



**CITY OF RIO RANCHO
ORDINANCE**

ORDINANCE NO.

ENACTMENT NO.

SPONSOR: DISTRICT 4 CITY COUNCILOR MARLENE FEUER

**AN ORDINANCE AMENDING CHAPTER 90 ANIMALS & CHAPTER 116
STANDARDS FOR PROFESSIONAL ANIMAL FACILITIES,
SERVICES AND HOBBY BREEDERS**

WHEREAS: in 2008 the Governing Body established an Animal Welfare Task Force that was comprised of those knowledgeable regarding the care, health and welfare of animals; and

WHEREAS: the task force made a variety of recommendations including banning the sale of dogs and cats by a pet store and requiring spay/neuter for dogs and cats; and

WHEREAS: through a variety of Governing Body actions, currently only a cat spay/neuter requirement exists; and

WHEREAS: citizens have urged the Governing Body to adopt a ban on the sale of dogs and cats by a pet store and require spay/neuter for cats and dogs in order to improve overall animal welfare in the City.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF RIO RANCHO:

Section 1. Section 90.02, Definitions, R.O. 2003, is hereby amended as follows:

HOBBY BREEDER. Any person who either causes or allows a dog, cat, guinea pig, chinchilla, sugar glider or rabbit to be bred; or any person who either causes or allows any animal subject to an ~~unaltered~~ intact animal permit issued under Section 90.46(D) to breed.

~~INTACT CAT~~ ANIMAL PERMIT. A permit required allowing a cat or dog to remain intact if the cat or dog meets qualifications set forth in Section 90.19.

~~UNALTERED ANIMAL PERMIT. A permit issued to an owner of a dog that was impounded for running at large, to allow the owner to keep the animal in a nonsterilized state. An unaltered animal permit is not a nonneutered or nonspayed animal license.~~

Section 2. Section 90.19, Cat Spay and Neuter Requirements; Intact Cat Permit; Dog and Cat Licenses; Tags, R.O. 2003, is hereby amended as follows:

90.19 DOG AND CAT SPAY AND NEUTER REQUIREMENTS; ~~INTACT CAT~~ ANIMAL

1 PERMIT; DOG AND CAT LICENSES; TAGS.

2
3 (A) Spay and neuter requirements for cats. No person or animal organization may
4 keep, harbor or maintain within the city limits any cat over five months of age that
5 has not been sterilized (commonly known as spayed or neutered) unless the owner
6 has obtained an intact ~~eat~~ animal permit. The intact ~~eat~~ animal permit may be
7 issued with the following conditions:
8

9 (1) Medical exemption. The owner provides a signed statement from a
10 licensed veterinarian, stating that the cat is medically unsuited to undergo the
11 sterilization procedure, stating the specific medical grounds for the
12 exemption. If the veterinarian's statement establishes such medical condition
13 is likely to be chronic or permanent, the medical exemption shall be a
14 permanent exemption, but may be revoked upon evidence the cat has been
15 bred since the date of the veterinarian's statement, whether intentionally or
16 unintentionally. All costs associated with acquiring the veterinarian's
17 statement of justification for the medical exemption shall be the responsibility
18 of the cat's owner.
19

20 (2) Temporary medical exemption. When a temporary medical condition
21 contraindicates sterilization, the owner shall provide a signed statement from
22 a licensed veterinarian, stating the expected date as to when the sterilization
23 may be safely performed, which date shall be the expiration date of the
24 temporary medical exemption. After the period of the temporary medical
25 exemption, sterilization shall be required unless a licensed veterinarian
26 provides another temporary medical exemption and prognosis of when the
27 surgery may be performed. All costs associated with acquiring the
28 veterinarian's statement of justification for a temporary medical exemption
29 shall be the responsibility of the cat's owner.
30

31 (3) Competition/show exemption. A cat may be exempted from the
32 sterilization requirement if it is a competition/show animal. A competition cat
33 is a cat which is used to show or to compete in contests recognized and
34 registered by an approved breed registry, such as the Cat Fancier's
35 Association. Recognition of a breed registry is at the sole discretion of
36 RRAC. In order for a cat to qualify for an exemption as a competition/show
37 cat, the cat's owner must also demonstrate satisfaction of at least one of the
38 following requirements:
39

40 (a) The cat has competed in at least one show or competition
41 sanctioned by the national registry or approved by RRAC within the
42 last year;_

43
44 (b) The owner of the cat is a member of a purebred breed club
45 recognized by RRAC, which maintains and enforces a code of ethics
46 for breeding that includes restrictions on breeding animals with
47 genetic defects and other veterinary problems that commonly threaten
48 the breed.
49

50 (c) An owner with an intact ~~eat~~ animal permit shall not allow any

1 breeding of the cat prior to obtaining a conditional use permit from the
2 Planning and Zoning Board for the purpose of obtaining a hobby
3 breeder permit. If the cat is bred prior to its owner obtaining a hobby
4 breeder permit, the owner may be cited.

5
6 (B) Spay and neuter requirements for dogs. No person or animal organization
7 may keep, harbor or maintain within the city limits any dog over six months of
8 age that has not been sterilized (commonly known as spayed or neutered)
9 unless the owner has obtained an intact animal permit. The intact animal permit
10 may be issued with the following conditions:

11
12 (1) Medical exemption. The owner provides a signed statement from a
13 licensed veterinarian, stating that the dog is medically unsuited to undergo
14 the sterilization procedure, stating the specific medical grounds for the
15 exemption. If the veterinarian's statement establishes such medical
16 condition is likely to be chronic or permanent, the medical exemption shall
17 be a permanent exemption, but may be revoked upon evidence the dog
18 has been bred since the date of the veterinarian's statement, whether
19 intentionally or unintentionally. All costs associated with acquiring the
20 veterinarian's statement of justification for the medical exemption shall be
21 the responsibility of the dog's owner.

22
23 (2) Temporary medical exemption. When a temporary medical condition
24 contraindicates sterilization, the owner shall provide a signed statement
25 from a licensed veterinarian, stating the expected date as to when the
26 sterilization may be safely performed, which date shall be the expiration
27 date of the temporary medical exemption. After the period of the
28 temporary medical exemption, sterilization shall be required unless a
29 licensed veterinarian provides another temporary medical exemption and
30 prognosis of when the surgery may be performed. All costs associated
31 with acquiring the veterinarian's statement of justification for a temporary
32 medical exemption shall be the responsibility of the dog's owner.

33
34 (3) Competition/show exemption. A dog may be exempted from the
35 sterilization requirement if it is a competition/show animal. A competition
36 dog is a dog which is used to show or to compete in contests recognized
37 and registered by an approved breed registry, such as the American
38 Kennel Club (AKC), United Kennel Club (UKC), or American Dog
39 Breeders Association (ADBA). Recognition of a breed registry is at the
40 sole discretion of RRAC. In order for a dog to qualify for an exemption as
41 a competition/show dog, the dog's owner must also demonstrate
42 satisfaction of at least one of the following requirements:

43
44 (a) The dog has competed in at least one show or competition
45 sanctioned by the national registry or approved by RRAC within the
46 last year.

47
48 (b) The owner of the dog is a member of a purebred breed club
49 recognized by RRAC, which maintains and enforces a code of
50 ethics for breeding that includes restrictions on breeding animals

1 with genetic defects and other veterinary problems that commonly
2 threaten the breed.

3
4 (c) An owner with an intact animal permit shall not allow any
5 breeding of the dog prior to obtaining a conditional use permit from
6 the Planning and Zoning Board for the purpose of obtaining a
7 hobby breeder permit. If the dog is bred prior to its owner obtaining
8 a hobby breeder permit, the owner may be cited.

9
10 (4) Function-Bred exemption. Function-bred means any dog bred for a
11 specific purpose and used by the breeder for a specific purpose such as
12 hunting, herding, coursing, agility, retrieving, scent tracking, or pointing.
13 These dogs may be of the sporting breeds or function-bred dog either of a
14 registered pedigreed lineage or crossbred with a non-registered pedigreed
15 lineage for which the animal is bred specifically for its stated sport or
16 functional purpose including but not limited to coursing hounds, sporting
17 dogs, search and rescue dogs, sled dogs and scent hounds. In addition,
18 one of the following requirements must be met:

19
20 (a) The dog owner must be able to produce a pedigree showing the
21 dog's lineage for at least five years.

22
23 (b) The dog owner must be able to produce photographic evidence of
24 participation in the activity for which the dog is bred.

25
26 (c) The dog owner must produce other evidence as required by RRAC
27 on a case-by-case basis. This evidence may include but is not limited
28 to the possession of the proper equipment used for the work or sport
29 the dog is bred for.

30
31 ~~(B C)~~ Licensing of dogs required. Any person keeping, harboring or maintaining any
32 dog over six months of age within the city shall obtain a license from the Animal
33 Control Office for each dog. The Animal Control Office shall keep a record of all
34 licenses issued, and shall issue a tag for each license granted. Proof of sterilization
35 and A current rabies vaccination certificate shall be presented at the time of the
36 application for the license for an altered dog. Proof of an intact animal permit and
37 current rabies vaccination certification shall be presented to purchase an unaltered
38 license. Licenses shall be issued annually, or in a three-year increment, and shall
39 be renewable during the anniversary month of the originally issued license, and
40 shall expire on the last day of the anniversary month.

41
42 ~~(G D)~~ Licensing of cats required. Any person keeping, harboring or maintaining any
43 cat over five months of age within the city shall obtain a license from the Animal
44 Control Office for each cat. The Animal Control Office shall keep a record of all
45 licenses issued and shall issue a tag for each license granted. Proof of sterilization
46 and current rabies vaccination certificate shall be presented at the time of
47 application for the license for an altered cat. Proof of an intact ~~cat~~ animal permit and
48 current rabies vaccination certificate shall be presented to purchase an unaltered
49 license. Licenses shall be issued annually, or in a three-year increment, and shall
50 be renewable during the anniversary month of the originally issued license, and

1 shall expire on the last day of the anniversary month.

2
3 (~~D~~ E) Affixing tags. A current license tag shall be affixed to the licensed animal at all
4 times in a reasonable manner.

5
6 (~~E~~ F) License fees. The Animal Control Office may charge a higher license fee for a
7 dog or cat that has not been spayed or neutered, unless the owner presents a
8 signed statement from a licensed veterinarian stating that spaying or neutering
9 would be a surgical risk for the animal, due to the animal's age or condition.

10
11 (~~F~~ G) Fees. Fees for licenses issued under this section shall be as set forth by city
12 ordinance or resolution.

13
14 (~~G~~ H) Exemptions. A dog or cat or owner shall be exempt from the requirements of
15 this section if any of the following conditions applies:

16
17 (1) The dog or cat belongs to a nonresident who keeps the animal within the
18 city for no longer than 90 consecutive days;

19
20 (2) The animal is a bona fide guide or service animal for disabled persons
21 and the animal has been certified by an approved agency (approved by
22 Animal Control); or

23
24 (3) The animal is a government owned animal such as police or military
25 working dogs.

26
27 (~~H~~ I) Rules and regulations. The RRAC Office shall issue such rules and regulations
28 necessary to implement this section.

29
30 (~~I~~ J) Other unlawful actions concerning tags.

31
32 (1) No person shall remove or transfer any license tag from one animal to
33 another.

34
35 (2) No person shall manufacture or cause to be manufactured or to have in
36 his possession or under his control a stolen, counterfeit or forged animal
37 license tag, rabies vaccination certificate, or other form of licensing required
38 under this section.

39
40 **Section 3.** Section 90.46, Strays; Notice Required, R.O. 2003, is hereby amended as
41 follows:

42
43 (A) No person shall hold or possess any unidentified or unclaimed animal of
44 which he is not the owner for more than 24 hours, excluding Sunday and
45 holidays, without first reporting the possession to the Animal Control Division.
46 The person may surrender the animal to RRAC within the first seven days and
47 not be considered the owner or after seven days, the person becomes legal
48 owner of the animal subject to third party claims.

49
50 (B) No person shall fail to make the report required in subsection (A) of this

1 section and no person shall fail or refuse to immediately surrender the animal to
2 an animal control officer upon demand thereof.

3
4 (C) (1) If any stray is wearing a license, has a microchip or bears other
5 identification as defined in Section 90.02, the animal shall be confined at
6 an appropriate animal center, pending notification of owner or authorized
7 agent, for a period of seven days. The day the stray animal is impounded
8 constitutes day zero. Upon notification, an owner must redeem the animal
9 within 24 hours. Failure to redeem the animal shall result in impound fees
10 in addition to any other costs, unless the owner's failure to pick up the
11 animal is due to circumstances beyond the owner's control. Impound fees
12 and other costs may be charged to the owner whether or not the animal is
13 claimed. Failure to redeem the animal within seven days of impound shall
14 be deemed as abandonment of the animal and disposition of the animal
15 may be made in accordance with Section 90.48. Additionally, the owner of
16 the animal may be cited for abandonment at the discretion of ACO.

17
18 (2) If a stray is not licensed and there is no proof the animal has received
19 a rabies vaccination, the RRAC will provide a rabies vaccine upon
20 impound. Should the animal be reclaimed, the cost of the rabies
21 vaccination and license will be paid by the owner. The RRAC may cite the
22 owner for failing to vaccinate the animal for rabies if no proof can be
23 provided.

24
25 (3) In the case of a stray that is not sterilized, the owner shall:

26
27 (a) Pay a deposit of \$175. Such deposit shall be returned if the
28 owner sterilizes the animal within 30 days and provides proof
29 thereof to the city; or

30
31 (b) Pay for an ~~unaltered~~ intact animal permit if the conditions of
32 90.19 (A) or 90.19 (B) are met; or

33
34 (c) Pay \$125 to permit the RRAC to sterilize the animal.

35
36 (4) Notwithstanding anything to the contrary herein, the owner of any
37 impounded may be cited for the violation that caused the impound.

38
39 (5) Upon reclaiming the animal, the owner shall abide by the licensing
40 requirement of the city.

41
42 (D) An owner redeeming an unaltered dog or cat shall:

43
44 (1) Pay the sterilization deposit and impoundment fees imposed by RRAC
45 and sign an agreement stating that the owner shall have the animal
46 sterilized by a veterinarian within 30 days after release. (The sterilization
47 deposit shall be refunded upon presentation by the owner of a receipt
48 from a veterinarian and shall not be refunded if not complied with by date
49 given and is a citable offense); or

50

1 (2) Purchase an unaltered intact animal permit for dogs or intact cat
2 permit. When a dog or cat which has not been spayed or neutered is
3 taken into custody by the Animal Control Shelter, the Animal Control
4 Office RRAC, it shall require, as a condition to release the dog or cat to its
5 owner, that the owner, in addition to payment of applicable impound fees
6 and ~~nonneutered or nonspayed~~ intact animal license, obtain an unaltered
7 intact animal permit for a dog or an intact cat permit if cat if it qualifies with
8 requirements specified in Section 90.19. Dogs for which an unaltered
9 animal permit or a cats for which an intact cat animal permit has been
10 issued are subject to the following conditions:

11
12 (a) The dog/cat must have a current rabies vaccination
13 administered by a licensed veterinarian and ~~licensed with the city~~.

14
15 (b) The dog/cat must be restrained properly and have no more than
16 one violation of Section 90.18(B) within a year of the issuance of an
17 ~~unaltered~~ intact animal permit.

18
19 1. If the dog/cat is taken into custody by the Animal Control
20 Shelter at any time after the expiration of one year from date
21 of issuance of the ~~unaltered~~ intact animal permit, and the
22 owner has not been previously cited for violation of Section
23 90.18(B) within that one-year period, the owner will be
24 required to purchase another ~~unaltered~~ intact animal permit.

25
26 2. If the dog/cat is found to be in violation of Section
27 90.18(B) within one year from date of issuance of the
28 ~~unaltered~~ intact animal permit, the owner will be required to
29 submit a completed application for a hobby breeder's permit
30 to the Planning and Zoning Board within seven working days
31 or have the pet sterilized within seven working days.

32
33 (c) The owner of the dog or cat shall not allow any breeding of the
34 dog or cat prior to obtaining a conditional use permit packet from
35 the Planning and Zoning Board for the purpose of obtaining a
36 hobby breeder's permit.

37
38 **Section 4.** Section 116.02, Definitions, R.O. 2003, is hereby amended as follows:

39
40 ~~PUPPY MILL. A dog breeding operation in which the health of the dog is~~
41 ~~disregarded in order to maintain a low overhead and maximize profits.~~

42
43 **HOBBY BREEDER.**

44
45 (1) Any person who either causes or allows any dog, cat, guinea pig, chinchilla,
46 sugar glider or rabbit to be bred; or

47
48 (2) Any person who either causes or allows any animal subject to an ~~unaltered~~
49 intact animal permit issued under Section 90.46(D) to breed.

50

1 **Section 5.** Subsection (A) of Section 116.25, Pet Store, R.O. 2003, is hereby amended
2 as follows:

3
4 (4) Primary enclosures and display areas.

5
6 ~~(i) The primary enclosure for a cat shall not be less than two and one-half
7 square feet per cat. The height of the primary enclosure shall not be less
8 than two feet. The primary enclosure for a cat must contain at least one
9 elevated resting area for each cat.~~

10
11 ~~(j) The primary enclosure for a cat shall have at least one litter pan per two
12 cats.~~

13
14 ~~(k) Primary enclosures housing nursing cats with litters shall provide more
15 space and resting areas than the minimum requirement for a single cat.~~

16
17 ~~(l) Space requirements for dogs:~~

18
19 ~~1. A dog weighing less than 15 pounds shall have a minimum of four
20 square feet of flat floor space.~~

21
22 ~~2. A dog weighing 15 to 30 pounds shall have a minimum of eight
23 square feet of flat floor space.~~

24
25 ~~3. A dog weighing more than 30 pounds shall have a minimum of 12
26 square feet of flat floor space.~~

27
28 **Section 6.** Subsection (B) of Section 116.25, Pet Store, R.O. 2003, is hereby
29 amended as follows:

30
31 (1) General.

32
33 ~~(a) Dogs or cats shall be purchased from USDA certified breeder and the
34 pet store shall be required to have the animal inspected by a veterinarian
35 and found to be in good health before purchase and documentation shall
36 be kept for one year after sold date of animal. A pet store shall maintain
37 documentation of approved USDA licensed breeder.~~

38
39 (a) The purchase, sale, or transfer of dogs, cats, or hybrids of dogs or
40 cats by pet stores are prohibited. This section shall not preclude pet
41 stores from adopting dogs or cats in conjunction with a permitted animal
42 shelter or animal rescue.

43
44 (b) Mammals of different species shall not be housed or displayed
45 together in the same primary enclosure or display area.

46
47 (c) Avians, reptiles, amphibians and fish may be housed or displayed in
48 mixed species groups only if they are behaviorally and ecologically
49 compatible and they do not present a disease transmission hazard to
50 each other.

1
2 (d) Compatibility of animals housed in groups shall be ascertained prior to
3 leaving animals unattended and shall be monitored periodically.
4

5 (e) Nursing dams and their offspring shall be housed in an enclosure that
6 provides an area that is not visible to the public and is large enough for
7 the animal to nurse all of the young at one time.
8

9 (f) A pet store shall not sell, adopt or transfer an animal that is showing
10 signs of a suspected contagious or zoonotic disease.
11

12 (g) Prior to the sale or transfer, a pet store shall provide to the new owner
13 written disclosure of the condition if the pet store sells or transfers an
14 animal suffering from a health condition.
15

16 (h) A pet store shall accept for refund or exchange any animal found
17 within seven days of sale or transfer to be suffering from an undisclosed
18 health condition as documented by a licensed veterinarian.
19

20 (i) Written instructions for feeding, training, care and grooming of the
21 animal shall be provided by the pet store to the new owner.
22

23 ~~(j) Refunds or Exchanges.~~
24

25 ~~1. A pet store shall accept for refund or exchange any animal found~~
26 ~~within 14 days of sale or transfer to be suffering from an~~
27 ~~undisclosed health condition as documented by a licensed~~
28 ~~veterinarian.~~
29

30 ~~2. A pet store shall include in the cost of the animal, \$60 toward the~~
31 ~~cost of a check-up by the veterinary of the customer's choice.~~
32

33 ~~(k) A pet store shall not buy dogs or cats from a puppy mill. The fine for~~
34 ~~violation shall be \$250 per animal. A pet store shall maintain official~~
35 ~~documentation identifying the supplier of the cats and dogs in accordance~~
36 ~~with this section.~~
37

38 **Section 7. Severability Clause.** If any section, paragraph, clause, or provision of
39 this Ordinance, or any section, paragraph, clause, or provision of any regulation
40 promulgated hereunder shall for any reason be held to be invalid, unlawful, or
41 unenforceable, the invalidity, illegality, or unenforceability of such section, paragraph,
42 clause, or provision shall not affect the validity of the remaining portions of this
43 Ordinance or the regulation so challenged.
44

45 **Section 8. Compiling Clause.** This Ordinance shall be incorporated in and
46 compiled as part of the Revised Ordinances of the City of Rio Rancho, (R.O. 2003).
47

48 **Section 9. Effective Dates.** This Ordinance shall become effective ten days after
49 adoption with the exception of amendments made to Sections 90.02 – Definition of
50 Unaltered Animal Permit, 90.19 (B)(C), and 90.46 (C)(D) which shall become effective

1 180 days after adoption.

2

3 ADOPTED THIS _____ DAY OF _____, 2017.

4

5

6

Greggory D. Hull, Mayor

7

8

9

10 ATTEST:

11

12

13 Stephen J. Ruger, City Clerk

14 (SEAL)