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
PERMIT; DOG AND CAT LICENSES; TAGS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The dog or cat belongs to a nonresident who keeps the animal within the city for no longer than 90 consecutive days;

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

3. The animal is a government owned animal such as police or military working dogs.

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

(I J) Other unlawful actions concerning tags.

1. No person shall remove or transfer any license tag from one animal to another.

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

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

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

(B) No person shall fail to make the report required in subsection (A) of this
section and no person shall fail or refuse to immediately surrender the animal to an animal control officer upon demand thereof.

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

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

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

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

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

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

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

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

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

   (1) Pay the sterilization deposit and impoundment fees imposed by RRAC and sign an agreement stating that the owner shall have the animal sterilized by a veterinarian within 30 days after release. (The sterilization deposit shall be refunded upon presentation by the owner of a receipt from a veterinarian and shall not be refunded if not complied with by date given and is a citable offense); or
(2) Purchase an unaltered intact animal permit for dogs or intact cat permit. When a dog or cat which has not been spayed or neutered is taken into custody by the Animal Control Shelter, the Animal Control Office RRAC, it shall require, as a condition to release the dog or cat to its owner, that the owner, in addition to payment of applicable impound fees and nonneutered or nonspayed intact animal license, obtain an unaltered intact animal permit for a dog or an intact cat permit if cat if it qualifies with requirements specified in Section 90.19. Dogs for which an unaltered animal permit or a cat for which an intact cat animal permit has been issued are subject to the following conditions:

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

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

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

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

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

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

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

HOBBY BREEDER.

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

(2) Any person who either causes or allows any animal subject to an unaltered intact animal permit issued under Section 90.46(D) to breed.
Section 5. Subsection (A) of Section 116.25, Pet Store, R.O. 2003, is hereby amended as follows:

(4) Primary enclosures and display areas.

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

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

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

(l) Space requirements for dogs:

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

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

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

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

(1) General.

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

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

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

(c) Avians, reptiles, amphibians and fish may be housed or displayed in mixed species groups only if they are behaviorally and ecologically compatible and they do not present a disease transmission hazard to each other.
(d) Compatibility of animals housed in groups shall be ascertained prior to leaving animals unattended and shall be monitored periodically.

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

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

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

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

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

(j) Refunds or Exchanges.

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

2. A pet store shall include in the cost of the animal, $60 toward the cost of a check-up by the veterinary of the customer’s choice.

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

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

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

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

ADOPTED THIS ______DAY OF __________________________, 2017.

Greggory D. Hull, Mayor

ATTEST:

Stephen J. Ruger, City Clerk
(SEAL)