

1 CITY OF SANTA FE, NEW MEXICO

2 ORDINANCE NO. 2017-19

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4
5 AN ORDINANCE

6 RELATING TO ANIMAL WELFARE; AMENDING SUBSECTION 5-2 SFCC 1987 TO
7 ADD DEFINITIONS; AND AMENDING SUBSECTION 5-10 TO PROHIBIT
8 TRAVELING ANIMAL ACTS.

9
10 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

11 Section 1. Subsection 5-2 SFCC 1987 (being Ord. #1979-2, as amended) is
12 amended to amend the following definition:

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

15 A. Class reptilia; order phidia, such as racers, boas, water snakes and pythons,
16 and order loricata, such as alligators, caymans and crocodiles;

17 B. The following members of the class aves; order falconiforms, such as
18 hawks, eagles and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries
19 and emus;

20 C. Class mammalia; order carnivora; family felidae, such as ocelots, margays,
21 tigers, jaguars, leopards and cougars, except commonly accepted domesticated cats;
22 family canidae, such as wolves, dingos, coyotes and jackals, except commonly accepted
23 domesticated dogs; family mustelidae, such as weasels, martins, mink, badgers, except
24 ferrets, family procynnidae, such as raccoons; family ursidae, such as bears; family
25 pinnipedia such as seals, sea lions and walruses; order marsupialia, such as kangaroos

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

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

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

12 **Section 2. Subsection 5-10.1 SFCC 1987 (being Ord. #1979-2, as amended) is**
13 **amended to amend the following definition:**

14 **5-10.1 Wild or Exotic Animals.**

15 A. It is unlawful to be in charge of, possess or own:

16 (1) Any wild or exotic animal or species prohibited by federal or state law;

17 (2) Any wild or exotic animal or species when kept in such numbers or in
18 such a way as to constitute likelihood of harm to the animals themselves, to human
19 beings or to the property of human beings, or which constitutes a public or private
20 nuisance;

21 (3) Bats; or

22 (4) Skunks, except those owned by individuals on the effective date of this
23 chapter and provided that any wild or exotic animal permit is obtained for the skunks
24 within sixty (60) days of the effective date.

25 B. It is unlawful to receive, purchase, own or keep any wild or exotic animal without

1 first applying to and receiving from the administrator a permit to do so. Notwithstanding, those
2 persons in possession of a wild or exotic animal when they become residents of the city in the
3 future or who possess the animal on the effective date of this chapter have a sixty (60) day period
4 in which to apply for the permit before the penalty provisions of this chapter become enforceable.

5 C. No person shall apply for a wild or exotic animal permit without first obtaining
6 any required state or federal permits.

7 D. The application for a permit shall contain the name of the applicant; their address,
8 the address of the proposed location of the wild or exotic animal if different from the applicant's;
9 a brief description of the applicant's plan for keeping the wild or exotic animal which shall
10 include the species of animal, the number of individuals of each species, and a description of the
11 housing facilities; a list of individuals qualified to care for the animal desired or that have agreed
12 to advise or assist the applicant in the proper care and treatment of the animal and who would be
13 willing to recommend the person applying for the permit; and the list of publications which the
14 applicant has studied in order to qualify for a permit for the animal.

15 E. Upon receipt of the application, the administrator shall inspect the facilities where
16 the animal is to be housed and shall make whatever other investigations they deems necessary.
17 The administrator may deny a permit if the inspection or investigation determines that the
18 provisions of this section are not met.

19 F. Whenever, in any given permit year, there are new wild or exotic animals in a
20 collection due to the reproduction of members of the collection or to replacement in the same
21 number and zoological species as the members replaced, the new animals do not require an
22 additional permit during the year, provided the administrator is notified in writing of the new
23 exotic animals within thirty (30) days of acquisition. When a new or wild exotic animal or
24 collection is added, a new permit must be secured and a new fee shall be due and payable at the
25 time of issuance of the permit and shall be a prerequisite of the issuance.

1 G. The wild or exotic animal permit shall be valid for one (1) year, and shall be
2 reviewed within sixty (60) days after expiration and an inspection is required prior to the renewal
3 of the permit. If, during the preceding year, more than one (1) renewal permit has been issued an
4 applicant, the former permits may be consolidated so that only one (1) renewal permit is required;
5 provided, however, that the renewal date for the consolidated permit shall be the date of the
6 issuance of the earliest permit. The animal services center may deny the application for renewal
7 for cause.

8 H. Individuals authorized to acquire a wild or exotic animal shall, within fourteen
9 (14) days of acquisition, submit to the animal services center, a health certificate from a qualified
10 veterinarian stating that the animal is in good health and has been vaccinated in accordance with
11 applicable time schedules.

12 I. It is unlawful to receive, purchase, own or keep any wild or exotic animal unless:

13 (1) Housing is sufficiently spacious, ventilated and temperature-controlled,
14 clean and sanitary at all times;

15 (2) The wild or exotic animal is provided with proper food, water and
16 attention;

17 (3) The wild or exotic animal is kept and cared for in such a way as not to
18 endanger the safety of any person or property; and

19 (4) The wild or exotic animal permittee notifies the administrator when
20 changing their residence or location of the wild or exotic animal, or selling or otherwise
21 disposing of the wild or exotic animal for which the permit was issued.

22 J. Permits issued pursuant to the provisions of this subsection shall be surrendered
23 for inspection upon the request of the administrator. The premises on which a wild or exotic
24 animal is maintained shall be open at any reasonable hour and in a reasonable manner for
25 inspection by the administrator.

1 K. For failure to have a permit in advance of obtaining a wild or exotic animal or to
2 renew the permit within sixty (60) days of the expiration date, or upon suspension of a wild or
3 exotic animal permit, the administrator shall have the authority to enter the premises where the
4 wild or exotic animal is kept, at any reasonable hour, and to impound the animal. The animal
5 shall be surrendered upon the demand of the administrator. Procedures for the reclamation and
6 humane euthanasia of impounded wild or exotic animals shall be followed pursuant to subsection
7 5-4.4 of this chapter, and for penalties, pursuant to Section 5-12. The wild or exotic animal may
8 be returned to its owner if the problem for which it was impounded is corrected within the time
9 period allotted by the administrator and all penalties are paid.

10 L. Notwithstanding the above, the valid zoological park, veterinary hospital, humane
11 society, shelter, public laboratory, educational or scientific facility, provided protective devices
12 adequate to prevent the animal from escaping and/or injuring the public are provided, are
13 excluded from the above portions of this subsection.

14 M. Upon application to the administrator, the keeping of these prohibited animals
15 may be permitted for educational or scientific purposes; provided there is no conflict with state or
16 federal regulations. In lieu of licensing each animal, a wild or exotic animal permit may be issued
17 in accordance with this subsection.

18 N. No person shall keep, conduct or operate any traveling animal show, petting zoos,
19 circus, animal acts or miscellaneous animal or reptile exhibits that include any wild or exotic
20 animal, as defined, unless for exclusively public educational purposes.

21 O. Special animal permits as referenced in Subsections B-M above shall be obtained
22 from the administrator as follows:

- 23 (1) Each application for a special animal permit shall be in writing upon a
24 form to be furnished by the administrator and shall contain such information as the
25 administrator shall require;

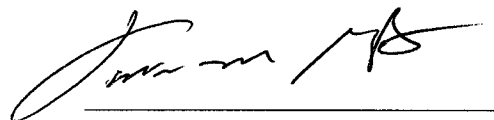
1 (2) All special permits issued by the administrator shall be for a specified
2 period of time but not to exceed one (1) year unless revoked or suspended, or unless the
3 holder of the permit changes the location of his place of business, or sells, assigns,
4 transfers or otherwise disposes of his business or his interests therein; and

5 (3) Upon the filing of each application, either for an original permit or
6 renewal, the administrator shall make an investigation as he deems proper. The
7 administrator shall then issue a permit to the applicant if it is found that:

8 (a) The animals, or the conduct or operation of the business for
9 which the permit is requested will not constitute a menace to the health, peace or
10 safety of the citizens; and

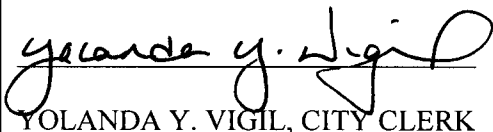
11 (b) The premises and establishment where the animals are to be kept
12 are maintained in a clean and sanitary condition and that the animals will not be
13 subject to needless suffering, unnecessary cruelty or abuse and that the applicant
14 has not had a permit revoked within one (1) year prior to the date of application.

15 PASSED APPROVED and ADOPTED this 13th day of September, 2017.

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19 JAVIER M. GONZALES, MAYOR


20 ATTEST:

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23 YOLANDA Y. VIGIL, CITY CLERK

1 APPROVED AS TO FORM:

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4 KELLEY A. BRENNAN, CITY ATTORNEY

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25 *M/Legislation/Ordinances 2017/2017-19 Traveling Animal Act Ban*