification information such as a Microchip, a photograph if possible, the
7 date of the loss, and the last known location of the Companion Animal prior to
8 the loss.

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

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

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

15 (11) If the Companion Animal is not Microchipped or Altered, the Finder
16 does not have to Microchip or Alter said Animal while in temporary
17 possession but shall Microchip and Alter the Companion Animal when and if
18 the Finder becomes the Owner under this section.

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

20 (E) *Veterinarians*.

21 (1) Each Veterinarian that Vaccinates shall deliver to the city information
22 regarding all Anti-Rabies Vaccinations administered during the preceding
23 month by the fifteenth day of the following month by either hard copy or in an
24 electronic format approved by the city.

25 (2) Approved Veterinarians shall receive a credit of fifty cents for each
26 Vaccination certificate submitted as a hard copy and one dollar for each
27 submitted electronically. The credits will only be granted if the information is
28 received by the fifteenth day of the month immediately following the month in
29 which the Vaccination certificate was issued and if the information is complete
30 and accurate as determined by the Mayor.

31 (3) Veterinarians shall post and maintain a sign clearly visible to the public
32 stating that dogs and cats must be spayed, neutered or permitted in
33 accordance with the ordinance (including the proper citation) and have anti-

1 rabies vaccinations as mandated by the State of New Mexico and the City of
2 Albuquerque. AACC will provide one sign free to each Veterinarian.

3 SECTION 15. COMPILATION. Sections 1 through 14 of this ordinance shall
4 amend, be incorporated in and made part of the City Charter and Revised
5 Ordinances of Albuquerque, New Mexico, 1994.

6 SECTION 16. SEVERABILITY CLAUSE. If any section, paragraph, word or
7 phrase of this ordinance is for any reason held to be invalid, or unenforceable
8 by any court of competent jurisdiction, such decision shall not affect the
9 validity of the remaining provisions of this ordinance. The Council hereby
10 declares that it would have passed this ordinance and each section,
11 paragraph, sentence, clause, word or phrase thereof irrespective of any
12 provision being declared unconstitutional or otherwise invalid.

13 SECTION 17. EFFECTIVE DATE. This ordinance shall take effect five days
14 following publication by title and general summary.

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1 PASSED AND ADOPTED THIS 4th DAY OF November, 2019
2 BY A VOTE OF: 9 FOR 0 AGAINST.
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Klarissa J. Peña, President
City Council

14 APPROVED THIS 12 DAY OF November, 2019
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17 Bill No. O-19-81
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Timothy M. Keller, Mayor
City of Albuquerque
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26 ATTEST:


Katy Duhigg, City Clerk
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