City of Las Cruces®
PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 19 **Ordinance/Resolution#** 2530 **Council District:** citywide

For Meeting of July 20, 2009
(Adoption Date)

TITLE: AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE TO ALLOW FOR GOVERNMENT AGENCIES TO PROMOTE ANIMAL ADOPTIONS AT EVENTS HELD ON CITY PROPERTY.

PURPOSE(S) OF ACTION: Amend Municipal Code to allow animals from the Animal Services Center to be offered for adoption at the Farmers and Crafts Market and other public events.

Name of Drafter: Christine Logan		**Department:** Community Development		**Phone:** 541-2286	
Department	**Signature**	**Phone**	**Department**	**Signature**	**Phone**
Community Development		541-2286	Budget		541-2300
			Assistant City Manager		541-2271
Legal		541-2128	City Manager		541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS: Chapter 7 of the Las Cruces Municipal Code addresses Animals. Section 7.1 of the chapter defines Animal Shelter as any premises designated by the city for the purpose of impounding and caring for animals coming into the city's custody. Today, that is the Animal Services Center operated by the joint efforts of the City and Dona Ana County. Section 7.10(b) states that it shall be unlawful for anyone to give away dogs, cats, rabbits or fowl of any age on public property. The Animal Services Center would like to host animal adoption events on public property in an effort to build awareness about the pet over population problems in the area, encourage citizens to get involved in the Centers' volunteer program, and most importantly to showcase animals that need loving homes. The community is very receptive to these events but the prohibition against hosting them on public property severely limits opportunities to reach out.

One of the prime locations for promoting the Animal Services Center activities is the Farmers and Crafts Market held downtown twice a week. Chapter 10 of the Las Cruces Municipal Code addresses operation of the Market and defines very specifically who can participate and what vendors can sell or offer. All items at the Market must be homemade, handcrafted, and personally offered by the grower or creator. There is a provision under section 10-38 for non-vendor community groups to attend the Market but it is limits attendance to once a month. There is a waiting list of groups wishing to promote their programs or distribute information under this provision.

This Ordinance amends the Municipal Code in two areas to allow for the Animal Shelter to offer animals for adoption on public property and to allow government agencies to attend the Farmers

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and Craft Market more than once a month. If these changes are adopted, the Farmers and Crafts Market policies (which are administrative, not legislative) will also be modified such that the Animal Services Center can begin hosting adoptions there immediately.

The proposed changes do not allow private citizens to sell or give away animals on public property. Non-profit groups may only offer animals on public property if they are doing so as representatives of the animal shelter and can only offer animals that are in the custody of the animal shelter. The changes also do not allow for vendors to sell animals (or anything else that is not homemade, home grown, or handcrafted) at the Farmers and Craft Market.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
NA	NA	NA

1. Ordinance
2. Exhibit "A" amended LCMC Sec. 7-10 and 10-38.

OPTIONS / ALTERNATIVES:

1. Vote YES to approve the Ordinance and amend the Municipal Code to allow the Animal Shelter to offer animals on public property and government agencies to attend the Farmers and Craft Market more than once a month. The Farmers and Crafts Market operating policies would be modified and the Animal Services Center could host off-site adoption events at the Market.

2. Vote NO and do not approve the Ordinance. Regulations related to animals and the Market would remain as is and the Animal Services Center will continue to host off-site adoption events at privately owned locations.

3. Modify the Ordinance and vote YES to approve the modified Ordinance.

4. Table/Postpone the Ordinance and direct staff accordingly.

COUNCIL BILL NO. 10-001
ORDINANCE NO. 2530

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MUNICIPAL CODE TO ALLOW FOR GOVERNMENT AGENCIES TO PROMOTE ANIMAL ADOPTIONS AT EVENTS HELD ON CITY PROPERTY.

The City Council of the City of Las Cruces is informed that:

WHEREAS Chapter 7 of the Las Cruces Municipal Code prohibits animals from being offered on public property and Chapter 10 of the Municipal Code prohibits non-vendors from displaying at the Farmers and Craft more than once a month; and

WHEREAS the City of Las Cruces, together with Dona Ana County, operates the Animal Services Center of the Mesilla Valley, as a government agency dedicated to addressing the communities needs related to pets and other animals; and

WHEREAS amendments to the Municipal Code are required to enable the Animal Services Center of the Mesilla Valley to efficiently meet its strategic goals.

NOW, THEREFORE, Be it ordained by the governing body of the City of Las Cruces:

(I)

THAT Section 7-10 and Section 10-38 of the Las Cruces Municipal Code attached hereto as Exhibit "A", are hereby approved.

(II)

THAT City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of July, 2009.

APPROVED:

_____
Mayor

(SEAL)

ATTEST:

_____
City Clerk

VOTE:
Mayor Miyagishima: _____
Councillor Silva: _____
Councillor Connor: _____
Councillor Archuleta: _____
Councillor Small: _____
Councillor Jones: _____
Councillor Thomas: _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

_____
City Attorney

Chapter 7
ANIMALS*

Sec. 7-10. Prohibited sales, gifts; use of animals as prizes, inducements.

(a) It shall be unlawful to sell, offer for sale, barter or give away any animal as a toy, premium or novelty.

(b) It shall be unlawful for anyone to give away dogs, cats, rabbits or fowl of any age on public property **except that representatives of the Animal Shelter may promote Shelter activities and offer animals in the custody of the Shelter for adoption at permitted events.**

(c) It shall be unlawful to color, stain, dye or otherwise change the natural color of any animal or to possess for the purpose of sale any animal which has been so colored.

(d) No person shall give away any live animal as a prize for or as an inducement to enter any contest, game, or other competition or as an inducement to enter a place of amusement, and no person shall offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(e) No licensed commercial pet shop or dealer may offer for sale any venomous animals, other than tropical fish contained in labeled aquaria.

Chapter 10
FARMERS' AND CRAFTS MARKET*

Sec. 10-38. Special ~~one-time use~~ attendance permit.

Local nonprofit or civic groups, **or government agencies**~~**as well as farmers and crafts groups**~~**,** can apply for **a** ~~**unusual or**~~ special ~~**one-time use of**~~**attendance permit for** the downtown during the farmers' and crafts market hours. Approval may be granted by the farmers' and crafts market manager with appropriate charges and conditions as determined by the user's request.