City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY
BILL NO. 2014-1
Animal Services

SPONSOR(S): Bushee

SUMMARY: The bill proposes to amend various provisions of the City of Santa Fe Services Ordinance, Chapter 5 SFCC 1987.

Notable changes include:

Section	Amendments
	Throughout the entire document, ***delete*** "director" and ***insert*** "administrator" in lieu thereof Reason: Animal services does not have a director
5-1	***Insert*** "and support" as a function of the Ordinance
5-2	**Definitions:** • ***Amend*** definitions for "grooming parlor", "pet shop" and "service animal" • ***Insert*** new definitions for "administrator", "cruelty", "neglect", "restraint" and "trolley system"
5-5.4	**Restraint of Animals:** • Prohibition of animals in public parks, pools, etc., makes an exception for city sponsored events – i.e., "doggy dip" • Allows for a trolley system for restraint; ***deletes*** the options for ropes, chains and cables
5-6	• ***Deletes*** the term "Kennels, Grooming Parlors, Pet Shops and Shelters" and inserts in lieu thereof "Professional Animal Care" • Professional animal care will include "animal training program, dog walking and animal sitting" businesses • ***Inserts*** a provision that requires that "Every individual entity that provides animals for sale or adoption shall purchase and display a professional animal care permit issued by the Administrator."
5-6.7	***Deletes*** requirement that "Any costs for services and medications provided by a licensed veterinarian incurred by the purchaser for such illness shall be reimbursed to the purchaser by the pet shop in an amount not to exceed two hundred dollars ($200.)."
5-7.1	Amends Paragraph I., as follows: ***Deletes*** "destruction" and ***inserts*** "humane euthanasia" in lieu thereof ***Inserts*** the following new provision: "L. If the administrator determines that an animal is a threat to public safety or that an animal's safety is in jeopardy, the administrator may impound the animal, at the owner's expense, for the time necessary to seek a court order to hold the animal until the

Section	Amendments
	case against the owner or caretaker of the animal is heard in municipal court. Any attempt to obtain such a court order shall be made expeditiously. The owner or caretaker of the animal shall be responsible for any and all boarding and medical costs that accrue as a result of such impoundment."
5-7.4	***Amends*** paragraph A to provide that an animal that is deemed vicious by the court shall be surrendered to animal services for " humane euthanasia at the owner's expense"
5-7.6	***Deletes*** the following provision because it is difficult to enforce: "It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to urinate upon private property other than that of the owner of the animal."
5-7.9	***Amends*** Service Animal provisions to be in compliance with the Americans with Disabilities Act
5-7.11	***Amends*** the language related to "Confining Animals in or upon Motor Vehicles.
5-7.16	***Amends*** the language related to "Special Events on the Plaza" to include all eight commercial events
5-8.6	***Deletes*** "destruction" and ***inserts*** "humane euthanasia" in lieu thereof
5-8.9	***Deletes*** "destruction" and ***inserts*** "humane euthanasia" in lieu thereof

PREPARED BY: Melissa Byers, Legislative Liaison

DATE: December 9, 2013

ATTACHMENTS: Bill
FIR

ACTION SHEET
ITEM FROM PUBLIC SAFETY COMMITTEE MEETING OF 12/17/13

ISSUE: Proposed ordinance amending various provisions of the City of Santa Fe Animal Services ordinance Chapter 5 SFCC 1987

PUBLIC SAFETY COMMITTEE ACTION: Recommend approval

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON TRUJILLO	X		
VICE-CHAIPERSON HARRIS	X		
MEMBER MIKE MIER	X		
MEMBER NANCY OWEN-LEWIS	X		
MEMBER PETER MIZRAHI	X		
MEMBER MIKE BOWEN	ABSENT		
MEMBER CHRIS RIVERA	X		

DISK fc1/fcmissue

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2014-1

INTRODUCED BY:

Councilor Patti Bushee

AN ORDINANCE

AMENDING VARIOUS PROVISIONS OF THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

Section 1. Section 5-1 SFCC 1987 (Ordained as Code 1973, §4-1, as amended) is amended to read:

5-1 SHORT TITLE; PURPOSE.

A. This section may be cited as the "Animal Services Ordinance".

B. It is the intent of the governing body that this chapter will protect animals from cruelty, neglect and abuse; protect residents from annoyance and injury, assist in providing housing for animals in a control center, finance and support the functions of licensing and recovery, and to establish regulations for the neutering of animals. The neutering of animals is necessary to eliminate the excessive number of unwanted animals, thereby reducing the number of animals that must be euthanized each year.

Section 2. Section 5-2 SFCC 1987 (Ordained as Code 1973, § 4-2, as amended) is

amended to read:

5-2 DEFINITIONS.

As used in this chapter:

Administrator means the person responsible for the operations of the animal services division.

Animal means any vertebrate member of the animal kingdom excluding human beings.

Animal services center means the facility maintained and operated pursuant to the provisions of this chapter.

Animal services officer means an employee of the city, designated as such by the [~~director~~] administrator, who has the authority of a peace officer to issue citations for violations of this chapter and performs such other duties relating to animal services as prescribed by the city manager.

Anti-escape provision means any housing, fencing or device which a guard dog cannot go over, under, through or around.

Bite means an actual puncture or tear of the skin inflicted by the teeth of an animal.

Breeder means any person involved in controlled breeding of animals except those complying with Section 5-9.5 SFCC 1987 for litter fees. Breeders are subject to the professional animal care permit requirements set forth in Section 5-6.2 SFCC 1987.

Commercial property means:

A. A portion of land, buildings, or land and buildings in the city, zoned for, or utilized for commercial or business uses, including temporary sites; and

B. Any vehicle utilized for commercial or business purposes in the city.

Cruelty means an overt act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animal's wellbeing, including but not limited to torture, maiming, beating or otherwise committing violence that causes injury or death.

Dangerous animal means:

A. An animal which, when unprovoked, engages in behavior that requires a

defensive action by a person to prevent great bodily harm to a person or domesticated animal provided that the person or the second animal are not on the premises of the owner or person having custody of the first animal; or

B. An animal which, when unprovoked, injures a person but the injury does not result in great bodily harm; or

C. An animal which, because of its poisonous bite or sting, constitutes a significant hazard to the public.

[~~*Director* means the executive director of animal services.~~]

Dog park means an official city designated park or portion thereof where dogs can exercise and run off leash in a safe, secure environment within the established limits and boundaries of an official city designated dog park.

Establishment means a place of business together with its grounds and equipment.

Feces means excrement and other waste matter discharged from the bowels of an animal.

Great bodily harm means an injury to a person or domesticated animal which creates a high probability of death or which causes serious disfigurement or which results in permanent or protracted loss or impairment of the function of any member or organ of the body.

Grooming parlor means any establishment, or part thereof, or premises maintained for the purpose of offering animals [~~cosmetological~~] cosmetic services for profit.

Guard dog means any dog that is utilized to protect commercial property, as defined above.

Guard dog site means [~~a~~] any premises utilizing a guard dog, and which has a current guard dog permit.

Handler means a person who trains dogs for socialization or dog shows or trials or a security person capable of controlling guard dogs.

Handler breeder or *hobby breeder* means any person involved in controlled breeding of animals which are approved by a nationally recognized animal breeding organization, and are eligible

to be so registered. Animals under the age of three (3) months are not required to be registered. Handler breeders or hobby breeders are subject to the professional animal permit requirements.

Heat or season means a regularly recurring state of estrus during which the female animal is capable of attracting or accepting the male for breeding or is capable of conceiving.

Hybrid means an animal created by breeding animals of different species. For purposes of this article, it includes, but is not limited to, the hybrid offspring of domesticated dogs and wolves, or domesticated dogs and coyotes.

Impound means to take-up and confine an animal in a humane manner.

Inspection officer means an animal services officer and is authorized by ordinance to conduct inspectorial searches.

Inspection order means an order issued by a municipal or district court judge.

Inspectorial search means an entry into and examination of premises for the purpose of ascertaining the existence or nonexistence of conditions dangerous to health or safety or otherwise relevant to the public interest, in accordance with inspection prescribed by this chapter enacted for the promotion of public well-being.

Kennel means any commercial establishment or premises where ten (10) or more dogs or cats, over three (3) months of age, are boarded, kept or maintained for any purpose whatsoever, with the exception of state-inspected veterinary hospitals and shelters.

Licensed veterinarian means a person with a doctor of veterinary medicine degree, licensed to practice in the state.

Livestock means cattle, horses, mules, donkeys, swine, sheep or goats.

Nuisance means, but is not limited to defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the city.

Neglect means an overt act involving failure to provide for animal health or safety, including but not limited to failure to provide adequate food, water, shelter, exercise, or necessary veterinary

care to an animal or to adequately confine an animal in a manner appropriate to its species, breed, age and condition.

Nuisance means, but is not limited to defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the city.

Owner of animal means a person who owns, harbors or keeps, or knowingly permits an animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises.

Person means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.

Person in charge means for the purpose of inspection, the individual present in an establishment who is the apparent supervisor of the establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present shall be considered the person in charge.

Pet shop means any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange [~~or hire~~] of animals of any type, except that the term shall not include livestock auctions.

Playground means an area where outdoor equipment is placed for children to play on, athletic fields such as baseball, football, soccer fields, handball courts, tennis courts, skateboard parks, etc.

Police dog means any dog owned by a public agency and used in law enforcement activities under the direction of a handler.

Premises means a parcel of land and the structures thereon.

Quarantine means to detain or isolate an animal suspected of having a contagious disease.

Restraint means:

A. Confinement within the real property limits of an animal owner where the

animal is secured by a leash or lead or is otherwise under the control of a responsible person; or

B. Confinement within a vehicle in a manner that prevents an animal from escaping.

Running at large means not to be confined within a building, shelter, walled or fenced area or secured by a leash, rope, chain or other restraining device, unless under the direct control of the owner/handler or keeper.

Service animal means [~~any animal trained to assist mobility impaired, blind, or deaf people or trained for and actively employed by a police department~~] a dog or miniature horse that is individually trained to do work or perform tasks for a person with a disability.

Shelter means any establishment owned and operated by a non-profit humane organization licensed to do business in the state.

Stray animal means any animal found running at large beyond the boundaries of the premises of the owner except within the established limits and boundaries of an official city designated dog park.

Trolley system means a method to confine a dog by tethering the dog to a cable that is ten feet or longer with a free moving pulley device attached that will allow the lead to roll across it, permitting maximum space for a single dog to move around. See illustration of a trolley system, attached to this Chapter as Exhibit A.

Unaltered means not neutered or spayed.

Vaccination means protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the state.

Vicious animal means an animal which kills or causes great bodily harm. It does not include an animal that bites, attacks or injures a person or second animal, which is unlawfully upon the premises of the owner or person having custody of the first animal. Any animal that has previously

been found to be a dangerous animal may thereafter be deemed vicious upon a second or subsequent offense.

Wild or *exotic animal* means any animal not normally considered domesticated and shall include, but not limited to:

A. Class reptilia; order phidia, such as racers, boas, water snakes and pythons, and order loricata, such as alligators, caymans and crocodiles;

B. The following members of the class aves; order falconiforms, such as hawks, eagles and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries and emus; and

C. Class mammalia; order carnivora; family felidae, such as ocelots, margays, tigers, jaguars, leopards and cougars, except commonly accepted domesticated cats; the family canidae, such as wolves, dingos, coyotes and jackals, except commonly accepted domesticated dogs, family mustelidae, such as weasels, martins, mink, badgers, except ferrets, family procynnidae, such as raccoons; family ursidae, such as bears; and order marsupialia, such as kangaroos and common opossums; order edentata, such as sloths, anteaters and armadillos; order proboscidea, such as elephants; order primata, such as monkeys, chimpanzees and gorillas; order rodenta, such as porcupines; and order ungulata, such as antelope, deer, bison and camels.

D. Hybrids.

Section 3. Subsection 5-3.1 SFCC 1987 (being ordained as Code 1973, § 4-3, as amended) is amended to read:

5-3.1 Administration of Chapter.

The [~~director~~] administrator is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the [~~director~~] administrator to carry out the intent and purpose of the Animal Services Chapter. The [~~director~~] administrator may delegate authority to his

duly appointed animal services officers as he/she deems expedient to carry out the provisions of this chapter.

Section 4. Subsection 5-3.2 SFCC 1987 (being ordained as Code 1973, § 4-4, as amended) is amended to read:

5-3.2 Animal Services Officers to Issue Citations.

The city police, the [~~director~~] administrator and animal services officers have the authority to issue citations for violations of this chapter and to perform such other duties as are prescribed by the city manager. An animal services officer shall wear a uniform, and a badge, and a name tag identifying him/her as an animal services officer. The badge shall be returned to the [~~director~~] administrator upon the termination of his employment.

Section 5. Subsection 5-4.2 SFCC 1987 (being ordained as Code 1973, §4-8, as amended) is amended to read:

5-4.2 Hours of Business.

The animal services center shall be kept open to the public for the transaction of business during the hours set by the [~~director~~] administrator.

Section 6. Subsection 5-5.1 SFCC 1987 (being ordained as Code 1973, §4-11, as amended) is amended to read:

5-5.1 Rabies Vaccinations.

A. It is the duty of all persons owning or keeping a dog, cat, ferret or dog hybrid over the age of three (3) months to have such animals vaccinated against rabies unless the pet owner obtains written verification from a licensed veterinarian that the animal should not be vaccinated for health reasons. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for three (3) years and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination.

B. The veterinarian administering anti-rabies vaccine to any animal shall issue to the

owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination and the expiration date of the period of immunity.

C. It is unlawful for the owner or keeper of any dog, cat or ferret to fail to exhibit its certificate of vaccination upon demand by the [~~director~~] administrator or by any animal services officer.

Section 7. Subsection 5-5.3 SFCC 1987 (being ordained as Code 1973, §4-13, as amended) is amended to read:

5-5.3 Biting Dogs or Other Biting Animals.

A. The owner of an animal that bites a person, and a person bitten by an animal, shall report that occurrence to the animal services center and to the state health and environment department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender the animal to the animal services center if the [~~director~~] administrator deems it necessary to impound the animal for a period of observation.

B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the animal services center and to the state health and environment department within twenty-four (24) hours of his first professional attendance. The physician shall report the name, sex and address of the person bitten, as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the [~~director~~] administrator in ascertaining the immunization status of the animal.

C. An animal that bites a person shall be confined securely at a place for a period of time deemed necessary by the [~~director~~] administrator. The owner of the animal shall bear the cost of confinement. The [~~director~~] administrator may consent to confinement on the owner's premises but only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises

where the home confinement is to occur shall be inspected and approved for such purposes by an animal services officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the [~~director~~] administrator before consent may be given for such home confinement.

D. A person who has custody of an animal that has bitten a person shall immediately notify the [~~director~~] administrator if the animal shows any signs of sickness, abnormal behavior, or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the [~~director~~] administrator or an animal services officer and relinquish any claims to the animal.

Section 8. Subsection 5-5.4 SFCC 1987 (being ordained as Code 1973, §4-14, as amended) is amended to read:

5-5.4 Restraint of Animals.

A. Voice command is not an acceptable form of restraint.

B. Except for city permitted events that allow for animals to be present, [~~Animals~~] animals which are not service animals shall not be allowed upon playgrounds or upon the grounds of swimming pools, or within a building, any of which are owned, operated or maintained by the city, nor shall they be allowed upon the premises of public schools, preschool through high school unless permission is obtained from the school official. All animals which are not service animals shall be prohibited in Cathedral Park.

C. Animals shall not be allowed upon a public street, alley, [~~or way or other~~] easement city property or other place open to the public or upon any property other than that of the owner of the animal unless properly restrained. Dogs shall be on a secure leash no longer than eight feet (8') in length and under the immediate effective physical control of the person having custody thereof. The person having custody shall be a person of such age and maturity to be reasonably responsible therefor. A person inside an enclosed structure shall not be considered to be in the physical control of

a dog not in the enclosed structure. The provisions of this paragraph do not apply when an animal is participating in a bona fide animal show or training program which has been authorized by the animal services division or is in a city park designated by the governing body as an exercise ground for dogs. The provisions also do not apply to police canine units unleashed while on public property while acting in a law enforcement activity.

D. Animals located upon the property of the owner of the animal shall be restrained in such a manner as to secure the animal, using devices such as a [~~rope, chain, cable~~] trolley system, kennel, invisible fencing, or inescapable walled or fenced area. Voice command is not an acceptable form of restraint. The animal shall be restrained in such a way as to prevent the animal from reaching outside the perimeter of the property.

E. Animals shall not be carried in or upon any vehicle in a cruel, inhumane or unsafe manner. An animal carried in the bed of a truck shall be crated or restrained upon a non-metal mat so it cannot fall or jump from the truck or be strangled.

F. A [~~rope, chain, or other device~~] trolley system may be used to restrain an animal upon the owner's property, provided the following criteria are met:

(1) The device shall be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.

(2) The device shall be at least twelve feet (12') long unless such length would allow the animal to reach outside the owner's property, in which case it shall be no less than eight feet (8') long and elevated four (4) to seven (7) feet off the ground. The device shall be fastened so the animal can sit, walk and lie down comfortably and shall be unobstructed by objects that may cause the device or animal to become entangled or strangled.

(3) The animal shall have easy access to adequate shade, shelter, food and potable water.

(4) The area where the animal is confined shall be kept free of garbage and other

debris that might endanger the animal's health or safety. Feces shall be cleaned up regularly, but no less frequently than twice weekly.

(5) The area where the animal is confined shall be kept free of insect infestations such as ant hills, wasp nests, or flea, tick and maggot infestations.

Section 9. Subsection 5-5.5 SFCC 1987 (being ordained as Code 1973, §4-15, as amended) is amended to read:

5-5.5 Confinement During Estrus (Heat).

Any female animal in the stage of estrus (heat) shall be confined to a well-ventilated building, escape-proof kennel or a boarding facility so that contact with a male animal will be prevented except for intentional breeding purpose, with required permits. Owners who do not comply with this section may be required upon direction of an animal services officer to place such animal in a boarding kennel or veterinary hospital at the owner's expense.

Section 10. Section 5-6 SFCC 1987 (being ordained as Code 1973, Art. V, Ch. 4) is amended to read:

5-6 [~~KENNELS, GROOMING PARLORS, PET SHOPS AND SHELTERS.~~]
PROFESSIONAL ANIMAL CARE

5-6.1 Purpose.

The city declares it to be conducive to the promotion of the health and general welfare of the inhabitants of the city to require a professional animal care permit to operate a kennel, grooming parlor, pet shop, animal training, dog walking or animal sitting business or shelter, and to impose certain regulations and inspection fees on those engaged in operating, maintaining or owning [~~a kennel, grooming parlor, pet shop or shelter~~] such professional animal care entities.

Section 11. Subsection 5-6.2 SFCC 1987 (being Code 1973, §4-17, as amended) is amended to read:

5-6.2 Professional Animal Care Permits Required; General Provisions.

A. Breeders and persons operating kennels, grooming parlors, pet shops animal training, dog walking or animal sitting businesses or shelters shall obtain a professional animal care permit from the [~~director~~] administrator. It shall be unlawful to operate a breeder or a kennel, grooming parlor, pet shop, animal training, dog walking or animal sitting business or shelter without a current valid professional animal care permit. A current city business license shall be presented at the time of application for a professional animal care permit.

B. When a permit is applied for, an inspection of the breeders location or the kennel, grooming parlor, pet shop animal training, dog walking or animal sitting business or shelter shall be conducted by the [~~director~~] administrator to determine compliance with this chapter. If inspection reveals that the [~~premises comply~~] operation complies with the law and regulations, a professional animal care permit will be issued. The permit is only valid for the approved [~~premises~~] operation. Permittees who keep animals confined, shall, at the option of the permittee, be exempt from the animal license requirements of this chapter and will not be issued any license tags unless the required animal license fee is paid.

C. A permit is issued to a person for use at a single location. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop, animal training, dog walking or animal sitting business, shelter, or breeder's business location.

D. A breeder shall not advertise, sell, barter, exchange or give away any dog or cat within the municipal boundaries unless the professional animal care permit fee is paid. Any advertisement for the sale, barter, exchange or give away shall include the permit fee receipt number. A breeder shall furnish the permit fee receipt number to any prospective recipient requesting the number.

E. A permit holder shall notify the [~~director~~] administrator of any change in his operations which may affect the status of his permit and shall keep the [~~director~~] administrator informed of any change in name or location of his business.

F. Breeders or persons in charge of a kennel, grooming parlor, pet shop, animal training, dog walking or animal sitting business or shelter shall be responsible for complying with this chapter. There shall be kept at each kennel, grooming parlor, pet shop, shelter, or breeder's location a record of all animals received and of their final disposition.

G. The professional animal care permit shall expire December 31 of each calendar year, and shall be renewed by February 1 of the following year. Professional animal care fees shall be established by the [~~director~~] administrator and approved by the governing body of the city.

H. Every individual entity that provides animals for sale or adoption shall purchase and display a professional animal care permit issued by the Administrator. Any entity that is discovered representing another entity's animals as their own, shall be in violation of this Chapter and shall be cited and may be required to forfeit their current professional care permit.

Section 11. Subsection 5-6.3 SFCC 1987 (being Code 1973, §4-18, as amended) is amended to read:

5-6.3 Specifications and Maintenance of Facilities.

A. Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. Interior floors shall be smooth, easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect the animals from disease and injury.

B. Animals maintained in pens, cages or runs for periods exceeding twenty-four (24) hours, shall be provided with adequate space to prevent overcrowding and to maintain normal exercise, according to species.

C. Indoor housing shall be provided for in all pet shops, grooming parlors, shelters and commercial kennels. These facilities shall be sufficiently temperature-controlled and ventilated to provide for the animal's comfort and health.

D. Sufficient lighting shall be provided by either artificial or natural means.

E. Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health.

F. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris.

G. Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purposes and any vicious or quarantined animals shall be removed and caged by themselves.

H. Animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.

I. Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be provided with proper veterinary care. Any person operating or employed at a kennel, grooming parlor, pet shop or shelter who observes an animal which he suspects of being rabid shall at once notify the [~~director~~] administrator and the state department of health and environment and segregate such animal for a period of ten (10) days, unless examined and released by written statement of a veterinarian and then only at the discretion of the [~~director~~] administrator.

Section 12. Subsection 5-6.4 SFCC 1987 (being Code 1973, §4-19, as amended) is amended to read:

5-6.4 Inspections; Emergency Inspectoral Searches.

A. *Inspections.*

(1) Animal services officers shall conduct inspections of any facility or parcel of land to which this section applies.

(2) The animal services officer shall notify the occupants, custodians or owners of the premises, seven (7) days prior to the inspection, of the nature and purpose of the inspection.

(3) The notice required by the preceding subsection may be dispensed with [~~if,~~] because of the nature of the inspection to be undertaken, the conduct of the occupants, custodians[~~,~~] or property owners, [~~or~~] other circumstances[~~,~~] or there is a reasonable basis for belief that such notice would obstruct, or seriously diminish the utility of the inspection in question.

(4) Upon sufficient showing the consent to an inspectorial search has been refused or is otherwise unobtainable within a reasonable period of time, the officer may make application for an inspection order. Such application shall be made to the municipal or district court judge having jurisdiction over the premises to be inspected.

(5) The application shall be granted and the inspection order issued upon a sufficient showing that inspection of the premises or property, is in accordance with the intent of this chapter, and that the circumstances of the particular inspection for which application is made are otherwise reasonable. The issuing authority shall make and keep a record of the proceeding on the application, and enter thereon his findings in accordance with the requirements of this section.

(6) The officer executing the order shall, if the premises or property in question are unoccupied at the time of execution, be authorized to use such force as is reasonably necessary to [~~effect~~] gain entry and make the inspection.

(7) The inspection officer conducting the search shall, if authorized by the issuing authority on proper showing, be accompanied by one (1) or more law enforcement officers who are authorized to serve search warrants [~~who~~]. The law enforcement officer(s) shall assist the inspection officer in executing the order at his direction.

B. *Emergency Inspectorial Searches.*

(1) Whenever it reasonably appears to an inspection officer that there may be a condition, arising under the ordinance he is authorized to enforce, and imminently dangerous

to health and safety, the detection or correction of which requires immediate access, without prior notice to the premises or property for purposes of inspectorial search and if consent to such search is refused or cannot be promptly obtained, the inspection officer may make an emergency inspectorial search of the premises without an inspection order.

(2) Upon completion of the emergency inspectorial search, the inspection officer shall make prompt report of the circumstances to the municipal [~~or district~~] judge to whom application for an inspection order would otherwise have been made.

Section 13. Subsection 5-6.5 SFCC 1987 (being Code 1973, §4-20, as amended) is amended to read:

5-6.5 Permit Violations; Suspensions and Revocations; Hearing

A. *Permit Violation.* If the animal services officer makes an inspection of a kennel, grooming parlor, pet shop animal training, dog walking or animal sitting business or shelter and discovers a violation of this chapter, he shall notify the permit holder, or operator, of the violation by means of written notice. The notice [~~if~~] of violation shall:

(1) Set forth the specific violation found;

(2) Establish a specific and reasonable period of time for the correction of the violation found;

(3) State that failure to comply with any notice may result in a citation and referral to municipal court for prosecution and/or immediate suspension of the permit; and

(4) Be hand delivered to the permit holder or operator or mailed registered mail, return receipt requested to the last known address of the permit holder.

B. *Suspension of Permit in an Emergency.* If the violation described above has not been corrected within the specific time period and the animal services officer determines that an emergency exists that for the welfare, safety of the animal or the general public requires suspension of a permit, the animal services officer shall notify the permit holder, or operator that the permit shall be

suspended. The notification of suspension shall:

(1) Set forth the specific violation found or describe the emergency situation which exists requiring suspension of the permit;

(2) State that the permit is suspended until a hearing in compliance with paragraph E. below is held. The hearing shall be held within five (5) days of the receipt of the notice of suspension;

(3) State that the suspension shall be lifted if the violation or emergency situation is corrected in compliance with this chapter and approved by the animal services center before the hearing; and

(4) State that at the hearing a decision will be made regarding whether the permit shall be reinstated or revoked permanently;

(5) Be hand delivered to the permit holder or operator;

C. *Revocation of Permit in an Emergency.* If the animal services officer determines that there are serious or repeated violations of this chapter and the animal services officer determines that an emergency exists that for the welfare, safety of the animal or the general public requires suspension of a permit, the officer shall notify the permit holder or operator that the permit is revoked. The notification of revocation shall:

(1) Set forth the specific repeated violations found or describe the emergency situation which exists requiring revocation of the permit;

(2) State that the permit is revoked;

(3) Inform the permit holder that he or she may request a hearing as set forth in paragraph E. below. The hearing shall determine whether the revocation should remain or that the permit should be reinstated. A request for a hearing shall be submitted to the animal services center within ten (10) days of receipt of the notification of revocation; and

(4) Be hand delivered to the permit holder or operator.

D. *Suspension or Revocation of Permit not in an Emergency.* In situations not deemed to be an emergency described in paragraphs B. and C. above, a hearing as set forth in paragraph E. below shall be conducted prior to suspension or revocation of the permit.

E. *Hearing.* A hearing required as set forth in paragraphs B., C. and D. above shall be conducted as follows:

(1) The hearing shall be conducted by a hearing officer designated by the city;

(2) Notice of the hearing shall:

(a) State the time, place and nature of the hearing;

(b) State the legal authority and jurisdiction under which the hearing is to be held;

(c) Include a short and plain statement of the matters of fact and law asserted so that all have sufficient notice of the issues involved to afford them reasonable opportunity to prepare; and

(d) Be hand delivered to the permit holder or operator. If the party cannot be located a certified letter shall be sent to their last known address.

(3) All parties shall be allowed to respond and present evidence and argument on all issues involved;

(4) A record of the hearing shall include the following:

(a) All pleadings, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections and rulings herein;

(e) Findings and conclusions; and

(f) Any decision, opinion or report by the hearing officer.

(5) Findings of fact shall be based exclusively on the evidence presented and on

matters officially noticed;

(6) Notice of the final decision shall be in writing and hand delivered to the permit holder or operator or mailed certified mail return receipt requested within five (5) days of the hearing.

F. Decisions made by the hearing officer to revoke a permit shall be final [~~and may be appealed to district court~~].

Section 14. Subsection 5-6.7 SFCC 1987 (being Ord. #2004-20, §21) is amended to read:

5-6.7 Additional Pet Shop Requirements.

A. Prior to offering a dog or cat for sale and thereafter at intervals of fifteen (15) days until such dog or cat is sold, pet shops shall provide for examination of such dog or cat by a licensed veterinarian. The pet shop shall maintain a record of the veterinary services rendered for each dog or cat offered for sale.

B. If within fifteen (15) days of sale, any such dog or cat becomes ill or dies of any illness which existed in such dog or cat at the time of the sale, the pet shop shall, at the option of the purchaser, replace the dog or cat or refund in full the purchase price of such dog or cat provided that in the case of illness, upon return of the dog or cat to the pet shop and the receipt of a certificate from a licensed veterinarian, stating that the dog or cat is ill from a condition which existed at the time of sale or in the case of death, the receipt of a certificate from a licensed veterinarian stating that the dog or cat died from an illness which existed at the time of sale. [~~Any costs for services and medications provided by a licensed veterinarian incurred by the purchaser for such illness shall be reimbursed to the purchaser by the pet shop in an amount not to exceed two hundred dollars ($200.).~~] The presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and the return of such deceased dog or cat to the pet shop shall not be required. No such refund or replacement shall be made if such illness or death resulted from maltreatment or neglect by a person

other than the pet shop owner or his agent or employee.

C. A sign measuring not less than three (3") inches in height and not less than five (5") inches in width shall be posted on the crate of each dog offered for sale in a pet shop. The sign shall contain information printed in black lettering on a white background listing the breed of such dog, the locality and state in which such dog was born, and any individual identification number of such dog as listed on the official certificate of veterinary inspection from the state of origin.

D. A sign shall be posted stating the following "THE FOLLOWING INFORMATION IS ALWAYS AVAILABLE ON ALL OUR PUPPIES: DATE OF BIRTH, THE STATE OF BIRTH, BREED, SEX AND COLOR, THE DATE THE PET SHOP RECEIVED THE PUPPY, THE NAMES AND REGISTRATION NUMBERS OF THE PARENTS (FOR AKC REGISTERABLE PUPPIES), RECORD OF INOCULATIONS AND WORMING TREATMENTS AND ANY RECORD OF ANY VETERINARY TREATMENT OR MEDICATIONS RECEIVED TO DATE." Such sign shall include a telephone number at the animal services center through which information may be obtained regarding complaints about diseased or disabled animals offered for sale. Such sign shall be posted in a place readily visible to the consumer where dogs are offered for sale and printed in black lettering not less than thirty-eight (38) point size upon a white background.

Section 15. Subsection 5-7.1 SFCC 2987 (being ordained as Code 1973, §4-22, as amended) is amended to read:

5-7.1 Possession, Confinement and Impoundment of Animals.

A. No person shall hold or retain possession of any animal of which he is not the owner, without the knowledge or consent of the owner, for more than twenty-four (24) hours without first reporting the possession to the [~~director~~] administrator or his designee, giving his name and address, a true and complete statement of the circumstances, a description of the animal and the precise location where such animal is confined.

B. It is unlawful for any person taking up an animal to fail to give the notice required in

paragraph A. of this section, and for any person having such animal in his possession to fail or refuse to immediately surrender such animal to the [~~director~~] administrator or his designee upon demand.

C. A licensed stray animal shall be confined at the animal services center for a period of at least seven (7) days during which time the owner shall be notified. If identification or notification of the owner is not possible, the animal services center may dispose of the animal, without notice, one (1) day after the required impoundment period and may either place the animal in an adoptive home, or may destroy the animal in a humane fashion, as the [~~director~~] administrator may deem proper.

D. An unlicensed stray animal shall be confined at the animal services center for a period of at least five (5) days. One (1) day after the required impoundment period, the [~~director~~] administrator may either place the animal in an adoptive home, or may destroy the animal, in a humane fashion, as the [~~director~~] administrator may deem proper.

E. The animal services officers have the right to impound animals that are destroying public or private property or endangering the welfare of any person or animal that is lawfully on public or private rights-of-way. Any animal in violation of this subsection is declared to be a nuisance, a menace to the public health and safety and shall be impounded.

F. A notice of impoundment shall be left when an animal is impounded from private property. An attempt shall be made by the animal services officers to contact the owner.

G. No animal that has been impounded by the animal services center shall be adopted-out for the purpose of breeding or sale. Every dog and cat adopted from the center shall be neutered by a licensed veterinarian. A fee for the operation shall be paid to the animal services center or its designee by the person purchasing the dog or cat, prior to the release of the animal.

H. In the event of a stray avian, bovine, equine, ovine, porcine or caprine animal services shall turn the animal over to the state livestock board.

I. In the event of sickness or injury of the animal upon the advice of a licensed veterinarian, the [~~director~~] administrator may take such action as called for to prevent undue pain and

suffering including immediate [~~destruction~~] humane euthanasia of the animal.

J. It is the responsibility of an owner of an animal legally impounded to pay for boarding and other costs. The city shall establish appropriate fees and procedures for their collection. In addition, the owner shall pay any license fees due, cost of vaccinations, fines imposed or other costs incurred in the care and maintenance of the animal. The animal services center shall not release any animal impounded at the center until all such fees, fines and costs are paid.

K. Dogs or cats shall not be released unless properly vaccinated and licensed as set forth in subsections 5-5.1 and 5-5.6 SFCC 1987. Dogs and cats shall be spayed or neutered before the animal is released unless the animal is licensed as an unaltered animal; however, upon the third impoundment the animal shall be neutered before it is released. The owner shall be responsible for all costs incurred and shall pay in full before the animal is released.

L. If the administrator determines that an animal is a threat to public safety or that an animal's safety is in jeopardy, the administrator may impound the animal, at the owner's expense, for the time necessary to seek a court order to hold the animal until the case against the owner or caretaker of the animal is heard in municipal court. Any attempt to obtain such a court order shall be made expeditiously. The owner or caretaker of the animal shall be responsible for any and all boarding and medical costs that accrue as a result of such impoundment.

Section 16. Subsection 5-7.4 SFCC 2987 (being ordained as Code 1973, §4-25, as amended) is amended to read:

5-7.4 Vicious Animals; Dangerous Animals.

A. *Vicious Animals.* No person shall keep or harbor a vicious animal. Any person attacked by a vicious animal while on public property may use reasonable force to repel the attack. An animal deemed vicious by a court of law shall be surrendered to the animal services center for humane [~~destruction~~] euthanasia, at the owner's expense, or the owner shall provide acceptable proof to the animal services center that the animal has been destroyed.

B. *Dangerous Animals.* No person shall keep or harbor a dangerous animal in a manner that constitutes a threat to a person or other domesticated animal. An animal deemed dangerous by a court of law shall be muzzled, on a leash no longer than three (3') feet, and under the immediate physical control of the owner or person having custody whenever the animal is not on the premises of the owner or person having custody. If an animal is found to be dangerous and the owner or person having custody of the animal has been found to not be in compliance with this section, then the animal may be deemed vicious by a court of law.

Section 17. Subsection 5-7.6 SFCC 2987 (being ordained as Code 1973, §4-27, as amended) is amended to read:

5-7.6 Animal Nuisances.

A. It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to create any nuisance upon a sidewalk, public park, alley or other place open to the public or upon any property other than that of the owner of the animal. The term nuisance shall include any defecation, destruction of property or disturbing the property of another, including the rubbish or trash of a resident. When an animal defecates in such place, the owner shall remove the feces and dispose of it in a sanitary manner. Anyone walking an animal in a public area shall have in his or her possession a sanitary and disposable means of removing the animal's feces which must be placed in a refuse container for sanitary removal. The person shall be able to present such means upon request of an animal services officer. [~~It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to urinate upon private property other than that of the owner of the animal.~~] The provisions of this paragraph shall not apply to a service animal accompanying any person with a disability.

B. Any person keeping animals shall provide adequate and sanitary housing facilities for such animals, and no stagnant water shall be permitted to accumulate. All structures used for the

housing of such animals and all yards, cages and runs provided for them shall be cleaned in a timely manner so as not to cause noxious or offensive odors and to prevent the breeding of insects. Such areas shall be cleaned often enough so as not to cause a health hazard for the animal or interfere with the animal's well-being. Failure to so keep any such animal is hereby declared to be a nuisance and unlawful.

C. Violations of this section shall constitute a nuisance and shall subject the owner or person having care or control of the animal to the penalties set forth in Section 5-12 SFCC 1987.

Section 18. Subsection 5-7.9 SFCC 2987 (being ordained as Code 1973, §4-30, as amended) is amended to read:

5-7.9 Service Animals [~~Trained to Assist the Blind or Deaf or Mobility Impaired~~] in Public Places.

It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any purpose to debar or exclude therefrom any [~~animal~~] dog or miniature horse designated as [~~which is~~] a service animal that has been individually trained to work or perform tasks for an individual with a disability whom it was trained to assist in conformance with the law. [~~or has been trained to assist the blind, deaf or mobility impaired provided that such animal is under proper supervision of the handler or the blind or deaf or mobility impaired person whom it was trained to assist in conformance with the law.~~]

Section 19. Subsection 5-7.11 SFCC 2987 (being Ord. #1984-66, §§ 1-2, as amended) is amended to read:

5-7.11 Confining Animals in or upon Motor Vehicles.

[~~It is unlawful to leave an animal in an enclosed vehicle or upon a vehicle for a length of time which could result in danger to or death of the animal due to heat, lack of food or drink or other circumstances as may reasonably be expected to cause suffering, disability or death. If animal services determines that an animal in an enclosed vehicle or upon a vehicle is in immediate danger,~~

~~animal services may enter the vehicle by whatever means is necessary, without being liable to the owner of the vehicle, and impound the animal.~~] No person shall confine any animal in or upon a motor vehicle that would place the animal in a life or health threatening situation because of exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from the heat or cold. In order to protect the health and safety of an animal, an animal services officer or law enforcement officer who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner of the motor vehicle.

Section 20. Subsection 5-7.13 SFCC 2987 (being Ord. #1984-66, §4, as amended) is amended to read:

5-7.13 Removal of Animals from Motor Vehicles by Animal Services Officer or Peace Officer.

An animal services or peace officer who finds an animal in a motor vehicle in violation of this chapter may enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal services center or other place of safe keeping. If a vehicle is entered, left unsecured and cannot be re-secured, an animal services or peace officer shall stay with the vehicle until the owner arrives. In the event the person having custody cannot be contacted, the officer shall leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner. The animal will be surrendered to the owner if the owner claims the animal within five (5) days from the time the animal was impounded. The owner shall pay all [~~reasonable~~] charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five (5) days after its removal from the motor vehicle, the animal services center will make reasonable effort to contact the owner and give notice that the animal is in their custody. In the event the owner cannot be contacted or expresses no interest in reclaiming the animal within five (5) days after contact or efforts to contact, the animal

services center may dispose of the animal in any reasonably humane manner.

Section 21. Subsection 5-7.16 SFCC 2987 (being Ord. #2004-20, §29) is amended to read:

5-7.16 Special Events on the Plaza.

The city of Santa Fe declared it to be conducive to the protection, health, and general welfare of the people to ban all animals from the Plaza during the Challenge New Mexico Arts and Crafts Show; Fourth of July Pancake Breakfast[,]; Spanish Market[,]; the Contemporary Hispanic Market; Santa Fe Girls' Inc. Arts and Crafts Show; Indian Market[,]; Santa Fe Fiesta Labor Day Arts and Crafts Market; and Santa Fe Fiesta described in Section 23-5.2 SFCC 1987, except as set forth in this subsection. Service animals and animals in city-approved parades or other animal events shall be exempt from this ban. For the purposes of this restriction, the Plaza shall include the center park and those areas surrounding the center park designated for those events as described in subsection 23-5.2 SFCC 1987.

Section 22. Subsection 5-8.6 SFCC 2987 (being Ordained as Code 1978, §4-37, as amended) is amended to read:

5-8.6 Protective Care [~~by Director~~].

When the [~~director~~] administrator finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of the animal, the [~~director~~] administrator may take up the animal for protective care.[~~; and, in~~] In the event of sickness or injury of the animal, upon the advice of a licensed veterinarian, the [~~director~~] administrator may take such action as called for to prevent undue pain and suffering including immediate [~~destruction~~] humane euthanasia of the animal. The animal will be held free of charge for seventy-two (72) hours. If the animal is not claimed during that period, daily boarding fees shall be charged.

Section 23. Subsection 5-8.7 SFCC 2987 (being Ordained as Code 1978, §4-38, as

amended) is amended to read:

5-8.7 Injury by Motorists.

A. Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring, striking, maiming or running down any animal, give aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the [~~director~~] administrator, furnishing sufficient facts relative to the injury.

B. Every such operator shall remain at or near the scene until the appropriate authorities arrive, and upon the arrival of the appropriate authorities, the operator shall immediately identify himself to them. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal services center and notifying the [~~director~~] administrator. The animal shall be deemed an abandoned animal within the meaning of subsection 5-8.4 of this chapter. This provision does not apply to operators of emergency vehicles.

Section 23. Subsection 5-8.9 SFCC 2987 (being Ordained as Code 1978, §4-40, as amended) is amended to read:

5-8.9 Keeping of Diseased or Painfully Crippled Animals.

It is unlawful to have, keep or harbor any animal which is infected with any dangerous or incurable or painfully crippling condition except as provided in this chapter. The [~~director~~] administrator may impound the diseased or painfully crippled animal in accordance with the provisions of this chapter. All such animals impounded, following examination and approval by a veterinarian may be destroyed humanely as soon thereafter as is conveniently possible. In the case of [~~destruction~~] humane euthanasia of an animal, the [~~director~~] administrator shall not be required to give any of the notices provided in this chapter. This subsection shall not be construed to include veterinary hospitals or animals under active veterinary care.

Section 24. Subsection 5-8.11 SFCC 2987 (being Ordained as Code 1978, §4-42, as amended) is amended to read:

5-8.11 Confining or Crating of Fowl.

It is unlawful for any person to confine[~~, or the director administrator to confine and impound~~] any wild or domestic fowl or bird unless provisions are made for the proper feeding and the furnishing of water to the fowl or bird at intervals not longer than twelve (12) hours; and unless provisions are made that the crate, box or other enclosure in which the fowl or bird is confined or impounded permits the fowl or bird to stand in a naturally erect position.

Section 25. Subsection 5-9.5 SFCC 2987 (being Ord. #2004-20, §32) is amended to read:

5-9.5 Litter Permit Required.

The owner who [~~intentionally or~~] unintentionally breeds dogs or cats and does not have a current professional animal care permit for breeding, as required in subsection 5-6.2 SFCC 1987, shall pay a litter fee for each litter. An owner shall not advertise, sell, barter, exchange or give away any dog or cat within the municipal boundaries unless the litter fee is paid. Any advertisement for the sale, barter, exchange or give away shall include the litter fee receipt number. An owner shall furnish the litter fee receipt number to any prospective recipient requesting the number. If the owner purchases a breeder permit or provides proof of sterilization of the female animal within thirty (30) days of being cited for violation of this section, such charge shall be dropped. If the owner takes all or part of the litter to the Santa Fe animal shelter to [~~give away~~] surrender, a litter permit shall not be required provided that the animal that produced the litter is neutered.

Section 26. Subsection 5-10.1 SFCC 2987 (Ordained as Code 1973, §4-48, as amended) is amended to read:

5-10.1 Wild or Exotic Animals.

A. It is unlawful to be in charge of, possess or own:

(1) Any wild or exotic animal or species prohibited by federal or state law;

(2) Any wild or exotic animal or species when kept in such numbers or in such a

way as to constitute likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance;

(3) Bats; or

(4) Skunks, except those owned by individuals on the effective date of this chapter and provided that any wild or exotic animal permit is obtained for the skunks within sixty (60) days of the effective date.

B. It is unlawful to receive, purchase, own or keep any wild or exotic animal without first applying to and receiving from the [~~director~~] administrator a permit to do so. Notwithstanding, those persons in possession of a wild or exotic animal when they become residents of the city in the future or who possess the animal on the effective date of this chapter have a sixty (60) day period in which to apply for the permit before the penalty provisions of this chapter become enforceable.

C. No person shall apply for a wild or exotic animal permit without first obtaining any required state or federal permits.

D. The application for a permit shall contain the name of the applicant; his address, the address of the proposed location of the wild or exotic animal if different from the applicant's; a brief description of the applicant's plan for keeping the wild or exotic animal which shall include the species of animal, the number of individuals of each species, and a description of the housing facilities; a list of individuals qualified to care for the animal desired or that have agreed to advise or assist the applicant in the proper care and treatment of the animal and who would be willing to recommend the person applying for the permit; and the list of publications which the applicant has studied in order to qualify for a permit for the animal.

E. Upon receipt of the application, the [~~director~~] administrator shall inspect the facilities where the animal is to be housed and shall make whatever other investigations he deems necessary. The [~~director~~] administrator may deny a permit if the inspection or investigation determines that the provisions of this section are not met.

F. Whenever, in any given permit year, there are new wild or exotic animals in a collection due to the reproduction of members of the collection or to replacement in the [~~sane~~] same number and zoological species as the members replaced, the new animals do not require an additional permit during the year, provided the [~~director~~] administrator is notified in writing of the new exotic animals within thirty (30) days of acquisition. When a new or wild exotic animal or collection is added, a new permit must be secured and a new fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite of the issuance.

G. The wild or exotic animal permit shall be valid for one (1) year, and shall be reviewed within sixty (60) days after expiration and an inspection is required prior to the renewal of the permit. If, during the preceding year, more than one (1) renewal permit has been issued an applicant, the former permits may be consolidated so that only one (1) renewal permit is required; provided, however, that the renewal date for the consolidated permit shall be the date of the issuance of the earliest permit. The animal services center may deny the application for renewal for cause.

H. Individuals authorized to acquire a wild or exotic animal shall, within fourteen (14) days of acquisition, submit to the animal services center, a health certificate from a qualified veterinarian stating that the animal is in good health and has been vaccinated in accordance with applicable time schedules.

I. It is unlawful to receive, purchase, own or keep any wild or exotic animal unless:

(1) Housing is sufficiently spacious, ventilated and temperature-controlled, clean and sanitary at all times;

(2) The wild or exotic animal is provided with proper food, water and attention;

(3) The wild or exotic animal is kept and cared for in such a way as not to endanger the safety of any person or property; and

(4) The wild or exotic animal permittee notifies the [~~director~~] administrator when changing his residence or location of the wild or exotic animal, or selling or otherwise

disposing of the wild or exotic animal for which the permit was issued.

J. Permits issued pursuant to the provisions of this subsection shall be surrendered for inspection upon the request of the [~~director~~] administrator. The premises on which a wild or exotic animal is maintained shall be open at any reasonable hour and in a reasonable manner for inspection by the [~~director~~] administrator.

K. For failure to have a permit in advance of obtaining a wild or exotic animal or to renew the permit within sixty (60) days of the expiration date, or upon suspension of a wild or exotic animal permit, the [~~director~~] administrator shall have the authority to enter the premises where the wild or exotic animal is kept, at any reasonable hour, and to impound the animal. The animal shall be surrendered upon the demand of the [~~director~~] administrator. Procedures for the reclamation and [~~destruction~~] humane euthanasia of impounded wild or exotic animals shall be followed pursuant to subsection 5-4.4 of this chapter, and for penalties, pursuant to Section 5-12. The wild or exotic animal may be returned to its owner if the problem for which it was impounded is corrected within the time period allotted by the [~~director~~] administrator and all penalties are paid.

L. Notwithstanding the above, the valid zoological park, veterinary hospital, humane society, shelter, public laboratory, circus, sideshow, educational or scientific facility, provided protective devices adequate to prevent the animal from escaping or injuring the public are provided, are excluded from the above portions of this subsection.

M. Upon application to the [~~director~~] administrator, the keeping of these prohibited animals may be permitted for educational or scientific purposes; provided there is no conflict with state or federal regulations. In lieu of licensing each animal, a wild or exotic animal permit may be issued in accordance with this subsection.

N. No person shall keep, conduct or operate any traveling animal show, petting zoos, circus, pony rides, animal acts or miscellaneous animal or reptile exhibits without first obtaining a special animal permit from the [~~director~~] administrator as follows:

(1) Each application for a special animal permit shall be in writing upon a form to be furnished by the [~~director~~] administrator and shall contain such information as the [~~director~~] administrator shall require;

(2) All special permits issued by the [~~director~~] administrator shall be for a specified period of time but not to exceed one (1) year unless revoked or suspended, or unless the holder of the

permit changes the location of his place of business, or sells, assigns, transfers or otherwise disposes of his business or his interests therein; and

(3) Upon the filing of each application, either for an original permit or renewal, the [~~director~~] administrator shall make an investigation as he deems proper. The [~~director~~] administrator shall then issue a permit to the applicant if it is found that:

(a) The animals, or the conduct or operation of the business for which the permit is requested will not constitute a menace to the health, peace or safety of the citizens; and

(b) The premises and establishment where the animals are to be kept are maintained in a clean and sanitary condition and that the animals will not be subject to needless suffering, unnecessary cruelty or abuse and that the applicant has not had a permit revoked within one (1) year prior to the date of application.

Section 27. Subsection 5-10.2 SFCC 2987 (Ordained as Code 1973, §4-49, as amended) is amended to read:

5-10.2 Permits and Housing of Guard Dogs.

A. It is conducive to the promotion of the health and general welfare of the inhabitants of this city to require permits for guard dogs, used on commercial property, and to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.

B. Permits:

(1) Unless a guard dog permit is in effect for each commercial property where guard dogs are to be used, they shall not be used. Procedures for permit application, inspection of guard dog facilities, and issuance of dog identification tags will be established by the [~~director~~] administrator. Permits for both permanent and temporary locations may be transferred to a new location operated by the same business firm during the license year. However, such transfers shall not be effective until the [~~director~~] administrator or his designee has inspected and approved required facilities at the new location and the information required below for permit applications has been recorded. Applicants must provide five (5) working days advance notice to the animal services center for permit transfers.

(2) Permit applications shall include the following information:

(a) The business name, address and telephone number of the commercial property where guard dogs are to be used;

(b) The name, address and telephone number of the handler who can be reached at any time during the day or night;

(c) The number of dogs to be used and a general description of their use;

(d) The location where dogs are to be housed; and

(e) Any other information that the [~~director~~] administrator deems necessary by rule and regulation. Permit holders shall notify the animal services center if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.

(3) The [~~director~~] administrator or his designee shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for and when it is renewed.

(4) If the inspection reveals that all the requirements of law and regulation are

met, a guard dog for the approved commercial property shall be issued by the animal services center. The permit shall be displayed at the approved commercial property and an identification tag shall be affixed to the collar of each dog used. Holders of the guard dog permits shall be exempt for the guard dogs from the license fee requirements of subsection 5-5.6 of this chapter.

(5) The guard dog permit shall be valid for one (1) year and shall be renewed annually within thirty (30) days after the renewal date.

(6) The guard dog permit must be obtained prior to housing or utilizing guard dogs at the commercial property; provided that for those commercial properties where guard dogs were in use when this regulation became effective, there shall be a ninety-day period in which to obtain the permit without penalty.

C. Whenever there is a guard dog on the premises, the standards of this subsection, in addition to the other requirements of law and regulations, shall be complied with, as follows:

(1) Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house guard dogs.

(2) All gates and entrances to the area where the guard dog is housed, used or trained shall be locked when not in use.

(3) Additional measures found necessary by the [~~director~~] administrator shall be taken to protect the public from accidental contact with any guard dog.

(4) Where guard dogs are used outside buildings, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the [~~director~~] administrator.

(5) In order to control noise, the [~~director~~] administrator may require a sight barrier which breaks the dog's line-of-sight.

(6) In buildings where guard dogs are housed, exterior glass shall be adequate, or additional protective measures shall be taken by the owner, as required by the [~~director~~] administrator, to prevent the dog from jumping through it.

(7) The building and yard in which a guard dog is housed shall be posted with bilingual, English and Spanish, or visual guard dog signs, approved by the [~~director~~] administrator that shall not be more than two hundred feet (200') apart, and shall be at all property corners and at every entrance into the area.

(8) For guard dogs either transported or used in vehicles, measures prescribed by rule and regulation of the [~~director~~] administrator must be taken to protect the public from accidental contact with a guard dog.

(9) A handler is required to be physically present while guard dogs are being used at temporary sites which do not comply with this subsection.

D. Dogs which are used as private guard dogs on the property of their owner's private residence, shall be excluded from the provisions of this subsection unless the residence is located on premises used for commercial purposes. Guard dogs kept in a kennel with a valid professional animal permit are also excluded.

Section 28. Subsection 5-10.3 SFCC 2987 (Ordained as Code 1973, §4-50, as amended) is amended to read:

5-10.3 Violations, Suspensions and Revocations under Professional Animal Care Permit, the Exotic Animal Permit and the Guard Dog Permit; Appeal Procedure.

A. If the [~~director~~] administrator makes an inspection of a kennel, grooming parlor, pet shop, shelter, facility for exotic animals or commercial property where guard dogs are used, and discovers a violation of law or regulations, he shall notify the permit holder, or operator, of such violations by means of an inspection report form or other written notice. The notice shall:

(1) Set forth the specific violation found;

(2) Establish a specific and reasonable period of time for correction of the violation found;

(3) State that failure to comply with any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit; and

(4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the [~~director~~] administrator within five (5) days of the receipt of the notification.

B. Notices provided for under this subsection shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally or mailed by registered or certified mail, return receipt requested, to the permit holder, person in charge, or alleged violator. A copy of such notice shall be filed with the records of the [~~director~~] administrator.

C. Hearings provided for in this subsection shall be conducted by the [~~director~~] administrator at a time and place designated by him. Based upon the record of such hearing, the [~~director~~] administrator shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the [~~director~~] administrator. This paragraph shall not be intended to preclude the institution of court action as provided elsewhere in this chapter.

D. Permits may be suspended by the [~~director~~] administrator for failure of the holder to comply with the requirements of law or regulations. The [~~director~~] administrator may notify a permit holder in writing that the permit or license is, upon receipt of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the [~~director~~] administrator within five (5) days of receipt.

E. Notwithstanding the notice requirements herein, when the [~~director~~] administrator finds unsanitary or other conditions in the operation of a kennel, grooming parlor, pet shop, shelter,

exotic animal facility, or site where guard dogs are used, which, in his judgment, constitute a substantial hazard to public health, he may, without notice or opportunity to be heard, issue a written notice to the permit holder or operator citing such condition and stating the corrective action to be taken. If deemed necessary, the permit shall be immediately suspended and all operations immediately discontinued. Any person to whom such an order is issued shall comply forthwith.

F. For repeated violations of any of the requirements of law or regulations or for interference with the [~~director~~] administrator in the performance of his duties, the violator's permits may be permanently revoked after an opportunity for a hearing has been provided by the [~~director~~] administrator. The individual whose professional animal, exotic animal or guard dog permit is revoked shall not apply for another permit or license for the period of one (1) year. Prior to such action, the [~~director~~] administrator shall notify the permit holder in writing, stating the reasons for which the permit is proposed to be revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the [~~director~~] administrator by the permit holder or licensee, within such five (5) day period.

G. If the exotic animal permit is revoked, the owner of the exotic animal shall [~~give away, sell or~~] surrender the animal to the animal services center within five (5) days of the effective date of revocation. [~~If within seven (7) days thereafter, the director finds the former permittee is in compliance with law and regulations, the permit shall be renewed.~~]

H. Any person whose professional animal or guard dog permit has been suspended, shall cease the previously permitted activity. The person may, at any time, make application for an inspection for the purpose of reinstatement of the permit. Within five (5) days of a request for reinstatement, the [~~director~~] administrator shall make an inspection. If the applicant is complying with the requirements of law and regulations, the permit may be reinstated.

I. Any person aggrieved by any decision of the [~~director~~] administrator may, within five (5) days of receipt of his decision, file written notice of appeal to the governing body. The hearing of

the governing body shall be conducted within thirty (30) days of receipt of the notice of appeal.

Section 29. Section 5-12 SFCC 2987 (Ordained as Code 1973, §4-53, as amended) is amended to read:

5-12 LICENSES AND PERMIT FEES; FINES AND PENALTIES; AND OTHER CHARGES.

A. The governing body shall adopt by passage of a resolution a schedule of licensing and permit fees, mandatory fines and penalties for violation of this chapter and other charges. The animal services center may establish alternatives to the mandatory fines and penalties for first offenses in order to encourage responsible pet ownership. The fines and penalties may not be deferred or suspended on second or subsequent offenses.

B. Any violation of this chapter other than those listed in paragraph A. of this Section shall be punished as provided in Section 1-3 of this Code. Each day this chapter is violated shall be considered a separate offense. If any person is convicted of cruelty or mistreatment of an animal, that animal shall be removed from his custody and placed with the [~~director~~] administrator.

APPROVED AS TO FORM:

Kelley A. Brennan

KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

m/Melissa/Bills 2014/Animal Services

FIR No. 2470

City of Santa Fe
Fiscal Impact Report (FIR)

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. **General Information**

(Check) Bill: X 2014-1 Resolution: _____
(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **AMENDING VARIOUS PROVISIONS OF THE CITY OF SANTA FE ANIMAL SERVICES ORDINANCE, CHAPTER 5 SFCC 1987.**

Sponsor(s): **Councilor Bushee**
Reviewing Department(s): **City Attorney's Office**

Person Completing FIR: **Rebecca Seligman** Date: **12/9/13** Phone: **955-6501**

Reviewed by City Attorney: Kelley A. Brennan (Signature) Date: 12/10/13

Reviewed by Finance Director: _____ (Signature) Date: 12/15/13

Section B. **Summary**
Briefly explain the purpose and major provisions of the bill/resolution.

The purpose of the bill is to amend various provisions of Chapter 5, SFCC 1987 of the Animal Services Ordinance.

Section C. **Fiscal Impact**
Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:
a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:
a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
	Expenditure Classification	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs Recurring or "NR" Non-recurring	FY _____	"A" Costs Absorbed or "N" New Budget Required	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
	Personnel*	$_____	_____	_____	$_____	_____	_____	_____
	Fringe**	$_____	_____	_____	$_____	_____	_____	_____
	Capital Outlay	$_____	_____	_____	$_____	_____	_____	_____
	Land/ Building	$_____	_____	_____	$_____	_____	_____	_____
	Professional Services	$_____	____	____	$_____	_____	_____	_____
	All Other Operating Costs	$_____	_____	_____	$_____	_____	_____	_____
	Total:	$_____			$_____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

a. To indicate new revenues and/or

b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
	Type of Revenue	FY _____	"R" Costs Recurring or "NR" Non-recurring	FY _____	"R" Costs – Recurring or "NR" Non-recurring	Fund Affected
	_____	$_____	_____	$_____	_____	_____
	_____	$_____	_____	$_____	_____	_____
	_____	$_____	_____	$_____	_____	_____
	Total:	$_____		$_____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Not applicable

Section D. **General Narrative**

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None that staff is aware of.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

The animal services ordinance would remain the same instead of having updated language and restraint and tethering rules would remain the same.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of.

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

Amending the ordinance, Chapter 5, SFCC would clarify various sections of the Ordinance and allow for tethering of animals if an enclosure is not available as well as be consistent with the Americans with Disabilities Act.

Form adopted: 01/12/05; revised 8/24/05; 4/17/08