

O-2016-009

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**CITY OF ALBUQUERQUE  
CITY COUNCIL**

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**INTEROFFICE MEMORANDUM**

**TO: Richard J. Berry, Mayor**

**FROM: Jon K. Zaman, Director of Council Services** *Jon 5/24/16*

**SUBJECT: Transmittal of Legislation**

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Transmitted herewith is Bill No. F/S O-16-10 Amending Section 9-17-1 et seq. Of The City Of Albuquerque Code Of Ordinances, Angel's Law (Jones, by request), which was passed at the Council meeting of May 16, 2016 by a vote of 9 FOR AND 0 AGAINST.

In accordance with the provisions of the City Charter, your action is respectfully requested.

JKZ:mh  
Attachment

**CITY of ALBUQUERQUE  
TWENTY-SECOND COUNCIL**

COUNCIL BILL NO. F/S O-16-10 ENACTMENT NO. O. 2016.009

SPONSORED BY: **Trudy E. Jones, by request**

**1 ORDINANCE**

**2 AMENDING SECTION 9-17-1 ET SEQ OF THE CITY OF ALBUQUERQUE CODE**  
**3 OF ORDINANCES, ANGEL'S LAW.**

**4 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY**  
**5 OF ALBUQUERQUE:**

**6 Section 1. Section 9-17-1, FINDINGS AND INTENT, is hereby amended to read**  
**7 as follows:**

**8** City Council finds that dangerous dogs threaten the health and safety of  
**9** inhabitants of the city, especially young children and others unable to protect  
**10** themselves from vicious attacks. City Council finds that owners who allow their  
**11** dangerous dogs to run loose in the city or fail to safely and humanely restrain those  
**12** dogs on their property are criminally and civilly liable for the harm those dogs cause.  
**13** City Council finds that dogs that have mortally wounded either a person or a  
**14** companion animal without provocation or that have attacked again after previously  
**15** being deemed as dangerous dogs pose an immediate danger to the health and  
**16** safety of the inhabitants of the City and should be subject to permanent removal.  
**17** City Council further finds that owners who allow their dangerous dogs to run loose  
**18** in the city or fail to safely and humanely restrain those dogs on their property create  
**19** a nuisance that must be abated pursuant to the city's civil remedial powers under  
**20** state law. City Council finds that it is reasonable to prevent the worst offenders  
**21** from being able to own dogs in the City of Albuquerque.

**22 Section 2. Section 9-17-3, DEFINITIONS, is hereby amended to remove, add,**  
**23 and modify the following definitions:**

1           **ANIMAL SERVICE OFFICER or ASO.** Any person employed by the city and  
2 assigned to the Department and charged with enforcement of this article and other  
3 animal laws or with any other task assigned by the Mayor from time to time.

4           **COMPANION ANIMAL.** A dog or cat including a Hybrid.

5           **DANGEROUS DOG.** A dog that has, without provocation, caused serious  
6 injury, great bodily harm, or mortal injury to a person or companion animal; or was  
7 previously designated as a potentially dangerous dog and subsequently: (1) causes  
8 injury to a person or companion animal that is less severe than a serious injury; or  
9 (2) is observed by any person chasing or menacing a person or companion animal  
10 in an aggressive manner and without provocation. Police dogs are excepted from  
11 the definition.

12           **DEPARTMENT.** The City of Albuquerque Animal Welfare Department, its animal  
13 service officers and agents.

14           **DEPARTMENT WEBSITE.** An internet site maintained by the Department and  
15 accessible by the public and containing among other things a database pertaining to  
16 dangerous dogs.

17           **GREAT BODILY HARM.** An injury to a person or companion animal which (1)  
18 creates a high probability of death; (2) results in serious disfigurement; (3) results in  
19 loss of any member or organ of the body; or (4) results in permanent or prolonged  
20 impairment of the use of any member or organ of the body.

21           **HYBRID.** An animal created by breeding animals of different species. Dogs,  
22 wolves and coyotes are different species for purposes of this definition. If a dog is a  
23 hybrid, the owner and dog shall not be exempt from any of the provisions of Angel's  
24 Law.

25           **IMPOUND.** Delivery and arrival of a dog to the Department for processing as  
26 under the Humane and Ethical Animal Rules and Treatment Ordinance.

27           **IRRESPONSIBLE OWNER.** An animal owner deemed incapable or unable to  
28 safely or humanely own an animal.

29           **MICROCHIP.** A passive transponder which can be implanted in an animal by  
30 injection and which is a component of a radio frequency identification (RFID)  
31 system. A system not compatible with the scanner used by the Department is not a  
32 MICROCHIP.

1           **OWNER.** A person who possesses, harbors, keeps or has control or custody of  
2 a dog or, if that person is under the age of eighteen, that person's parent or  
3 guardian.

4           **POTENTIALLY DANGEROUS DOG.** A dog that may reasonably be assumed to  
5 pose a threat to public safety as demonstrated by the following behaviors:

- 6                   1) Causing an injury to a person or companion animal that is less severe  
7                   than a serious injury;
- 8                   2) Chasing or menacing a person or companion animal in an aggressive  
9                   manner and without provocation; or
- 10                  3) Acting in an aggressive manner within a fenced yard or enclosure and  
11                  appearing able to jump out of the yard or enclosure.

12           **SERIOUS INJURY.** Any physical injury, that does not rise to the level of great  
13 bodily harm, that results in broken bones or lacerations that require medical  
14 attention involving multiple sutures or comparable methods for wound closure or  
15 cosmetic surgery.

16           **STERILIZED.** Humanely and professionally rendered incapable of procreation.

17           **Section 3. Section § 9-17-4, POTENTIALLY DANGEROUS DOG, is hereby**  
18 **amended as follows:**

19           **(A) Designation as potentially dangerous dog.** Any person may report a  
20 potentially dangerous dog to the Department. Persons may make anonymous  
21 reports and the Department shall respond to anonymous reports under this article.  
22 Pursuant to any such report or otherwise, the Department shall seize and impound  
23 any at large dog in the ordinary manner or, if the dog is known to be found on a  
24 particular property, initiate an investigation and inspection of the property. After the  
25 inspection and investigation, the Department shall determine whether the dog is in  
26 fact a potentially dangerous dog. Police dogs are excepted from the designation. If  
27 the Department determines that the dog is a potentially dangerous dog, the  
28 Department shall so apprise the owner of the dog by written notice sent by certified  
29 mail, hand delivered, or conspicuously posted on the property, which notice shall  
30 constitute actual and constructive notice. The owner may request an administrative  
31 hearing concerning the Department's determination that the dog is a potentially  
32 dangerous dog. The Department may impose remedial measures or require the

1 owner to submit to any counseling or classes approved by the Department on the  
2 topic of owning a potentially dangerous dog. Without regard to whether the dog has  
3 been designated a potentially dangerous dog, no person shall chain, tie, or  
4 otherwise affix a dog to any stationary object for more than one hour in any twenty-  
5 four hour period. Any person may apply to the Department for a tethering permit.

6 **(B) Potentially dangerous dog response.**

7 **(1) Seizure for immediate danger.** Following notice of the determination of a  
8 potentially dangerous dog to the owner, if the Department has probable cause to  
9 believe that the dog may pose an immediate danger to public safety, the  
10 Department may obtain a search warrant and impound the dog or impound the dog  
11 at the owner's request or with the owner's consent. If the owner requests a hearing,  
12 the dog shall remain in protective custody at the Department pending adjudication.  
13 The Department shall impose remedial measures or deliver a Warning and Notice of  
14 Reinspection while the matter is pending a hearing. No private contract or covenant  
15 is a defense to Angel's Law. If the dog is impounded more than ten days with no  
16 response from the owner, the dog becomes the city's property and shall be handled  
17 in the ordinary manner under the Humane and Ethical Animal Rules and Treatment  
18 Ordinance. The dog shall not be placed for adoption if the Department determines  
19 that the dog poses a danger to any potential adopter or the public.

20 **(2) No immediate danger.** If the potentially dangerous dog does not pose an  
21 immediate danger to public safety and remedial measures or owner education may  
22 reasonably provide public safety, the Department may allow the dog to remain on  
23 the property pending adjudication and issue a Warning and Notice of Reinspection.  
24 If the inadequate conditions stated in the Warning and Notice of Reinspection are  
25 not cured by the time of the follow-up inspection, the Department shall seek a  
26 warrant for seizure of the dog, and if so obtained the Department shall seize the  
27 dog. The owner may file an appeal as provided by this article. If the dog is not on  
28 the property at the time of a failed reinspection and not surrendered at that time but  
29 subsequently located on the property or at large, the owner is in violation of § 1-1-99  
30 ROA 1994 and the dog may be seized when discovered by the Department. The  
31 Department may impose reasonable remedial measures pertaining to any potentially  
32 dangerous dog or the property and shall seize the dog upon any breach of a

1 remedial measure imposed. If the Department does not impose remedial measures  
2 or seize a dog at a point in time, the Department is not precluded from those actions  
3 or other remedies in the future if conditions change or the Department receives a  
4 subsequent citizen report.

5 **Section 4. Section § 9-17-5, DANGEROUS DOG, is hereby amended as follows:**

6 (A) **Dangerous dog designation.** The Department may determine that a  
7 dog is a dangerous dog in accord with this article. If the determination is upheld by a  
8 Hearing Officer or the determination is not appealed by the owner, then the dog  
9 shall be immediately sterilized and microchipped (if not already microchipped) and  
10 the microchip number supplied to the Department. The Department shall document  
11 and register the microchip number, a description of the dangerous dog, the address  
12 of the property owner and the name and date of birth of the owner and maintain the  
13 foregoing in a database available to the public ten years from the date of first  
14 registration. The Department may convert a potentially dangerous dog to dangerous  
15 dog status upon a breach of any condition pertaining to the potentially dangerous  
16 dog. A dog does not have to bite a person or animal to be deemed a dangerous  
17 dog under Angel's Law. If a dangerous dog causes harm, the owner is civilly liable  
18 as a matter of law and further shows that the owner knew or should have known  
19 about the propensity for harm. If the Department determines that the dog is a  
20 dangerous dog, the Department shall so apprise the owner of the dog by written  
21 notice sent by certified mail, hand delivered or conspicuously posted on the  
22 property. The owner may request an administrative hearing. This article does not  
23 abrogate the Department's duty and authority to humanely destroy dogs as required  
24 under other laws. The owners of dangerous dogs must comply with all other legal  
25 requirements pertaining to dogs including but not limited to licensing and  
26 vaccinations. The Department shall implement policies, regulations, or procedures  
27 establishing criteria to evaluate the adoptability of dogs that are in the custody and  
28 control of the Department, which shall define when dogs shall not be considered  
29 suitable for adoption. If a dog is determined to be unadoptable, the Department  
30 shall not place it in the general population or for adoption. The Department may  
31 transfer ownership and custody of such dogs to third party organizations specializing  
32 in the long-term care of unadoptable dogs only when such organizations retain sole

1 permanent custody and ownership over unadoptable dogs and whose policies  
2 prohibit the adoption, fostering, or transferring of unadoptable dogs. No private  
3 contract or covenant is a defense to Angel's Law.

4 **(B) Dangerous Dog Response.**

5 (1) Seizure for attacks resulting in mortal injury. If the Department determines  
6 that a dog has mortally wounded a person or companion animal without  
7 provocation, the Department shall immediately seek to obtain a warrant from a court  
8 of competent jurisdiction to seize the dog or seize the dog with the consent of the  
9 owner. Such dog shall remain in the custody of the Department pending  
10 adjudication and shall be handled in the ordinary manner under the Humane and  
11 Ethical Animal Rules and Treatment Ordinance. If the owner does not request a  
12 hearing within ten calendar days, or if the Hearing Officer upholds the Department's  
13 determination that the dog has mortally wounded a person or companion animal  
14 without provocation, such dog shall become the property of the Department and  
15 shall be handled in the ordinary manner under the Humane and Ethical Animal  
16 Rules and Treatment Ordinance.

17 (2) Seizure for attacks which result in great bodily harm. If the Department  
18 determines that a dog has caused great bodily harm as defined herein, to either a  
19 person or companion animal without provocation, the Department shall immediately  
20 seek to obtain a warrant from a court of competent jurisdiction to seize the dog, or  
21 seize the dog with the consent of the owner. Such dog shall remain the custody of  
22 the Department pending adjudication and shall be handled in the ordinary manner  
23 under the Humane and Ethical Animal Rules and Treatment Ordinance. If the  
24 owner does not request a hearing within ten calendar days, or if the Hearing Officer  
25 upholds the Department's determination that the dog has caused great bodily harm  
26 to a person or companion animal without provocation, then the Hearing Officer shall  
27 make a determination under the specific circumstances as to the disposition of the  
28 dog. The Hearing Officer shall rule that the dog will either, (1) become the property  
29 of the Department to be handled in the ordinary manner under the Humane and  
30 Ethical Animal Rules and Treatment Ordinance, or (2) that the dog be returned to its  
31 owner subject to, but not limited by, the restrictions for dangerous dogs contained  
32 herein.

1           (3) Potential seizure for attacks resulting in serious injury. If the Department  
2 determines that a dog has caused a serious injury, as defined herein, to a person or  
3 companion animal without provocation, then the Department may immediately seek  
4 to obtain a warrant from a court of competent jurisdiction to seize the dog or seize  
5 the dog with the consent of the owner. If seized, such dog shall remain in the  
6 custody of the Department pending adjudication and shall be handled in the  
7 ordinary manner under the Humane and Ethical Animal Rules and Treatment  
8 Ordinance. If the dog is seized by the Department and the owner does not request a  
9 hearing within ten calendar days, such dog shall become the property of the  
10 Department and shall be handled in the ordinary manner under the Humane and  
11 Ethical Animal Rules and Treatment Ordinance. If the Hearing Officer upholds the  
12 Department's determination that the dog caused a serious injury upon a person or  
13 companion animal without provocation, the dog shall be deemed dangerous, and  
14 shall be subject to the terms and restrictions pertaining to a dangerous dog as  
15 contained herein.

16           (4) Subsequent attack by dangerous dogs. If a dog previously determined to  
17 be a dangerous dog commits a subsequent unprovoked attack on a person or  
18 companion animal, the Department shall immediately seek to obtain a warrant from  
19 a court of competent jurisdiction to seize the dog or seize the dog with the consent  
20 of the owner. Such dog shall remain in the custody of the Department pending  
21 adjudication and shall be handled in the ordinary manner under the Humane and  
22 Ethical Animal Rules and Treatment Ordinance. If the owner does not request a  
23 hearing within ten calendar days, or if the Hearing Officer upholds the Department's  
24 determination that the dog committed a subsequent unprovoked attack after having  
25 previously been deemed dangerous, such dog shall become the property of the  
26 Department and shall be handled in the ordinary manner under the Humane and  
27 Ethical Animal Rules and Treatment Ordinance.

28           (5) Notice. Notice of the dangerous dog designation (if not previously so  
29 designated) and any seizure shall be hand-delivered to the owner of the dog, or if  
30 not available, posted at the property and mailed to the owner by certified mail. If the  
31 dog is seized, the notice shall state that the dog shall remain in the custody of the



1 Department pending adjudication. If the Department will be seeking to take  
2 permanent possession of a dog, the notice shall also so apprise the owner.

3 **(C) Requirements for dangerous dogs.** All dangerous dogs must be  
4 sterilized without regard to any previously issued permits. The Department shall list  
5 dangerous dogs, including the address of the property where located, on the  
6 Department Website. Dangerous dog owners must allow inspections of the property  
7 by the Department at any reasonable time of day. The Department may charge  
8 reasonable fees for inspections and assess fines for failures of compliance on a list  
9 of fees and fines promulgated from the Department from time to time. If the owner  
10 refuses an inspection, the Department shall seize the dog under law and may  
11 humanely destroy the dog. The Department may impose remedial measures  
12 pertaining to dangerous dogs on one or more occasions. The Department may  
13 require the owner to submit to educational requirements for owners of dangerous  
14 dogs or socialization or other classes for the dog from time to time. Without  
15 limitation on the foregoing, the following requirements pertain to dangerous dogs:

16 (1) Dangerous dogs are not allowed in dog exercise parks and may  
17 not be taken off the property except on an adequate leash.

18 (2) When off the property, dangerous dogs shall be on an adequate  
19 leash and under the constant control of a responsible person. Dangerous dogs shall  
20 not be transported in a vehicle that might allow the dangerous dog to escape or gain  
21 access to any person or animal outside the vehicle.

22 (3) A dangerous dog shall not be chained, restrained or otherwise  
23 affixed to any stationary object at any time unless under the immediate and constant  
24 observation, care and control of a responsible person. Tethering permits shall not  
25 be issued for dangerous dogs.

26 (4) Dangerous dogs must be confined on the property by a secure  
27 fence or secure facility. Neither verbal commands nor electronic fences are  
28 sufficient.

29 (5) No person convicted of animal cruelty or animal fighting in any  
30 jurisdiction at any time is allowed to own a dangerous dog or function as the  
31 responsible person pertaining to a dangerous dog. The Department shall seize a  
32 dangerous dog whenever any evidence of animal fighting is present on the

1 dangerous dog, on any other animal on the property, or on the property. Any person  
2 who is registered with the Department and conceals or fails to inform the  
3 Department that they have been convicted of animal cruelty or animal fighting is  
4 subject to the criminal penalties in §1-1-99 ROA 1994 for each day of possession of  
5 a dangerous dog in violation of this paragraph. The owner may request a hearing if  
6 the Department takes action under this paragraph.

7 (6) An owner of a dangerous dog shall at all times have an insurance  
8 policy with coverage of a minimum of \$500,000 pertaining to injury to any person or  
9 property caused by the dangerous dog. The Department may increase the minimum  
10 coverage amount from time to time by regulation.

11 (7) The owner of a dangerous dog shall not sell, loan, transfer, give,  
12 devise, board or otherwise convey ownership or custody and control of a dangerous  
13 dog to any other person without notifying the recipient in writing that the dog is a  
14 dangerous dog and notifying the Department ten days prior to any change in the  
15 location of the property upon which the dangerous dog is or should be kept.

16 (8) Dangerous dogs shall never be allowed access to, or allowed  
17 within the proximity of, a young child unless the child lives in the same household as  
18 the dog and the dog is under the immediate and constant control of a responsible  
19 person.

20 (9) No lessee shall own or possess a dangerous dog on a leasehold  
21 without the written consent of the lessor.

22 **Section 5. Section § 9-17-6 IRRESPONSIBLE OWNERS, is hereby amended to**  
23 **read as follows:**

24 An Animal Service Officer may determine under Angel's Law or other laws that a  
25 person is an irresponsible owner. A violation of Angel's Law, or a violation of any  
26 City Ordinance or State Law prohibiting cruelty to animals and/or animal fighting, or  
27 a violation of any City Ordinance or State Law governing animal possession limits,  
28 is a basis for the Animal Service Officer's determination that a person is an  
29 irresponsible owner. If an Animal Service Officer determines that a person is an  
30 irresponsible owner, the Animal Service Officer shall so apprise such person by  
31 written notice sent by certified mail, hand delivered or conspicuously posted on the  
32 property. Any person determined to be an irresponsible owner has a right to appeal

1 the determination by requesting a hearing. If the determination is upheld by the  
2 Hearing Officer, or the person fails to appeal the determination within the applicable  
3 time from the date of notice, then the Hearing Officer shall order that such person is  
4 barred from the ownership, custody or control of dogs or hybrids in the City of  
5 Albuquerque for so long as the Hearing Officer deems necessary. The order shall  
6 be in writing delivered by certified mail, hand delivered or conspicuously posted on  
7 the property. Transient irresponsible owners may be served by publication. The  
8 order may be appealed but shall remain in force unless overturned by the Hearing  
9 Officer or a court of competent jurisdiction. An owner may petition the Hearing  
10 Officer for removal of the irresponsible owner order two years after the date served  
11 but bears the burden of clear and convincing evidence. Any person who owns a  
12 dog after the date of designation as an irresponsible owner is subject to a  
13 continuing violation of §1-1-99 ROA 1994. The City Council and the Mayor want  
14 Angel's Law to be strictly enforced by the courts.

15 **Section 6. Section § 9-17-7 HEARINGS, is hereby amended to read as follows:**  
16 **§ 9-17-7 HEARINGS.**

17 (A) Any person aggrieved by this article may file a Notice of Appeal on a form  
18 obtained from the Department or the City Clerk. The Notice of Appeal shall be filed  
19 with the City Clerk ten calendar days including weekends and holidays from the date  
20 of the action appealed from. The Hearing Officer shall schedule and hold a hearing  
21 within fifteen days from the date of the Notice of Appeal unless a continuance is  
22 sought and obtained from the Hearing Officer in which case the fifteen-day period  
23 shall be tolled. Exhaustion of administrative remedies is a predicate to any court  
24 action. No administrative remedy, remedial measure, seizure or other action by the  
25 Department is stayed on appeal except that any decision by the Department to  
26 humanely destroy a dog that is subject of an appeal under this article shall be  
27 stayed pending the outcome of the appeal.

28 (B) The Hearing Officer is in charge of the proceedings and may exclude any  
29 person for inappropriate conduct. The rules of evidence are relaxed. The appeal is  
30 administrative in nature. The Hearing Officer may consider and give appropriate  
31 weight to hearsay or any competent extraneous evidence relied upon by an ASO to  
32 take action under Angel's Law. The appellant dog owner must prove by a

1 preponderance of the evidence that the state action is unreasonable or arbitrary and  
2 capricious. The Hearing Officer shall render a written decision served upon all  
3 interested parties within fifteen days from the date the hearing is completed.

4 (C) Any owner appealing a notice of potentially dangerous dog or dangerous  
5 dog determination shall be entitled to request a hearing as described by this  
6 subsection. Such hearings shall be administrative in nature. The owner shall have  
7 the right to orally argue his or her case and to call witnesses and present evidence  
8 on his or her behalf. The owner is not entitled to confront any private person who  
9 reported the matter to the Department. The owner may appear with licensed  
10 attorney representation or may appear *pro se*. Within fifteen calendar days of the  
11 conclusion of the hearing, the neutral hearing officer shall render a written decision  
12 supported by findings of fact and conclusions of law which shall be served upon all  
13 interested parties. In any hearing where the Department is seeking permanent  
14 possession of a dog, the owner shall also have the right to cross-examine any  
15 witness called to testify by the Department or City at the hearing.

16 (D) Any person appealing the Department's determination that the person is an  
17 irresponsible owner shall be entitled to request a hearing as described by this  
18 section. Such persons must prove by clear and convincing evidence that they were  
19 in fact responsible at the time of the Department's order or that circumstances have  
20 changed such that the person is now able to humanely and responsibly own a dog  
21 in the city. The Hearing Officer shall render a written decision supported by findings  
22 of fact and conclusions of law served upon all interested parties within fifteen days  
23 from the date the hearing is completed. The Hearing Officer may affirm, reverse or  
24 remand to the Department with written instructions.

25 **Section 7. Severability Clause.**

26 If any section, paragraph, sentence, clause, word or phrase of this Ordinance is  
27 for any reason held to be invalid or unenforceable by any court of competent  
28 jurisdiction, such decision shall not affect the validity of the remaining provisions of  
29 this Ordinance. The Council hereby declares that it would have passed this  
30 Ordinance and each section, paragraph, sentence, clause, word or phrase thereof  
31 irrespective of any provision being declared unconstitutional or otherwise invalid.

32 **Section 8. Compilation.**

1 Sections 1 through 6 shall be incorporated in and complied as part of the  
2 Revised Ordinances of Albuquerque, New Mexico, 1994.

3 **Section 9. Effective Date.** This ordinance shall take effect five days after  
4 publication by title and general summary.

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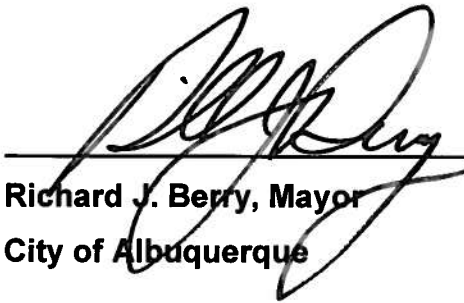
1 PASSED AND ADOPTED THIS 16<sup>th</sup> DAY OF May, 2016  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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8 \_\_\_\_\_  
9 Dan Lewis, President  
10 City Council  
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12  
13  
14 APPROVED THIS 31<sup>st</sup> DAY OF May, 2016  
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16  
17

18 Bill No. F/S O-16-10

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21 \_\_\_\_\_  
22 Richard J. Berry, Mayor  
23 City of Albuquerque  
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26 ATTEST:

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29 Natalie Y. Howard, City Clerk  
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**CITY OF ALBUQUERQUE**  
Albuquerque, New Mexico  
Office of the Mayor

Mayor Richard J. Berry

**INTER-OFFICE MEMORANDUM**

**DATE:** January 27, 2016

**TO:** Dan Lewis, President, City Council

**FROM:** Richard J. Berry, Mayor

**SUBJECT:** Mayor's Recommendation of Certain Amendments to Angel's Law.

In order to better protect the citizens of Albuquerque from the hazards posed by dangerous dogs in our community, this administration recommends that City Ordinance § 9-17-1 et seq. ROA 1994 "Angel's Law" be amended to strengthen the ability of the City's Animal Welfare Department to seize and possibly permanently remove dangerous dogs from the community when those dogs cause unprovoked egregious harm to people or pets. This administration believes that the attached amendment will achieve this goal. Additionally, the attached amendment will create the requirement that the Animal Welfare Department follow procedures for identifying dangerous dogs in its custody, ensuring that those animals are not adopted out to individuals in the public.

Approved:

\_\_\_\_\_  
Robert J. Perry  
Chief Administrative Officer

1/29/16  
Date

Approved as to Legal Form:

\_\_\_\_\_  
Jessica M. Hernandez  
City Attorney

1/29/16  
Date

## Cover Analysis

### **1. What is it?**

This is a proposed amendment to the existing City Ordinance 9-17-1 et seq. "Angel's Law."

### **2. What will this piece of legislation do?**

This amendment will allow the City of Albuquerque Animal Welfare Department to seize, and in some cases permanently take dogs which have killed, caused serious injury to, or repeatedly attacked people or companion animals without provocation.

### **3. Why is this project needed?**

This amendment is needed to promote public health and safety and confidence in local government to provide necessary protection from unprovoked dog attacks.

### **4. How much will it cost and what is the funding source?**

The estimated annual cost of these changes to the Animal Welfare Department is estimated at \$49,144. This does not account for any other City departments (legal, APD, etc.).

### **5. Is there a revenue source associated with this Plan? If so, what level of income is projected?**

There is no projected revenue source to offset the costs associated with these amendments.



**FISCAL IMPACT ANALYSIS**

TITLE: Implementation of Proposed Angel's Law Amendments Business Improvement District      Legislation Type      O  
 FUND: 110

Animal Welfare Department

No measurable fiscal impact is anticipated, i.e., no impact on fund balance over and above existing appropriations.

(If Applicable) The estimated fiscal impact (defined as impact over and above existing appropriations) of this legislation is as follows:

		Fiscal Years			Total
		2016	2017	2018	
Overtime Salary		22,170	44,340	44,340	110,850
FICA	7.650%	1,696	3,392	3,392	8,480
Subtotal Personnel		23,866	47,732	47,732	119,330
Operating Expenses		706	1,412	1,412	3,529
Property					
Indirect Costs					
<b>Total Expenses</b>		<b>\$ 24,572</b>	<b>\$ 49,144</b>	<b>\$ 49,144</b>	<b>\$ 122,859</b>
<input checked="" type="checkbox"/> Estimated revenues not affected					
<input type="checkbox"/> Estimated revenue impact					
Amount of Grant					-
City Cash Match					-
City In-kind Match					-
City IDOH					-
<b>Total Revenue</b>		<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Number of Positions created

**COMMENTS:** Ordinance change will result in an estimated 18 additional animals that stay an average of 180 days. Additional costs will be incurred for overtime, FICA, and supplies. Department does not have capacity to absorb these costs in the current budget. Additional funding will be needed should this legislation pass. Cost for Legal and APD efforts are NOT included. No adjustments for inflation or cost increases for medical due to animal injuries, vehicles, and vehicle operating expenses are included. Costs associated with after-hours animal care (VCA Animal Emergency) are not included. If warrants are required to enforce these changes the costs for ACO salary (longer observation of animals prior to confiscation) will increase.

**COMMENTS ON NON-MONETARY IMPACTS TO COMMUNITY/CITY GOVERNMENT:**

Public Safety will be improved by removing potentially dangerous animals from owners and/or the streets of Albuquerque. Our ability to quickly obtain warrants when owners are not willing to surrender their animals on the spot will be critical to enforce these changes. Depending upon the media releases, we should be able to make the public feel safer on our streets.

PREPARED BY:

FISCAL ANALYST

APPROVED:

DIRECTOR

(date)

28 Jan 16

REVIEWED BY:

EXECUTIVE BUDGET ANALYST

BUDGET OFFICER

(date)

1-29-16

CITY ECONOMIST