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CITY OF SANTA FE, NEW MEXICO

BILL NO. 2025-22

INTRODUCED BY:

Councilor Jamie Cassutt

Councilor Signe Lindell

A BILL

**AMENDING SFCC 1987, SECTION 5-2, TO DEFINE “ABANDONMENT” AND
“UNATTENDED ANIMAL”; SECTION 5-5.4 TO PROHIBIT KEEPING AN ANIMAL
ON ANY MEDIAN; AND SECTION 5-8.4 TO SPECIFY THAT ABANDONING AN
ANIMAL WILL INCUR A FINE; CREATING A NEW SECTION, 5-8.14, “UNATTENDED
ANIMAL”, PROHIBITING UNATTENDED ANIMALS AND IMPOSING A FINE; AND
AMENDING TABLE 15-12.1 TO INCREASE THE FINE FOR ABANDONING AN
ANIMAL FROM \$200 TO \$500, IMPOSE A \$200 FINE FOR A FIRST UNATTENDED
ANIMAL OFFENSE AND A \$500 FINE FOR SUBSEQUENT OFFENSES, AND IMPOSE
A \$200 FINE FOR KEEPING ANIMALS ON MEDIANS.**

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

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

As used in this chapter:

Abandonment consists of relinquishing ownership of an animal by any person having

1 charge, custody, or ownership, through any of the following acts:

2 A. Leaving an animal without adequate food, water or shelter;

3 B. Leaving an animal in circumstances where the animal's health, safety, or
4 welfare is endangered;

5 C. Leaving an animal with the intent to permanently give up custody, ownership,
6 or responsibility for the animal without making proper arrangements for the
7 animal's continued care; or

8 D. Leaving an animal in a confined space without adequate ventilation,
9 temperature control, or means of escape.

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

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

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

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

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

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

21 *Breeder* means any person involved in controlled breeding of animals except those
22 complying with subsection [5-9.5](#) SFCC 1987 for litter fees. Breeders are subject to the professional
23 animal care permit requirements set forth in subsection [5-6.2](#) SFCC 1987.

24 *Commercial property* means:

25 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.

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.

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

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:

A. Creates a high probability of death; or

B. Results in serious disfigurement; or

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

1 D. Results in permanent or prolonged impairment of the use of any member or organ
2 of the body.

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

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

6 *Guard dog site* means any premises utilizing a guard dog that has a current guard dog
7 permit.

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

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

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

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

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

19 *Inspection officer* means an animal services officer authorized by ordinance to conduct
20 inspectorial searches.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 *Restraint* means:

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

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

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

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

24 *Shelter* means:

25 A. Any establishment owned and operated by a non-profit humane organization

1 licensed to do business in the state; or

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

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

10 *Unaltered* means not neutered or spayed.

11 *Unattended animal* means any animal left in a situation where the animal's immediate
12 welfare may be compromised and the animal is without direct supervision by any person having
13 charge, custody, or ownership, including situations when the animal lacks immediate access to
14 adequate food, water, shelter, or care appropriate to the animal's age, species, and physical
15 condition and when the animal is left beyond reasonable time periods in a vehicle, on chains or
16 tethers, or in yards or enclosures without proper shelter from weather conditions.

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

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

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

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

- 3 A. Class reptilia; order phidia, such as racers, boas, water snakes, and pythons, and
4 order loricata, such as alligators, caymans and crocodiles;
- 5 B. The following members of the class aves; order falconiforms, such as hawks,
6 eagles, and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries,
7 and emus;
- 8 C. Class mammalia; order carnivora; family felidae, such as ocelots, margays, tigers,
9 jaguars, leopards, and cougars, except commonly accepted domesticated cats;
10 family canidae, such as wolves, dingos, coyotes and jackals, except commonly
11 accepted domesticated dogs; family mustelidae, such as weasels, martins, mink,
12 badgers, except ferrets, family procynnidae, such as raccoons; family ursidae, such
13 as bears; family pinnipedia such as seals, sea lions and walruses; order marsupialia,
14 such as kangaroos, and common opossums; order edentata, such as sloths,
15 anteaters, and armadillos; order proboscidea, such as elephants; order primata,
16 such as monkeys, chimpanzees, and gorillas; order rodenta, such as porcupines;
17 order ungulata, such as hippopotamuses, giraffes, llamas, antelope, deer, bison and
18 camels but excluding cattle, swine, sheep, and goats; and order euungulata such as
19 rhinoceroses, tapirs, and zebras but excluding horses, ponies, donkeys, burros and
20 mules;
- 21 D. Class chondrichthyes, subclass elasmobranchii such as sharks, stingrays and
22 skates; and
- 23 E. Hybrids, which includes the offspring of two (2) animals of different races, breeds,
24 species, varieties or genera involving any one or more of the animals mentioned in
25 Subsections A—D above.

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

3 **5-5.4 Restraint of animals.**

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

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

11 C. Animals shall not be allowed upon a public street, alley, easement, city property
12 or other place open to the public or upon any property other than that of the owner of the animal
13 unless properly restrained. Dogs shall be on a secure leash no longer than six (6) feet in length and
14 under the immediate effective physical control of the person having custody thereof. Longer,
15 retractable leashes may be used, provided the person with the dog is capable of controlling the dog.
16 All other animals must be secured in a fashion acceptable for the species of animal. The person
17 having custody shall be a person of such age and maturity to be reasonably responsible therefor
18 and shall be capable of controlling and restraining the animal. A person inside an enclosed structure
19 shall not be considered to be in the physical control of a dog not in the enclosed structure. The
20 provisions of this paragraph do not apply when an animal is participating in a bona fide animal
21 show or training program which has been authorized by the animal services division or is in a city
22 park designated by the governing body as an off-leash exercise ground for dogs. The provisions
23 also do not apply to police canine units unleashed while on public property while acting in a law
24 enforcement activity.

25 D. Animals located upon the property of the owner of the animal shall be restrained

1 in such a manner as to secure the animal, using devices such as a kennel, invisible fencing, or
2 inescapable walled or fenced area. Voice command is not an acceptable form of restraint. The
3 animal shall be restrained in such a way as to prevent the animal from reaching outside the
4 perimeter of the property.

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

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

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

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

17 **5-8.4 – Abandonment.**

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

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

23 **5-8.14 – Unattended animals.**

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

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

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

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

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> <u>(first and subsequent offenses) (Section 5-</u> <u>5.4(G))</u>	\$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	\$150	

period	
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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PASSED, APPROVED, and ADOPTED this _____ day of _____, 2025.

APPROVED AS TO FORM:

Erin McSherry
 Erin McSherry (Oct 2, 2025 15:07:08 MDT)
 ERIN K. McSHERRY, CITY ATTORNEY

Legislation/2025/Bill/ Banning Animals on Medians