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1 Person whose income is 50% or less of the median gross income for the City  
2 adjusted for family size and as determined by the U.S. Department of Housing  
3 and Urban Development or by figures obtainable from the Family and  
4 Community Services Department of the City of Albuquerque or its successor  
5 agencies. Any person who signs and submits an affidavit to the shelter  
6 swearing that they fall into the category of a Person whose income is 50% or  
7 less of the median gross income for the City adjusted for family size shall qualify  
8 as Low-Income for purposes of this Ordinance.

9 MAYOR. The Mayor of the city or his or her designated representatives(s).

10 MICROCHIP. A passive transponder which can be implanted in an animal by  
11 injection and which is a component of a radio frequency identification (RFID)  
12 system. Such system must be compatible with a scanner used by the Animal  
13 Services Division.

14 SECTION 4. MANDATORY SPAYING OR NEUTERING AND MICROCHIPPING.

15 (A) All dogs and cats owned by any person in the City of Albuquerque  
16 shall be spayed or neutered. SNAP does not apply to hobby breeders, but  
17 hobby breeders are the only persons who may legally possess a dog or cat in  
18 the Albuquerque city limits if the dog or cat is capable of breeding. Intact  
19 Animal Permits are hereby abolished and shall not be granted in the future.  
20 Dogs and cats that already exist and reside in households in the City as of the  
21 effective date of the enactment of SNAP shall be microchipped but do not have  
22 to be spayed or neutered until December 31, 2007. Any dog or cat born after  
23 or brought into the City from elsewhere to reside in a household in the City after  
24 the effective date of SNAP shall be spayed or neutered. SNAP does not apply  
25 to any animal temporarily in the City for less than two weeks when such animal  
26 ordinarily is kept and resides outside the City. Spay neuter surgery is not  
27 required if the owner has written verification from a veterinarian that spay or  
28 neuter surgery will unreasonably endanger the health or life of the animal  
29 because it is too young, old or sick for surgery and the animal is microchipped  
30 or otherwise identified and the written verification from the veterinarian also  
31 identifies the animal by microchip number or other identification sufficient to

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1 show that the dog or cat is the same dog or cat referred to in the written  
2 verification from the veterinarian.

3 (B) Any dog or cat surrendered to or impounded by the Albuquerque  
4 Animal Care Center shall not leave AACC until spayed or neutered unless (a) the  
5 dog or cat is too old, young or sick to be safely spayed or neutered according to  
6 the shelter Veterinarian, or (b) the dog or cat is owned by a person with a  
7 hobby breeder permit that pertains to that animal or (c) the dog or cat is owned  
8 by a person who claims the dog or cat was temporarily in the City and satisfies  
9 paragraph E below. To prove that the dog or cat mentioned in the preceding  
10 sentence is covered by a hobby breeder permit such that it does not have to be  
11 spayed or neutered, the animal must be identified and listed on the permit  
12 application or on updated information previously provided to the shelter by the  
13 permit holder.

14 (C) The Mayor may facilitate spay and neuter surgery for low income  
15 persons and may from time to time provide spay and neuter surgery for dogs  
16 and cats belonging to the general public at the cost charged by veterinarians or  
17 at the cost to the City for spay and neuter surgery performed by veterinarians  
18 employed by or on contract with the City.

19 (D) All companion animals in the City shall be microchipped. This section  
20 does not apply to any animal temporarily in the City for less than two weeks  
21 when such animal ordinarily is kept and resides outside the City.

22 (E) When a dog or cat is impounded at the shelter as a stray and the  
23 owner claims that the dog or cat does not have to be spayed, neutered or  
24 microchipped because the dog or cat was temporarily in the City for less than  
25 two weeks and ordinarily resides outside the City, the Mayor may require proof  
26 of residency elsewhere sufficient to convince a reasonable person that the dog  
27 or cat resides elsewhere including but not limited to a license granted by a  
28 government outside Albuquerque, vaccination records from elsewhere or  
29 veterinary records that show the dog or cat has been treated elsewhere. If the  
30 Mayor deems the proof inadequate, the owner shall be so informed and has the  
31 right to an administrative hearing on the residency issue provided the owner

1 files a notice of appeal with the city clerk within 10 days of the date the Mayor  
2 deemed the proof inadequate.

3 **SECTION 5. FINES AND PROCESS**

4 (A) *Fines.* The fine for the first offense is \$100, \$250 for the second  
5 offense and \$500 for the third and subsequent offense in the life of a person.  
6 Fines attach to real property where an animal was located if the owner cannot  
7 be determined or found. An unpaid fine shall become a municipal lien upon the  
8 real property underlying the household of the person subject to the fine which is  
9 the companion animal license holder. The City may pursue all other remedies at  
10 law to collect unpaid fines. The Mayor may bar repeat offenders and defaulting  
11 parties from obtaining pet licenses or possessing animals in the city limits after  
12 notice and an administrative hearing.

13 (B) *Process.* Fines shall be levied by service of a notice of violation upon  
14 a violator or by posting of the notice of violation at the real property where the  
15 Animal is found or the household or real property at which the animal resides or  
16 appears to reside. Any person who after be served with a notice of violation,  
17 claims they are not the owner of the animal or fraudulently conveys or delivers  
18 the animal to a third person is additionally subject to the fines in SNAP. The  
19 hearing officer may dismiss a fine upon a finding that notice was not reasonably  
20 calculated to apprise the party of the action. After service of the notice of  
21 violation hereunder, the recipient or owner has thirty days to pay the fine to the  
22 City Treasurer or request an administrative hearing by filing a request for hearing  
23 with the City Clerk on a form provided by the City Clerk. The failure to pay the  
24 fine or request a hearing within thirty days from service of same is a default  
25 which subjects the defaulting party to the further fines, denial of pet licenses in  
26 the future and any and all other remedies available to the City at law. After a  
27 hearing on the merits, the hearing officer may find that the fine is due, reduce  
28 the fine or dismiss the case.

29 **SECTION 6. SEVERABILITY CLAUSE.**

30 If any section, paragraph, sentence, clause, word or phrase of this ordinance  
31 is for any reason held to be invalid or unenforceable by any court of competent

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1 jurisdiction, such decision shall not affect the validity of the remaining  
2 provisions of this ordinance. The Council hereby declares that it would have  
3 passed this ordinance and each section, paragraph, sentence, clause, word or  
4 phrase thereof irrespective of any provision being declared unconstitutional or  
5 otherwise invalid.

6 **SECTION 7. COMPILATION.**

7 This ordinance shall be incorporated in and made part of the Revised  
8 Ordinances of Albuquerque, New Mexico, 1994.

9 **SECTION 8. EFFECTIVE DATE.**

10 This ordinance shall take effect five days after publication by title and  
11 general summary.

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