

1 CITY OF SANTA FE, NEW MEXICO
2 PROPOSED AMENDMENT(S) TO BILL NO. 2025-22
3 Banning Animals on Medians

4
5 Mayor and Members of the City Council:

6
7 This amendment WILL change the caption. _____

8 This amendment WILL NOT change the caption. ___X___

9
10 I intend to propose amending Bill No. 2025-22 as follows:

11
12 CITY OF SANTA FE, NEW MEXICO

13 BILL NO. 2025-22

14 INTRODUCED BY:

15
16 Councilor Jamie Cassutt

17 Councilor Signe Lindell

18 GREEN – AMENDMENT B – Councilor Alma Castro

19
20
21 A BILL

22 AMENDING SFCC 1987, SECTION 5-2, TO DEFINE “ABANDONMENT” AND
23 “UNATTENDED ANIMAL”; SECTION 5-5.4 TO PROHIBIT KEEPING AN ANIMAL
24 ON ANY MEDIAN; AND SECTION 5-8.4 TO SPECIFY THAT ABANDONING AN
25 ANIMAL WILL INCUR A FINE; CREATING A NEW SECTION, 5-8.14, “UNATTENDED

1 ANIMAL”, PROHIBITING UNATTENDED ANIMALS AND IMPOSING A FINE; AND
2 AMENDING TABLE 15-12.1 TO INCREASE THE FINE FOR ABANDONING AN
3 ANIMAL FROM \$200 TO \$500, IMPOSE A \$200 FINE FOR A FIRST UNATTENDED
4 ANIMAL OFFENSE AND A \$500 FINE FOR SUBSEQUENT OFFENSES, AND IMPOSE
5 A \$200 FINE FOR KEEPING ANIMALS ON MEDIANS.

6
7 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

8 Section 1. Section 5-2 of SFCC 1987 (being Ord. No. 2020-6, §1) is amended to
9 read:

10 As used in this chapter:

11 Abandonment consists of relinquishing ownership of an animal by any person having
12 charge, custody, or ownership, through any of the following acts:

- 13 A. Leaving an animal without adequate food, water or shelter;
14 B. Leaving an animal in circumstances where the animal’s health, safety, or
15 welfare is endangered;
16 C. Leaving an animal with the intent to permanently give up custody, ownership,
17 or responsibility for the animal without making proper arrangements for the
18 animal’s continued care; or
19 D. Leaving an animal in a confined space without adequate ventilation,
20 temperature control, or means of escape.

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

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

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

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

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

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

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

10 *Commercial property* means:

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

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

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

17 *Dangerous animal* means:

18 A. An animal which, when unprovoked, engages in behavior that requires a defensive
19 action by a person to prevent great bodily harm to a person or domesticated animal
20 provided that the person or the second animal are not on the premises of the owner
21 or person having custody of the first animal; or

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

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

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

4 *Domestic animal* means an animal that is sufficiently tame to live with humans, such as a
5 dog or cat.

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

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

8 *Great bodily harm* means an injury to a person or domesticated animal which:

9 A. Creates a high probability of death; or

10 B. Results in serious disfigurement; or

11 C. Results in loss of any member or organ of the body; or

12 D. Results in permanent or prolonged impairment of the use of any member or organ
13 of the body.

14 *Grooming parlor* means any establishment, or part thereof, or premises maintained for the
15 purpose of offering animals cosmetic services for profit.

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

17 *Guard dog site* means any premises utilizing a guard dog that has a current guard dog
18 permit.

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

21 *Handler breeder or hobby breeder* means any person involved in controlled breeding of
22 animals that are approved by a nationally recognized animal breeding organization, and are eligible
23 to be so registered.

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

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

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

5 *Inspection officer* means an animal services officer authorized by ordinance to conduct
6 inspectorial searches.

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

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

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

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

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

18 *Neglect* means an overt act involving failure to provide for animal health or safety,
19 including but not limited to failure to provide adequate food, water, shelter, exercise, or necessary
20 veterinary care to an animal or to adequately confine an animal in a manner appropriate to its
21 species, breed, age and condition.

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

25 *Owner of animal* means a person who owns, harbors or keeps, or knowingly permits an

1 animal to be harbored or kept, or has an animal in their care, or who permits an animal to remain
2 on or about their premises.

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

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

9 *Pet shop* means any commercial establishment or premises or part thereof maintained for
10 the purchase, sale, exchange of animals of any type, except that the term shall not include livestock
11 auctions.

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

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

17 *Premises* means a parcel of land and the structures thereon.

18 *Professional animal care business* means a business operated by a person or persons that
19 involves live animals, and includes, but is not limited to, animal rescue, animal shelter, boarding
20 kennel, breeder, grooming parlor, grooming service, commercial kennel, pet day care facility, pet
21 day care, pet sitting, pet store, training facility, dog walking, and circus acts.

22 *Professional animal care permit* means a permit issued by the city of Santa Fe animal
23 services administrator to a professional animal care business.

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

25 *Restraint* means:

1 A. Confinement within the real property limits of an animal owner where the animal
2 is secured by a leash or lead or is otherwise under the control of a responsible
3 person; or

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

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

8 *Service animal* means a dog or miniature horse that is individually trained to do work or
9 perform tasks for a person with a disability.

10 *Shelter* means:

11 A. Any establishment owned and operated by a non-profit humane organization
12 licensed to do business in the state; or

13 B. A structure that is moisture-proof, wind-proof, and of suitable size to accommodate
14 an animal, allowing for freedom of movement to make normal postural
15 adjustments, including the ability to stand, turn around, and lie down with limbs
16 outstretched including, but not limited to, a dog house, shed, barn, private
17 residence, or similar structure.

18 *Stray animal* means any animal found running at large beyond the boundaries of the
19 premises of the owner unless the animal is within the established limits and boundaries of an official
20 city designated dog park.

21 *Unaltered* means not neutered or spayed.

22 *Unattended animal* means any animal left in a situation where the animal's immediate
23 welfare may be compromised and the animal is without direct supervision by any person having
24 charge, custody, or ownership, including situations when the animal lacks immediate access to
25 adequate food, water, shelter, or care appropriate to the animal's age, species, and physical

1 condition and when the animal is left beyond reasonable time periods in a vehicle, on chains or
2 tethers, or in yards or enclosures without proper shelter from weather conditions.

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

5 *Vermin* means small insects and animals (such as fleas, mice, rats, or gophers) that are
6 sometimes harmful to plants or other animals and that are difficult to get rid of.

7 *Vicious animal* means an animal which kills or causes great bodily harm. It does not
8 include an animal that bites, attacks or injures a person or second animal unlawfully upon the
9 premises of the owner or person having custody of the first animal. Any animal that has previously
10 been found to be a dangerous animal may thereafter be deemed vicious upon a second or subsequent
11 offense.

12 *Wild or exotic animal* means any animal not normally considered domesticated and shall
13 include, but not be limited to, the following:

- 14 A. Class reptilia; order phidia, such as racers, boas, water snakes, and pythons, and
15 order loricata, such as alligators, caymans and crocodiles;
- 16 B. The following members of the class aves; order falconiforms, such as hawks,
17 eagles, and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries,
18 and emus;
- 19 C. Class mammalia; order carnivora; family felidae, such as ocelots, margays, tigers,
20 jaguars, leopards, and cougars, except commonly accepted domesticated cats;
21 family canidae, such as wolves, dingos, coyotes and jackals, except commonly
22 accepted domesticated dogs; family mustelidae, such as weasels, martins, mink,
23 badgers, except ferrets, family procynnidae, such as raccoons; family ursidae, such
24 as bears; family pinnipedia such as seals, sea lions and walruses; order marsupialia,
25 such as kangaroos, and common opossums; order edentata, such as sloths,

1 anteaters, and armadillos; order proboscidea, such as elephants; order primata,
2 such as monkeys, chimpanzees, and gorillas; order rodenta, such as porcupines;
3 order ungulata, such as hippopotamuses, giraffes, llamas, antelope, deer, bison and
4 camels but excluding cattle, swine, sheep, and goats; and order euungulata such as
5 rhinoceroses, tapirs, and zebras but excluding horses, ponies, donkeys, burros and
6 mules;

7 D. Class chondrichthyes, subclass elasmobranchii such as sharks, stingrays and
8 skates; and

9 E. Hybrids, which includes the offspring of two (2) animals of different races, breeds,
10 species, varieties or genera involving any one or more of the animals mentioned in
11 Subsections A—D above.

12 **Section 2. Section 5-5.4 of SFCC 1987 (being Ord. No. 2020-6, § 2, 3-11-20) is**
13 **amended to read:**

14 **5-5.4 Restraint of animals.**

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

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

22 C. Animals shall not be allowed upon a public street, alley, easement, city property
23 or other place open to the public or upon any property other than that of the owner of the animal
24 unless properly restrained. Dogs shall be on a secure leash no longer than six (6) feet in length and
25 under the immediate effective physical control of the person having custody thereof. Longer,

1 retractable leashes may be used, provided the person with the dog is capable of controlling the dog.
2 All other animals must be secured in a fashion acceptable for the species of animal. The person
3 having custody shall be a person of such age and maturity to be reasonably responsible therefor
4 and shall be capable of controlling and restraining the animal. A person inside an enclosed structure
5 shall not be considered to be in the physical control of a dog not in the enclosed structure. The
6 provisions of this paragraph do not apply when an animal is participating in a bona fide animal
7 show or training program which has been authorized by the animal services division or is in a city
8 park designated by the governing body as an off-leash exercise ground for dogs. The provisions
9 also do not apply to police canine units unleashed while on public property while acting in a law
10 enforcement activity.

11 D. Animals located upon the property of the owner of the animal shall be restrained
12 in such a manner as to secure the animal, using devices such as a kennel, invisible fencing, or
13 inescapable walled or fenced area. Voice command is not an acceptable form of restraint. The
14 animal shall be restrained in such a way as to prevent the animal from reaching outside the
15 perimeter of the property.

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

19 F. It is unlawful to confine a domestic animal by the use of a tether, chain, trolley, or
20 similar restraint. Fixed point tethering of any domestic animal to stationary objects is permitted in
21 limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes
22 to permit an individual to render aid to a human or other animal, and only when the owner is
23 immediately present.

24 G. It is unlawful for any individual to restrain or have an animal on any median,
25 regardless of the owner's presence, for longer than needed to cross the street.

1 **Section 3.** **Section 5-8.4 of SFCC 1987 (being Ord. No. 2004-20, § 1) is amended**
2 **to read:**

3 **5-8.4 – Abandonment.**

4 It is unlawful for any person having charge, custody, or ownership to abandon any animal.
5 ~~Persons who are not acting on behalf of the city as an animal services officer may turn over any~~
6 ~~[All] animals [which] that are [to be] abandoned [may be turned over] to the animal services center~~
7 ~~or the animal shelter for adoption.~~

8 **Section 4.** **[NEW MATERIAL] A new Section 5-8.14 is hereby ordained to read:**

9 **5-8.14 – Unattended animals.**

10 It is unlawful for any person having charge, custody, or ownership to leave an animal
11 unattended.

12 **Section 5.** **Section 5-12 of SFCC 1987 (being Ord. No. 2020-6, § 9) and**
13 **the related Table 15-12.1 is amended to read:**

14 **5-12 – LICENSES AND PERMIT FEES; FINES AND PENALTIES; OTHER**
15 **CHARGES; AND ADMINISTRATIVE HEARINGS.**

16 A. Any violation of this chapter shall be punished as provided in Table 5-12.1 below
17 or as provided in Section 1-3 of this Code. If any person is cited for or convicted
18 of cruelty or mistreatment of an animal, the animal shall be removed from the
19 owner’s custody and placed with the administrator. The administrator shall
20 develop and alternative payment program for those residents who receive first-
21 time civil citations and who have affirmed their inability to pay the associated
22 fines.

Table 5-12.1
[Editor’s note: prior rows omitted for brevity]

Restraint of animals (Section 5-5.4)	Unaltered animal	Altered Animal
1 st civil citation in 36 month period	\$50	\$25
2 nd civil citation in 36 month period	\$100	\$50
3 rd civil citation in 36 month period	\$250	\$125
4 th civil citation in 12 month period	\$500	\$250
<u>Restraint of an animal on any median</u> (first and subsequent offenses) (Section 5-5.4(G))	\$200	\$200
[Editor's note: rows omitted for brevity]		
Neglect (Sections 5-5.7, 5-5.8, and 5-8.3)		
1 st [C]riminal conviction in 48-month period	\$150	
2 nd criminal conviction in 48 month period	\$250	
3 rd criminal conviction in 48 month period	\$500 and/or up to ninety (90) days in jail and surrender of animal	
Abandonment (Section 5-8.4)	[\$200] <u>\$500</u>	
Poisoning (Section 5-8.5)	\$500 and/or up to ninety (90) days in jail and surrender of animal	
Animal fights (Section 5-8.10)	\$500 and/or up to ninety (90) days in jail and surrender of animal	
<u>Unattended Animals (Section 5-8.14)</u>		
<u>1st offense</u>	<u>\$200</u>	
<u>Subsequent offenses</u>	<u>\$500</u>	

Notes:

¹ In addition to the fees and fines due to the city, the pet owner shall also be responsible for any and all boarding fees accrued at a shelter and the state spay/neuter deposit, if applicable.

² Any combination of kennel, grooming parlor, pet shop, or shelter operating as a single business at one location is only required to obtain a single permit. Multiple locations require a permit for each location.

³ Any person who breeds animals shall obtain a breeder permit for each animal, an unaltered license for each animal, and a litter permit for each animal from each litter.

⁴ Each day violation occurs after the initial citation shall be considered a separate citation or crime. Failure to pay or contest a citation as specified below within fifteen (15) days of the date of the citation shall result in a late fee equal to the original citation.

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Respectfully submitted,

Alma Castro, Councilor

Amendment approved as to Form:

Erin K. McSherry, City Attorney

ADOPTED: _____

NOT ADOPTED: _____

DATE: _____

ANDRÉA SALAZAR, City Clerk

Legislation/Amendment/2025/Bill/ Banning Animals on Medians