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**MUNICIPAL ORDINANCE REGULATING ANIMAL OWNERSHIP  
COMPANION AND POTENTIALLY DANGEROUS ANIMALS IN  
FUENGIROLA**

**TITLE I.- GENERAL PROVISIONS.**

**Article 1. Object.**

The purpose of this ordinance is to regulate the applicable regulations in relation to the possession of domestic companion animals and those considered potentially dangerous in the human environment, all to guarantee them due protection and well-being, as well as making it compatible with hygiene, health public and the safety of people and property.

**Article 2. Scope of application and powers.**

It is limited to the municipality of Fuengirola. The functional competence of this matter is attributed to the Department of Health of the Fuengirola City Council, without prejudice to those that may compete with other Municipal Areas or other Public Administrations.

**Article 3. Definitions.**

a) Domestic animals: These are those that live in the human environment and depend of man for his food and maintenance.

b) Domestic companion animals: Domestic animals housed by human beings, generally in their home, mainly intended for company, without the profit motive being the essential element that determines their ownership; Dogs that serve as companions, guides and helpers of people with disabilities also have such consideration.

c) Potentially dangerous animals: Those that are used as pets and, regardless of their aggressiveness, fall into species or breeds that have the capacity to endanger the life or physical integrity of people or other animals. or cause significant damage to property. Likewise, the dogs included in the following section will be classified as potentially dangerous animals.

They will be considered potentially dangerous dogs:

1. Those that belong to the races listed in Annex I of this ordinance and their crosses.

2. Those whose characteristics correspond to all or most of the listed in Annex II of this ordinance.

3. Dogs that have been trained for attack, or guard and defense.

4. In any case, even if they are not included in the previous sections, the following will be considered potentially dangerous dogs:

4.1.- Those dogs included within a racial typology that, due to their aggressive character, size or jaw power, have the capacity to endanger the life or physical integrity of people, other animals or cause significant damage to the goods; unless they are guide dogs or accredited assistance dogs.

4.2.- Those dogs that manifest a markedly aggressive character or that have carried out attacks on people or other animals and have been the subject of at least one complaint for said circumstance.

#### **Article 4. Exclusions.**

Wildlife and its use and activities with bullfighting cattle and other bullfighting livestock are excluded from the scope of application of this ordinance in accordance with art. 2 of Law 11/2003 on the Protection of Animals of Andalusia.

Likewise, the animals listed below are excluded from this ordinance, so owners and possessors must comply with the regulation of the specific regulations that apply:

- a) Rent animals.
- b) Those dedicated to experimentation.
- c) Dogs owned by the Armed Forces, Security Forces and Corps, Firefighters and Rescue and Rescue Teams, and authorized security companies.

#### **Article 5. Obligations.**

1. Every possessor and/or owner of an animal has, with respect to it, the following obligations:

- a) Keep it in good hygienic-sanitary conditions, carrying out any mandatory treatment, in addition to the appropriate curative or preventive treatments, providing the necessary veterinary care and assistance.
- b) Maintain it in conditions of accommodation, habitability, safety and well-being appropriate to its race or species.
- c) Subject the accommodation to periodic cleaning with removal of excrement and disinfection and disinfestation when necessary.

- d) Prevent the animal from attacking or causing any inconvenience and annoyance to people and other animals or causing damage to other people's property.
- e) Protect the animal from any possible aggression or discomfort that other animals or people may cause.
- f) Obtain the necessary authorizations, permits or licenses, in each case, to be in possession of the animal in question.
- g) Carry out the registration of the animal in the registries that correspond in each case according to the provisions of this Ordinance and current regulations.
- h) Carry out the registration of the animal in the registries that correspond in each case according to the provisions of this Ordinance and current regulations.
- i) Report the loss of the animal.
- j) Dogs used to guard plots and construction sites must also be subjected to appropriate antiparasitic treatments that guarantee the non-proliferation of parasites in order to avoid risks to public health.

#### **Article 6. Prohibitions.**

Regardless of the actions or omissions classified as criminal or administrative infractions, included in the current legislation of higher scope, it is prohibited, and will give rise to the initiation of an administrative file and, where appropriate, the corresponding sanction:

1. Abuse or physically attack animals or carry out any action with them that causes them unjustified suffering or damage.
2. The abandonment of animals.
3. Keep them in places or facilities that are inappropriate from a hygienic-sanitary point of view or inappropriate for the practice of care and attention.  
necessary that their physiological and ethological needs demand, according to race or species.
4. Not providing them with drinking water or sufficient or balanced food to maintain an adequate state of nutrition and health.
5. Perform mutilations for exclusively aesthetic purposes or without any use except those performed by veterinarians in case of need.
6. The sacrifice of animals without meeting the guarantees provided for in the Laws or in any applicable regulations.

7. Keep animals permanently tied or chained, with the specifications and exceptions established.
8. Donate the animals for advertising purposes or as a prize, reward or gift for other acquisitions of a nature other than their own.  
expensive acquisition of animals.
9. Carry out street sales outside of authorized markets or fairs, as well as raise them for sale or sell them in establishments that do not have the corresponding license or permits.
10. Using animals to train other animals in fighting or attacking.
11. Using animals in exhibitions, circuses, advertising, popular festivals and other activities if this entails suffering, pain or unnatural treatment for the animal.
12. Keep animals in enclosures and places where they cannot be properly controlled and monitored.
13. Keep animals in places where they cause obvious inconvenience to neighbors.
14. Exercising begging using them or imposing on them behaviors and attitudes that are foreign and inappropriate to their condition that involve humiliating treatment.
15. Providing food to stray or abandoned animals, as well as depositing food on public roads that may attract unwanted animals, such as rodents, insects, etc., and could cause negative effects on public health.
16. Fighting of dogs or any other animal and other similar practices, as well as unauthorized cockfights.
17. The habitual accommodation of animals in vehicles, balconies or places inappropriate for this.
18. That animals dirty the roads and public spaces.
19. The abandonment of corpses of any animal species on public roads.
20. Inciting animals to be aggressive in any way.
21. Administer, inoculate or apply pharmacological substances without the prescription or direct supervision of a veterinarian. Providing the wrong medication, applying it incorrectly or not assessing the collateral or unwanted effects that may cause unjustifiable suffering for the animals.

22. Using live animals as targets in fairground rides, contests or competitions.

23. Artificially manipulating animals in order to make them attractive as entertainment or toys for sale.

24. Use them in experimental procedures or use them for them without compliance with the guarantees established in the applicable regulations.

25. Sell them to minors under sixteen years of age who are already incapacitated without the authorization of whoever has parental authority, custody or guardianship of them, in accordance, where appropriate, with the ruling of incapacitation.

27. Supply them with substances that may cause them unnecessary suffering or damage, as well as any type of unauthorized substance.

28. Forcing animals less than six months old, sick, malnourished, or fatigued to work or to perform jobs in which the effort required exceeds their capacity. The above applies to females that are pregnant.

#### **Article 7. Animal traction vehicles.**

The circulation of animals and animal-drawn vehicles on public roads will comply with the provisions of the ordinances on this matter.

#### **Article 8. Municipal actions to protect the welfare of animals.**

The City Council will promote all types of actions for the defense, protection and welfare of animals. It will carry out citizen awareness campaigns, especially regarding adoption. It will also collaborate with animal protection and defense associations. Likewise, it will promote recreational spaces and places for pets.

## **TITLE II.- COMPANY ANIMALS**

### **CHAPTER I: RULES ON MAINTENANCE AND CIRCULATION.**

#### **Article 9. Rules for keeping animals in homes and private enclosures.**

1. They are applicable to pets as general rules the obligations established for all animals in article 5 of Title I.

2. In general, the possession of pets in private homes is authorized as long as the accommodation circumstances in terms of hygiene and the number allow it, and that no situation of danger or discomfort arises for the neighbors or for other people in general.

#### **Article 10. Rules of coexistence.**

In general, the following minimum conditions are established to facilitate the coexistence between animals and humans:

a) The continued possession of animals on terraces or patios is prohibited, and in any case they must spend the night inside the home. In the case of single-family homes, animals may remain in their gardens as long as the specific conditions for the well-being of the animals are met.

b) In private common spaces, the person driving the animal is responsible for any damage it causes, as well as the immediate cleaning of any dirt it may cause.

c) It is prohibited to disturb the lives of neighbors with noise emitted by the animals, especially at night.

#### **Article 11. Health control of pets.**

1. Keepers or owners of pets must submit them to control and monitoring by veterinary professionals. Anti-rabies vaccination will, in any case, be mandatory for all dogs and cats at the frequency established by current regulations.

2. Dogs and cats, as well as other pets that are determined, must have their health certificate issued by a veterinarian.

3. The sacrifice of companion animals will be carried out under the control of a veterinarian in a veterinary office, clinic or hospital or at the owner's home, in a painless manner and after anesthesia or stunning, except in cases of force majeure.

4. The sterilization of pets will be carried out under the control of a veterinarian in a veterinary office, clinic or hospital, painlessly and under general anesthesia.

#### **Article 12. Rules for pets on roads and public spaces. (Points 12.2 and 12.3 repealed by the Municipal Ordinance of Citizen Coexistence –BOP 234 of 05.12.18)**

1. Animals may only access roads and public spaces when they are led by their owners or owners and do not constitute a danger to passers-by or other animals, except in those places that the City Council determines as a recreation area for dogs.

2. All dogs will be on a leash and provided with the corresponding identification. Those weighing more than 20 kilograms must travel with a muzzle, a strong, non-extendable leash and driven by people of legal age. Guide dogs for people with visual impairments will be exempt in any situation from being led with a muzzle.

3. The person driving the animal is obliged to immediately collect its defecation on roads and public spaces, taking care in all cases to ensure that it does not urinate or defecate on sidewalks, walks, gardens and, in general, anywhere. or public space, regardless of whether or not it is dedicated to pedestrian traffic. You will also avoid urinating on building facades and/or street furniture. If there is no designated place for this, you must take the animal to the road, next to the curb and as close to the sewer drains.

4. It is prohibited:

a) The stay of pets, particularly dogs and cats, in order to avoid their depositions and urination, in playgrounds or gardens used by children.

b) The bathing of animals in ornamental fountains, ponds and similar, as well as their drinking water from drinking water sources for public consumption.

c) The supply of food to animals in public spaces, as well as on lots and buildings when this may pose a risk to public health and protection of the urban environment.

d) The circulation and stay of pets in public and/or collective use swimming pools.

### **Article 13. Access to public transport.**

1. The use of public transport will be authorized for companion and guide dogs of people with visual disabilities. However, owners of pets may access public transport with them under the following conditions:

to. When there are specially enabled spaces on public transport for animals and have exclusive cleaning materials for them.

b. Only one animal per traveler will be admitted.

c. The traveler who carries them will be responsible for any inconvenience and damage that may arise. cause the animal.

d. The animal must have a health certificate issued by a veterinarian and meet the hygienic-sanitary and safety conditions determined in this ordinance.

and. In order not to cause inconvenience to the rest of the passengers, it will be prohibited to entry of animals in heat period.

F. The animal must be tied and muzzled.

g. The amount to be paid per animal will be 50% of the ticket according to the general rate of transport, except for guide dogs.

h. Small animals may travel in baskets or in the arms of their owners.

Yo. The animal may not occupy any seat or space in the vehicle.

j. During the journey, a maximum of five animals will be allowed in the vehicle, however the person responsible for transportation may prohibit the entry of the animal due to excess passengers.

2. In means of public transport whose owners are private individuals, such as taxis, use may be allowed or denied at their discretion.

#### **Article 14. Access to public establishments.**

1. Pets may access any public establishment, the City Hall and other municipal offices under the terms established in current legislation on animal protection or welfare.
2. In premises intended for the production, sale, storage, transportation or handling of food, public shows, sports facilities and other similar establishments or places, the entry of animals is prohibited.
3. Access to the places contemplated in the previous paragraphs may not be limited to dogs intended to compensate for visual dysfunctions of their owners, in the terms established in the current regulations on the use of guide dogs by people with visual dysfunctions.

### **CHAPTER II: RULES ON IDENTIFICATION AND REGISTRATION.**

#### **Article 15. Identification and registration in the Municipal Registry of Pets.**

1. Dogs, cats, as well as any other pet determined by regulation, must be individually identified using a standardized electronic identification system, called a microchip, implanted by an identifying veterinarian, within a maximum period of three months from their birth or a month since its acquisition.

After the implantation of the microchip in the animal, the identifying veterinarian will carry out the corresponding procedure for its registration in the Andalusian Registry of Animal Identification, which will cause, at the same time, the effect of the registration of the animal in the Municipal Registry of Pets. , being exempt, in this case, from doing so by the owner of the animal.



2. The owners of the animals have the obligation to notify the identifying veterinarian of any change that occurs in the data provided in the identification to proceed with the modification of the same in the Municipal Registry of Companion Animals, as well as the death of the animal. , its loss or transmission within a maximum period of one month from when the event occurred.

### **TITLE III.- DANGEROUS ANIMALS AND POTENTIALLY DANGEROUS.**

#### **Article 16. License for the possession of potentially dangerous animals.**

1. The possession of any potentially dangerous animal, whether as a companion animal or as a member of an exploitation, breeding, marketing, training, collection or residence activity, in addition to complying with the requirements and limitations provided for in Titles II and III. of this Ordinance, will be conditioned upon previously obtaining the corresponding municipal license.

2. To obtain the license, the corresponding application must be submitted on an official model accompanied by documents that prove compliance with the following requirements:

a) Be of legal age. To do this, the original document that proves your identity will be displayed (National Identity Document for Spaniards and passport and residence card for foreigners).

b) Not having been convicted of crimes of homicide, injuries, torture, against freedom or against moral integrity, sexual freedom and public health, association with an armed gang or drug trafficking, as well as not being deprived of the right by judicial resolution to the possession of potentially dangerous animals. These circumstances will be accredited by means of a Criminal Record Certificate.

c) Not having been sanctioned in the last three years for serious or very serious infractions with any of the accessory sanctions of those provided for in article 13.3 of Law 50/1999, of December 23. However, it will not be an impediment to obtaining or, where appropriate, renewing the license, having been sanctioned with its temporary suspension, provided that, at the time of the application, the suspension sanction previously imposed has been fulfilled. entirely. For accreditation, the certificate issued by the Central Registry of Companion Animals of Andalusia will be provided.

d) Have the physical capacity and psychological aptitude to own potentially dangerous animals. This requirement will be confirmed by providing a report or certificate of psychophysical aptitude issued by the center.

authorized driver recognition, in accordance with the regulations that regulate them.

e) In the event that the license is for the possession of potentially dangerous dogs, it will be necessary to pass a specific course on basic training of potentially dangerous dogs, organized by officially recognized entities and taught by accredited trainers, providing the title that accredits overcoming it.

f) Subscription of civil liability insurance for personal and material damage to third parties, caused by potentially dangerous animals, with coverage of no less than one hundred and seventy-five thousand euros (175,000) per incident. A report issued by the insurance company and the corresponding proof that proves that it is up to date with its payment will be presented.

g) Document administration fees for obtaining a license.

3. Once the application is accepted and in view of the documentation presented, the body competent to resolve may carry out whatever steps it deems necessary in order to verify compliance with the requirements by the applicant, either requiring the interested party to expand, improve or clarify the documentation. provided or requesting reports or opinions from the competent technicians or organizations in each case.

4. When the possession of one or more potentially dangerous animals is shared by several people, all of them have the obligation to obtain the required license, for which they must comply with the previously established requirements, although, in the report issued by the insurance company , such circumstance must be reflected.

5. If the license is denied to an applicant who is in possession of a potentially dangerous animal, in the same denial resolution, which will be reasoned, the obligation of its holder to expressly communicate, within a period of 5 days, will be agreed. , the person or entity holder in all cases of the corresponding license that will take care of the animal. After this period has elapsed without the owner making any communication, the City Council may seize the animal until the situation is regularized or, failing that, apply the corresponding treatment to an abandoned animal.

6. The municipal license for the possession of potentially dangerous animals will be valid for five years from the date of issue, and must be renewed, at the request of the interested person, prior to its termination for successive periods of equal duration. The license will be void at the moment in which its owner stops complying with any of the requirements established in section 2 to obtain it. Any variation in the data accredited for obtaining the license must be communicated by its owner. to the Municipal Services within a maximum period of fifteen days from the date on which it occurs or, where applicable, knowledge of it occurs.

7. The intervention, suspension or precautionary measure related to the municipal license in force, agreed judicially or administratively, is cause for denial of a new license or renewal of the affected one as long as said measure has not been left without effect.

8. The display of the license for the possession of potentially dangerous animals will be required by the competent authority and, where appropriate, by the veterinary staff, prior to the animal's health care. In the event that the holder of the animal lacks the required license, said personnel must immediately inform the Municipal Services of the fact.

### **Article 17. Registry of Potentially Dangerous Animals.**

1. Persons who own, breed or keep potentially dangerous animals will have the obligation to register them in the Municipal Registry of Potentially Dangerous Animals within a maximum period of fifteen days from when they obtained the corresponding administrative license or, where applicable, in a period of one month from the day on which the competent municipal authority assesses the potential danger in the animals through the corresponding Resolution.

2. To register potentially dangerous animals, the corresponding application must be submitted on an official form accompanied by documents proving compliance with the following requirements:

- a) Proof of being in possession of the administrative license for the possession of potentially dangerous animals in the case of having obtained it in another municipality.
- b) Accreditation of the updated animal health record.
- c) Accreditation of animal identification by microchip.
- d) Animal health certificate that certifies, on an annual basis, the health situation of the animal and the absence of diseases or disorders that make it especially dangerous.
- e) Certificate, if applicable, of sterilization of the animal.

3. The owners or holders of potentially dangerous animals are obliged to report the sale, transfer, donation, death or change of residence of the same and request the corresponding deregistration in the Municipal Registry of Potentially Dangerous Animals, which will be immediately communicated to the Registry. Computerized central dependent on the Autonomous Community.

### **CHAPTER III: SECURITY MEASURES.**

**Article 18. In public areas.**

1. Potentially dangerous dogs may travel on public roads and in places and spaces of general public use, with the following conditions and limitations:

- a) The presence and circulation in public spaces must always be monitored and controlled by people who have the corresponding municipal license that enables them to keep potentially dangerous animals and which they must carry with them. Likewise, they will carry the document proving that the animal is registered in the Municipal Registry of Potentially Dangerous Animals and the Autonomous Animal Identification and Registration Document (DAIRA).
- b) The use of a non-extensible and unbreakable leash or chain, with a maximum length of 1 meter and adequate to control the animal at all times, will be mandatory.
- c) They must wear an approved muzzle appropriate for their breed.
- d) No person may carry and drive another animal simultaneously with a potentially dangerous dog.
- e) In specific recreational areas, potentially dangerous dogs will not be able to circulate freely.
- f) The presence and circulation of these animals in public parks and gardens, as well as in the vicinity of schools, daycare centers, markets, recreational or sports centers and places of leisure and recreation for minors, will be limited to the hours in which that there is no intense traffic of people. However, under no circumstances will they be able to access places of leisure and recreation for minors.

**TITLE IV.- RULES ON ABANDONMENT, LOSS, COLLECTION, DELIVERY AND TEMPORARY RETENTION.**

**Article 19. Abandoned, lost and surrendered animals.**

1. Animals that are found abandoned or lost will be collected and transferred to the Municipal Zoosanitary Park.

2. An abandoned animal will be considered one that does not carry any accreditation that identifies it or is accompanied by any person, without prejudice to the provisions of current legislation on potentially dangerous animals.

3. A lost animal will be considered one that, even when carrying its identification, circulates freely without any accompanying person. In this case, this will be notified

circumstance to the owner and he will have a period of five days to recover it.

If this period has elapsed without the owner having proceeded to remove it, it will be understood that the animal is abandoned. This circumstance will not exempt the owner from any liability that may have been incurred due to the abandonment of the animal.

4. The owners of abandoned and lost animals housed in the Municipal Zoosanitary Park will have a period of 10 days to rescue them, after which the Municipal Services will proceed to transfer them.

Only and for reasons justified by the animal's own health, such as degenerative diseases that entail suffering that is difficult to bear for the animal, vital failures of certain organs or excessive damage due to a serious accident, would it be sacrificed.

5. To proceed with the rescue of an animal housed in the Municipal Zoosanitary Park, the following documentation must be presented:

a) DNI of the owner. If you are his agent, you must also present authorization from the owner.

b) Accreditation of the updated animal health record.

c) Accreditation of animal identification by microchip and registration in the Municipal Registry of Companion Animals.

d) Payment of the expenses incurred for the collection and transportation, as well as for the accommodation and feeding of the animal, according to the public price established in the corresponding Tax Ordinance.

e) Furthermore, if it is a potentially dangerous animal, the rescuer must prove that he or she has a municipal license for its possession and its registration in the Municipal Registry of Potentially Dangerous Animals. In the event that the rescuer does not have a license to own this type of animal, he or she will not be able to rescue it until the situation is regularized. If the license is denied to the rescuer and within 5 days of notification the person with a license to take care of the animal does not appear, the Zoosanitary Park will proceed to give it the same treatment as an abandoned animal and /or lost.

6. Owners of pets may deliver them to the Municipal Zoosanitary Park, being obliged, in any case, to carry out the necessary procedures to modify the data in the Municipal Registry.

7. The identified animal cannot be sacrificed without the owner's knowledge.

**Article 20. Transfer of abandoned, lost or surrendered animals by owners.**

1. The animals delivered by their owners will be made available to citizens for adoption, and their sacrifice may only be carried out for reasons justified by the animal's own health, such as degenerative diseases that entail suffering that is difficult to bear for the animal, vital failures of certain organs or excessive damage due to a serious accident. Likewise, abandoned and lost animals will be treated once the period to recover them established in the previous article has elapsed.

2. Animals up for adoption will be delivered properly dewormed and vaccinated and identified if applicable.

3. Abandoned animals may not be transferred for experimentation.

4. In the animal adoption procedure, the following must be taken into account: following extremes:

4.1. Citizens who request an animal for adoption must meet the following requirements:

a. Be of age.

b. Not be sanctioned by a final resolution for the commission of serious or very serious infractions of those regulated in the Laws on the Protection of Companion Animals.

c. Accept compliance with the conditions on the responsible ownership of animals as set out in this Ordinance.

4.2. In the event of adoption of a potentially dangerous animal, in addition They must comply with the requirements set out in Title III of this standard.

4.3. The expenses derived from the adoption will be paid by the adopters of in accordance with the corresponding Tax Ordinance.

**Article 21. Preventive seizure or temporary retention.**

1. The competent Municipal Zoosanitary Park, with the intervention of the Agents of the Authority, may temporarily retain, as a preventive measure, pet animals if there are signs of abuse or torture, if they present symptoms of physical exhaustion or malnutrition or if they are found in facilities inadequate until the resolution of the corresponding sanctioning file.

## **TITLE V.- SANCTIONING REGIME.**

### **Article 22. Violations.**

Infractions are the actions and omissions classified in this Ordinance and all those that, as such, are provided for or established in the laws and regulations.

### **Article 23. Responsibility.**

1. The natural or legal persons who carry out the actions and omissions classified as an infraction are responsible for infractions, without prejudice to any responsibilities that may apply in the civil or criminal sphere.

2. When the fulfillment of the obligations corresponds to several people jointly, they will be jointly and severally liable for the infractions that, where appropriate, are committed and the sanctions that are imposed. Likewise, those who held the position of administrator at the time the infraction was committed will be subsidiary responsible for the sanctions imposed on legal entities that have ceased their activities.

3. The owner of an animal is responsible for the damage, harm and inconvenience caused to people, objects, public roads and the natural environment in general in accordance with article 1,905 of the Civil Code.

### **Article 24. Types of infractions in general.**

#### **1. They are very serious infractions:**

1.1. The mistreatment of animals that causes disability or death.

1.2. The abandonment of animals.

1.3. Practicing mutilation for exclusively aesthetic or useless purposes any, except those performed by veterinarians in case of need.

1.4. Depositing poisoned food in public spaces and places, except those used by authorized pest control companies.

1.5. The use of animals in parties or shows in which they may be subject to damage, suffering, unnatural treatment, mistreatment or in which the viewer's sensitivity may be hurt.

1.6. The supply to animals of food and medicines that contain substances that may cause unnecessary suffering or damage.

- 1.7. The organization of fights with and between animals.
- 1.8. The transfer by any title of premises, land or facilities for the celebration of fights with and between animals.
- 1.9. The use of animals, by their owners or possessors, for their participation in fights.
- 1.10. Filming with animals of scenes that involve cruelty, abuse or suffering, when the damage is not simulated.
- 1.11. The use in experimental procedures of animals of species not included in the applicable regulations.
- 1.12. Carrying out unauthorized experimental procedures.
- 1.13. The use of animals for experimental procedures in centers not officially recognized.
- 1.14. Use them in experimental procedures or allocate them to themselves without compliance with the guarantees established in the applicable regulations.
- 1.15. Carrying out the sacrifice of an animal without following the applicable regulations.
- 1.16. The use of live animals to train others in fighting or attacking.
- 1.17. The commission of more than one infraction of a serious nature within a period of 3 years when this has been declared by a final resolution.

**2. These are serious infractions:**

- 2.1. Abuse of animals that causes pain or suffering or non-disabling injuries.
- 2.2. Not carrying out the mandatory vaccinations and treatments provided for in the applicable regulations.
- 2.3. Failure to keep animals in good hygienic-sanitary conditions or in the conditions established by the applicable regulations.
- 2.4. Failure to provide animals with the necessary veterinary care.
- 2.5. Imposing work on animals in which the effort exceeds their capacity or in which they are sick, fatigued, malnourished or less than six months old, as well as females that are pregnant.



2.6. The sale or donation of animals for experimentation without the appropriate authorizations.

2.7. The filming of scenes with animals that simulate cruelty, abuse or suffering, without the corresponding administrative authorization.

2.8. Use in exhibitions, if this means suffering, pain or unnatural treatment for the animal.

2.9. The breeding or commercialization of animals without meeting the corresponding requirements.

2.10. Attendance at animal fights.

2.11. The sale or donation of animals to minors under 16 years of age or disabled people without the authorization of whoever has parental authority, guardianship or custody.

2.12. Not providing the animals with adequate food for their needs.

2.13. Offer animals as a prize or reward in contests or for advertising purposes.

2.14. Street vending outside facilities, fairs or markets authorized.

2.15. Prevent personnel authorized by the competent bodies from accessing the facilities of the establishments provided for by Law 11/2003 of the Junta de Andalucía, as well as not providing the information and documentation required of them in the exercise of control functions. .

2.16. Non-compliance, by veterinary centers and centers for the sale, training and temporary care of companion animals, of the requirements and conditions established in this Ordinance and in the other state and regional regulations that apply to them.

2.17. The sale of mammals as pets under forty days.

2.18. The sale of sick animals when there is evidence of it.

2.19. The transportation of animals without meeting the legal requirements.

2.20. The refusal or obstruction to provide data or facilitate the information required by the competent authorities or their agents, in order to fulfill their functions, as well as the provision of inaccurate information or false documentation.

2.21. The possession of animals not registered or identified in accordance with the provisions of this Ordinance or by legal requirement.

2.22. The commission of more than one infraction of a minor nature within a period of 3 years, when it has been declared by a final resolution.

2.23. Do not provide them with drinking water.

2.24. Keep animals permanently tied or chained, except for exceptions and specifications that are established.

**3. They are minor infractions:**

3.1. Do not report the loss of the animal.

3.2. Do not prevent the animal from attacking or causing any discomfort or annoyance to people, other animals or causing damage to other people's property.

3.3. Failure to protect the animal from any possible aggression or discomfort that may cause other animals or people.

3.4. Failure to obtain the necessary authorizations, permits or licenses in each case, to be in possession of the animal in question.

3.5. Artificially manipulating animals in order to make them attractive as fun and toy for sale.

3.6. Keep animals in enclosures and places where they cannot be properly controlled and monitored.

3.7. Keep animals in places where they cause obvious discomfort to the neighbors.

3.8. Exercising begging using them or imposing on them behaviors and attitudes that are foreign and inappropriate to their condition that involve humiliating treatment.

3.9. Administer, inoculate or apply pharmacological substances without the prescription or direct supervision of a veterinarian. Providing the wrong medication, applying it incorrectly or not assessing the collateral or unwanted effects that may cause unjustifiable suffering for the animals.

3.10. The provision of food to stray or abandoned animals, as well as to any other when this may result in inconvenience, damage or sources of unhealthiness in public spaces, plots or buildings.

3.11. The habitual accommodation of animals in vehicles, balconies or places inappropriate for this.

3.12. Allowing animals to litter roads and public spaces.

3.13. The abandonment of corpses of any animal species in public spaces.

3.14. Inciting animals to be aggressive in any way.

3.15. The possession of animals in homes and private enclosures without the accommodation, hygiene and number circumstances permitting it.

3.16. The raising of pets in private homes without the conditions of maintenance, hygiene-sanitary, well-being and safety for the animal and for people. Breeding on more than one occasion without complying with legal requirements.

3.17. The continuous possession of animals on terraces and patios, as well as allowing the animal to spend the night outside the home without specific conditions for its well-being.

3.18. The disturbance, by animals, of tranquility and rest from neighbors, especially at night.

3.19. The lack of notification to the competent body of the Administration of the Junta de Andalucía of the use of experimental animals.

3.20. Failure to comply with the duty to undergo antiparasitic treatment Suitable for dogs used to guard plots and construction sites.

3.21. Allow the pet to access roads or public spaces without being led by a person.

3.22. Allow pets to constitute a public space on public roads. danger to passers-by or other animals.

3.23. Driving dogs off leash.

3.24. Driving dogs whose weight is greater than 20 kg without a muzzle, not on a leash resistant or extensible.

3.25. Allow the animal to enter public and/or collective pools.

3.26. Bathing animals in ornamental fountains, ponds or similar or allowing them to drink drinking water from sources for public consumption.

3.27. Entry with an animal into hotel establishments, unless the premises have administrative authorization, except for accompanying and guide dogs for people with visual disabilities.

3.28. Entering with an animal into premises intended for the production, sale, storage, transportation or handling of food or beverages, public shows, sports facilities or similar establishments and places, except for accompanying and guide dogs for people with visual disabilities.

3.29. Entry into public buildings and administrative offices except companion and guide dogs for people with visual disabilities.

3.30. Non-communication of changes that affect the Municipal Registry of Pet Animals.

3.31. Any other action that contradicts the obligations or infringes the prohibitions of this ordinance and is not classified as a serious or very serious infraction.

#### **Article 25. Sanctions.**

1. The infractions indicated in the previous article will be sanctioned with fines of:

- a) 75 to 500 euros for minor ones.
- b) 501 to 2,000 euros for serious cases.
- c) 2,001 to 30,000 euros for very serious cases.

2. In the resolution of the sanctioning file, in addition to the fines imposed  
As referred to in the first section, the following accessory sanctions may be imposed:

- a) Temporary closure of facilities, premises or establishments, for a maximum period of one year for serious infractions and two years for very serious ones.
- b) Temporary prohibition on the exercise of commercial activities regulated by Law 11/2003, for a maximum period of one year for serious infractions and two for very serious infractions.
- c) Confiscation of animals for serious or very serious infractions.
- d) Prohibition of the possession of animals for a maximum period of two years for serious cases and four for very serious cases.

3. Regarding potentially dangerous animals, the provisions of Chapter III of Law 50/1999 of December 23, on the Legal Regime for the Possession of Potentially Dangerous Animals, will apply.

**Article 26. Graduation of sanctions by the competent body.**

When grading the sanctions, the competent body will adhere to the following criteria for their imposition:

- a) The social or health significance and the damage caused by the infringement.
- b) The profit motive and the amount of the economic benefit obtained in the commission of the infraction.
- c) The importance of the damage caused to the animal.
- d) Repetition in the commission of infractions.
- e) Any other that may affect the degree of blameworthiness of the infraction, in a mitigating or aggravating sense. To this end, violence in the presence of minors or mentally disabled people will have a special significance.

**Article 27. Provisional measures for very serious and serious infractions.**

1. Once the sanctioning procedure has begun, the investigating administrative authority may adopt, with prior motivation, the following provisional measures in cases of alleged commission of serious or very serious infractions.

- a) The preventive removal of animals and their custody in animal collection centers.
- b) The temporary suspension of authorizations.
- c) The preventive closure of facilities, premises or establishments.

2. The provisional measures will be maintained as long as the causes that motivated their adoption persist.

**Article 28. Procedure.**

1. The sanctioning procedure will comply with the provisions of Law 39/2015 of October 1, on the Common Administrative Procedure of Public Administrations, and with the current regional and municipal procedural rules. The maximum period for resolution and notification of the sanctioning procedure is six months.

2. Non-compliance with the basic regulations regarding potentially dangerous animals and the provisions set forth in this Ordinance will be sanctioned in accordance with the regime of infractions and sanctions provided for in Law 50/1999, of December 23, and subsidiarily, in Whatever is not provided for in it, Law 11/2003, of November 24, will apply.

### **Article 29. Sanctioning jurisdiction.**

1. The City Council is competent to know and sanction infractions mild.

2. In other cases, the Fuengirola City Council will inform the competent Public Administration of the alleged commission of serious or very serious infractions.

3. In cases in which the infractions may constitute a crime or misdemeanor, the competent authority may agree to the seizure of the animal until the judicial authority provides information about it, and must immediately transfer the facts to the competent jurisdictional body.

### **ANNEX I.**

#### **POTENTIALLY DANGEROUS DOG BREEDS:**

- a) Pitt Bull Terrier.
- b) Staffordshire Bull Terrier.
- c) American Staffordshire Terrier.
- d) Rottweiler.
- e) Dogo Argentino.
- f) Brazilian Row.
- g) Tosa Inu.
- h) Akita Inu.
- i) Doberman.

### **ANNEX II:**

Dogs affected by this provision have all or most of the following characteristics:

- a) Strong muscles, powerful, robust appearance, athletic configuration, agility, vigor and resistance. b) Marked character and great value. c) Short hair. d) Chest circumference between 60 and 80 centimeters, height at the withers between 50 and 70 centimeters and weight greater than 20 kg. e) Voluminous, cuboidal, robust head, with a large, wide skull and muscular, bulging cheeks. Strong and large jaws, robust, wide and deep mouth. f) Wide, muscular and short neck.

g) Solid, wide, large, deep chest, arched ribs and short, muscular loin. h)  
Parallel, straight  
and robust forelimbs and limbs  
very muscular hind legs, with relatively long legs forming a moderate angle.

**Modified art. 13 in BOP on April 3, 2014**

**Modified art. 14 in BOP on July 26, 2017**

**Modified art. 12.2 and 12.3 in BOP of December 5, 2018.**

**Modified in the BOP of August 11, 2021 (plenary session 05-26-2021)**

**Modified in BOP of March 9, 2022.**