

City of Albuquerque

Office of the City Clerk

Richard J. Berry, Mayor

Natalie Y. Howard, City Clerk

Interoffice Memorandum

June 1, 2017

To:

CITY COUNCIL

From:

NATALIE Y. HOWARD, CITY CLERK

Subject:

BILL NO. O-17-41; ENACTMENT NO. O-2017-014

I hereby certify that on June 1, 2017, the Office of the City Clerk received Bill No. O-17-41 as signed by the president of the City Council, Dan Lewis. Enactment No. O-2017-014 was passed at the May 15, 2017 City Council meeting. Mayor Berry did not sign the approved Ordinance within the 10 days allowed for his signature and did not exercise his veto power. Pursuant to the Albuquerque City Charter Article XI, Section 3, this Ordinance is in full effect without Mayor's approval or signature. This memorandum shall be placed in the permanent file for Bill No. O-17-41.

Sincerely,

Natalie Y. Howard

City Clerk

0.2017.014

CITY OF ALBUQUERQUE CITY COUNCIL

5/22/17

INTEROFFICE MEMORANDUM

TO:

Richard J. Berry, Mayor

FROM:

Jon K. Zaman, Director of Council Services

SUBJECT: Transmittal of Legislation

Transmitted herewith is <u>Bill No. O-17-41</u> Amending The Humane And Ethical Animal Rules And Treatment (HEART) Ordinance To Remove The Requirements For Installation Of Radiant Heat And Fire Suppression Systems In Facilities That Were Constructed Before The Original Effective Date Of The Ordinance (Benton), which was passed at the Council meeting of May 15, 2017 by a vote of <u>9 FOR AND 0 AGAINST</u>.

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

ALBUQUE ON CLERK
RECEIVED

JKZ:mh Attachment

2017 JUH - 1 PH 2: 39

CITY of ALBUQUERQUE TWENTY SECOND COUNCIL

ENACTMENT NO. 0:2017-014 COUNCIL BILL NO. 0-17-41 SPONSORED BY: **Isaac Benton** 1 ORDINANCE 2 AMENDING THE HUMANE AND ETHICAL ANIMAL RULES AND TREATMENT 3 (HEART) ORDINANCE TO REMOVE THE REQUIREMENTS FOR INSTALLATION OF RADIANT HEAT AND FIRE SUPPRESSION SYSTEMS IN FACILITIES THAT 4 WERE CONSTRUCTED BEFORE THE ORIGINAL EFFECTIVE DATE OF THE 5 6 ORDINANCE. 7 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF 8 **ALBUQUERQUE:** 9 SECTION 1. The Humane and Ethical Animal Rules and Treatment (HEART 10 Ordinance) §9-2-2-4(B) is hereby amended as follows: 11 "(B) Indoor - Secure Facility. Bracketed/Underscored Material] - New 12 (1) Minimum floor space and other requirements for cats. 13 (a) Cats shall have a minimum of four square feet of flat floor space and [Bracketed/Strikethrough Material] twenty-two inches of vertical space. (b) Cats shall always have access to litter. The size of a litter box shall be subtracted when measuring the minimum space required for a cat. (c) When there is more than one cat in an enclosure, additional floor and vertical space and resting perches are required. This does not include a cat with kittens. (2) Minimum floor space requirements for dogs. (a) Dogs weighing less than 30 pounds shall have eight square feet of flat floor space and two feet of vertical space per dog. 23 (b) Dogs weighing between 30 and 65 pounds shall have 12 square feet 24 of flat floor space and three feet of vertical space per dog. 25 (c) Dogs that weigh more than 65 pounds shall have 24 square feet of

flat floor space and three feet of vertical space per dog.

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- (3) Minimum requirements for birds.
- (a) Birds must have enough room to spread their wings to their full width.
- (b) Birds must have at least two perches of different circumferences available to them.
- (4) Any other Animals not specifically listed should be provided with adequate space to prevent overcrowding and to allow the Animal to maintain normal exercise levels required by the species, size and temperament of the Animal.
- (5) Heating and cooling systems are required if needed to keep the temperature between 60 and 80 degrees Fahrenheit. All kennel buildings constructed after the effective date of this article that are not fully and constantly enclosed shall be required to contain radiant floor heat. Ventilation must be such that there are no drafts in the winter, odors, or moisture condensation. The general ventilation guideline for the areas in which the Animals are confined is ten to 15 fresh air changes per hour. All kennel buildings constructed after the effective date of this article shall install ventilation systems that adhere to this guideline. Existing kennel buildings that do not meet this guideline must do so within five years of the effective date of this article.
- (6) Ample light must exist so that all areas of the building and Animal enclosures can be easily examined. Any lights in Animal areas should have covers such as protective sleeves for fluorescent bulbs."
- Section 2. SEVERABILITY. If any section, paragraph, sentence, clause, word or phrase of this Ordinance is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council hereby declares that it would have passed this Ordinance and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.
- Section 3. COMPILATION. This ordinance shall be incorporated in and made part of the Revised Ordinances of Albuquerque, NM, 1994.

EFFECTIVE DATE. This Ordinance shall take effect five days Section 4. after publication by title and general summary. X:\CITY COUNCIL\SHARE\CL-Staff_Legislative Staff\Legislation\22 Council\O-41final.docx

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