

## MUNICIPAL ORDINANCE ON OWNING OF ANIMALS OF COMPANY AND POTENTIALLY DANGEROUS ANIMALS

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STATEMENT OF MOTIVES

The relationship between human beings and animals, especially domestic animals, although it has been occurring since time immemorial, has not been, until relatively recently, the object of express recognition and specific regulation, giving it the importance it deserves.

Thus was born, as the first step in the development of a sensitivity, until then latent, towards the other species that inhabit our planet, the Universal Declaration of Animal Rights, approved by UNESCO on October 27, 1978 and ratified by the UN whose Preamble establishes principles that form the basis of these relationships, such as the recognition of the rights of animals, that they must be respected and that man must be educated, from childhood, in the recognition and demand of these rights, given that it is based on the basis that the animal is a sentient being.

At the level of the European Union, this principle becomes a reality with the Resolution of the European Parliament of June 6, 1996, materialized in the Protocol annexed to the Treaty Constituting the European Community number 33, on the protection and welfare of animals, introduced by the Treaty of Amsterdam.

Within the Spanish State, the Autonomous Community of Andalusia, by virtue of the provisions of Article 148 of the Constitution and the Statute of Autonomy itself, has the competence to regulate this matter, for which Law 11/ was issued. 2003 of November 24 Animal Protection (BOJA No. 237 of 10-10-2003), subsequently developed by the corresponding regulatory standards, especially by Decree 92//2005 of March 29, which regulates identification and records of certain pets.



Special attention is paid to the so-called dangerous or potentially dangerous animals, to which more rigorous regulations are applied regarding the requirements for their possession, the result of a special sensitivity of the legislator to protect the citizen against attacks and aggressions by the which can be targeted, mainly, by dogs with powerful physical characteristics. For this reason, Law 50/1999, of December 23, on the Legal Regime for the possession of Potentially Dangerous Animals, was approved (BOE no. 307 of 12-24-1999), and Royal Decree 287/2002, of December 22. March, modified by Royal Decree 1570/2007 of November 30, which develops it. Following the regulatory mandate contained therein, the Junta de Andalucía promulgated Decree 42/2008, of February 12, which regulates the possession of potentially dangerous animals.

This Ordinance, collecting all the inspiring principles, adapts them to the scope of municipal jurisdiction, assuming them as its own and implementing them in our city with the conviction that without citizen awareness and special diligence on the part of everyone it will never be possible to achieve the proposed objectives. To do this, we start from the text of the Municipal Ordinance that was approved as a pioneer in our Autonomous Community by the Hon. Malaga City Council in 1994, and which had become tacitly and partially repealed by the aforementioned regulations.

In this sense, it is contemplated that the Malaga City Council develops activities aimed at raising awareness among citizens in the defense, protection and well-being of animals through campaigns; sign collaboration agreements with associations that protect and defend them and promote the use of public spaces for the recreation and recreation of pets.

The articles of the Ordinance are divided into six Titles. Title I contains the general provisions relating to the purpose, scope of application, definitions, exclusions, obligations, prohibitions and requirements for the transport of animals. As well as municipal promotional actions for animal welfare.

Title II deals with Pet Animals with two chapters, Chapter I: Rules on Maintenance and Movement and Chapter II: Rules on Identification and Registration.

Title III. It deals with dangerous and potentially dangerous animals.

Title IV addresses matters relating to the abandonment, loss, collection and temporary retention of animals.

Title V regulates the conditions that must be met by establishments where professional activities related to animals are carried out, such as those dedicated to sales, training, residences and centers.

veterinarians, as well as exhibitions, competitions and circuses. Their surveillance and inspection is also the subject of regulation.

Finally, Title VI lists the infractions and sanctions as well as the sanctioning procedure, with the processing and execution of procedures initiated for minor offenses being the exclusive municipal responsibility.

## TITLE I.- GENERAL PROVISIONS

### Article 1. Object.

The purpose of this Ordinance is to regulate the following aspects:

- a) The responsible ownership of domestic animals, companion animals and those considered potentially dangerous in the human environment, to guarantee the well-being and protection of all of them.
- b) Preserve the health, tranquility and safety of citizens against the risks and inconveniences that may arise from its possession.
- c) The conditions that must govern commercial activities in establishments in which they are located.

### Article 2. Scope of application.

It is limited to the municipal area of Malaga.

### Article 3. Definitions.

- a) Domestic animals: These are those that live in the human environment and depend on man for their food and maintenance.
- b) Domestic companion animals: Domestic animals that people generally keep at home for the purpose of companionship, such as dogs and cats, without any lucrative activity; Dogs that serve as companions, guides and helpers of people with disabilities also have such consideration.
- c) Wild companion animals: Those that, belonging to the native or non-native fauna, have required a period of adaptation to the human environment and are kept by man, mainly in the home, for pleasure and company.

d) Wild animals in captivity: Native animals or not that They live in captivity.

e) Dangerous wild animals, those belonging to the following groups have this consideration:

1º) Arthropods, fish and amphibians: All species whose bite or poison may pose a risk to the physical integrity or health of people.

2º) Reptiles: All poisonous species, crocodiles and alligators and all those species that, in the adult state, reach or exceed two kilograms in weight.

3º) Mammals: All primates, as well as wild species, that in their adult state reach or exceed ten kilograms in weight, except in the case of carnivorous species whose limit will be five kilograms.

f) Potentially dangerous animals: Those that, belonging to the wild fauna, 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, other animals or causing significant damage to property. Likewise, the dogs included in the following section will be classified as potentially dangerous animals.

g) Potentially dangerous dogs:

1.- 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 animals. estate. They must meet all or most of the following characteristics, -(except in the case of guide dogs or assistance dogs accredited and trained in officially recognized centers, in accordance with regional or, where appropriate, state legislation, as well as those dogs that are in the training phase to acquire that condition) -:

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 kilos.



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 very muscular hindlimbs, with relatively long legs forming a moderate angle.

In any case, dogs are considered potentially dangerous specimens of the breeds listed below and their crosses:

- Pitt Bull Terrier.
- Staffordshire Bull Terrier.
- American Staffordshire.
- Rottweiler.
- Argentine Dogo.
- Brazilian Fila.
- Tosa Inu.
- Akita Inu.
- Doberman.

2º.- Dogs that have been trained for attack, or guard and defense.

3.- Likewise, even if they are not among the above, potentially dangerous dogs will be considered all those that manifest a markedly aggressive character and have been the subject of at least one complaint for said circumstance or that have carried out attacks on people or attacks on people. Other animals. In this case, the potential danger must be assessed by the Municipal Authority by virtue of a resolution issued in a file initiated ex officio or at the request of a party, after hearing the owner of the animal and reporting from the official veterinary staff.

#### Article 4. Exclusions.

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

- a) Wildlife and its use.
- b) Rent animals.
- c) Those dedicated to experimentation.
- d) Bullfighting cattle and other bullfighting cattle.

e) 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) Provide them with drinking water and sufficient food and balanced to maintain an adequate state of nutrition and health.

d) Subject the accommodation to periodic cleaning with removal of excrement and disinfection and disinfestation when necessary.

e) Prevent the animal from attacking or causing any inconvenience and annoyance to people and other animals or causing damage to other people's property.

f) Protect the animal from any possible aggression or discomfort that may arise. may cause other animals or people.

g) Obtain the necessary authorizations, permits or licenses, in each case, to be in possession of the animal in question.

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) Dogs used to guard lots 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.

2.- Veterinarians, in the free exercise of the profession or as employees, have the following obligations:

a) Prepare a file with the files of the animals subject to any treatment, specifying those that are mandatory and that will be, at all times, available to the competent authority.





b) Inform the competent authority in the matter of those facts that could constitute any breach of this Ordinance and other higher-ranking regulations.

3.- Professionals dedicated to the breeding, training, temporary care or grooming of pets will provide them with treatment appropriate to their ethological characteristics, in addition to complying with the requirements established by regulation for the exercise of their profession.

#### 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 inadequate for the practice of the necessary care and attention required by their physiological and ethological needs, depending on 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. Make a donation of animals for advertising purposes or as a prize, reward or gift for other acquisitions of a nature other than the onerous acquisition of animals.



9. Use them in experimental procedures or use them for them without compliance with the guarantees established in the applicable regulations.
10. 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 incapacitation ruling.
11. 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.
12. Supply them with substances that may cause unnecessary suffering or damage, as well as any type of unauthorized substance, even when it is to increase performance in a competition.
13. Artificially manipulating animals in order to make them attractive as entertainment or toys for sale.
14. Using live animals as targets in fairground rides, contests or competitions.
15. 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.
16. Using animals to train other animals in fighting or the attack.
17. Using animals in exhibitions, circuses, advertising, popular festivals and other activities if this entails suffering, pain or unnatural treatment for the animal.
18. Keep animals in enclosures and places where they cannot be properly controlled and monitored.
19. Keep animals in places where they cause discomfort evident to the neighbors.
20. Sell them to laboratories or clinics without compliance with the guarantees provided for in current regulations.



21. Exercising begging using them or imposing on them the performance of behaviors and attitudes that are foreign and inappropriate to their condition that imply humiliating treatment.
22. 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.
23. 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.
24. Fighting of dogs or any other animal and other similar practices, as well as unauthorized cockfighting.
25. The habitual accommodation of animals in vehicles, balconies or places inappropriate for this.
26. That animals dirty the roads and public spaces.
27. The abandonment of carcasses of any animal species in the public.
28. Inciting animals to be aggressive in any way.

#### Article 7. Transport of animals.

Without prejudice to compliance with current regulations on the matter, The transportation of animals must meet the following requirements:

a) In case of movement, the animals must have sufficient and adequate space for such function, in the means of transport.

Likewise, the means of transport and packaging must be appropriate to protect the animals from the elements and inclement weather, and these packaging must bear an indication of the presence of live animals. If they are aggressive, their transfer will be carried out with sufficient security measures and they will be cared for by trained personnel.

b) During transport and waiting, animals must be watered and fed at convenient intervals based on their physiological needs.

c) The means or vehicle where the animals are transported will have good hygienic-sanitary conditions, according to the physiological and ethological needs of the species being transported, and must be properly disinfested and disinfected.



d) The loading and unloading of the animals will be carried out with the appropriate means for each case so that the animals do not suffer unjustified inconvenience or damage.

e) Pets traveling in private cars must occupy a place in the car away from the driver in such a way that it cannot at any time impede maneuverability, visibility while driving, or endanger safety.

#### 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, as well as those aimed at preventing abandonment as a result of irresponsible breeding of animals, by promoting sterilization, specifically in dogs and cats. It will carry out citizen awareness campaigns, contribute to associations for the protection and defense of animals and 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.- In general, the possession of pets in private homes is authorized as long as the accommodation circumstances in terms of hygiene and numbers allow it, and that no situation of danger or discomfort arises for neighbors or residents. for other people in general.

In any case, in the case of dogs and cats, their total number cannot exceed five animals, unless the corresponding special authorization is obtained from the competent Municipal Services of the City Council. For the processing of the aforementioned authorization, a file will be initiated at the request of the interested party, a report will be issued from the Municipal Services competent in the matter and a hearing will be given to the neighboring residents.

2.- The raising of pets in private homes is subject to the fact that the conditions of hygienic-sanitary maintenance, well-being and safety for the animal are met.

animal and for people. If this breeding is carried out on more than one occasion, it will be considered a breeding center and, therefore, will be subject to the requirements of these centers, established in Article 26 of this Ordinance.

#### Article 10. Rules of coexistence.

In general, the following minimum conditions are established to facilitate 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 indicated in article 11 of this Ordinance 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 from 10:00 p.m. to 8:00 a.m.

d) The owner of a pet must avoid the use of lifting devices and common spaces in private areas when this would cause a nuisance to the neighbors.

#### Article 11. Conditions for the well-being of companion animals.

1. Pets must have adequate space, ventilation, humidity, temperature, light and shelter necessary to satisfy their vital and well-being needs.

2. Accommodations must be kept clean, disinfected and disinfested, periodically removing excrement.

3. Especially in the case of dogs:

a) The living quarters of dogs that must remain outdoors most of the day must be constructed of waterproof materials that protect them from inclement weather and must be located so that they are not exposed directly to prolonged solar radiation. not even the rain. The cabin will be large enough for the animal to fit comfortably in it.

b) When the dogs must remain tied to a fixed point, the length of the tether will be the measurement resulting from multiplying the length by three.



length of the animal, included between the nose and the beginning of the tail, and in no case may it be less than three meters.

c) The dogs will have a period of time, no less than one hour per day, during which they will be free of ties and outside the spaces or rooms where they usually stay.

#### Article 12. 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.

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

3.- The competent Authority may order the internment or isolation of animals that have been diagnosed with a communicable disease or have a well-founded suspicion in this regard.

4.- Practicing veterinarians must keep a file with the clinical record of each animal subject to vaccination or mandatory health treatment in the manner provided for by regulation. This file will be available to the Public Administrations and will contain, at a minimum, the following data: species, breed, date of birth, identification number, name if applicable, treatments to which it has been subjected and calendar of vaccinations and antiparasitic treatments. . Likewise, the file must reflect the data that allows the identification of the owner.

5.- 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.

6.- 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 13. Rules for pets on roads and public spaces.

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. The City Council will enable parks and gardens and public places, to the extent that they allow it and after a location study, facilities

and adequate spaces duly marked for the walking and recreation of the animals.

The City Council will take these needs into account when planning the new parks and gardens.

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 and other spaces traveled by people.

4.- If the driver of a vehicle runs over an animal, he or she will have the obligation to immediately notify the municipal authorities, if the owner of the animal is not present.

5.- It is prohibited:

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

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 movement and stay of pets on beaches and public swimming pools.

d) 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.

#### Article 14. Access to public transport.

The use of public transport is prohibited for animals in general, except for companion and guide dogs for people with visual disabilities. However, owners of pets may access public transport with them when there are spaces specially enabled for them and they prove that the animal meets the hygienic-sanitary conditions and complies with the safety measures determined by regulation, as well as the municipal authority. may establish and regulate time restrictions on the access of pets to public transport. On public transportation



whose owners are individuals, such as taxis, use may be permitted or denied at their discretion.

#### Article 15. Access to public establishments.

1. The entry of pets into establishments dedicated to hospitality is generally prohibited. However, the owners of hotels, restaurants, bars, taverns and other public establishments in which drinks and food are consumed may determine the specific conditions of admission prior to administrative authorization issued by the competent body. In this case, they must display a badge that indicates it is visible from outside the establishment.

2. In premises intended for the production, sale, storage, transport or handling of food or beverages, public shows, sports facilities and other similar establishments or places, the entry of animals is prohibited.

3. Access of pets to public buildings and administrative offices is prohibited.

4. Access to the places referred to in the previous paragraphs may not be limited to companion and guide dogs for people with visual impairments, under the terms established in current regulations.

### CHAPTER II. RULES ON IDENTIFICATION AND REGISTRATION

Article 16. Identification and registration in the Municipal Registry of Pets.

1.- Dogs, cats and ferrets, as well as any other pet determined by regulation, must be individually identified using a standardized electronic identification system, called a transponder or microchip, implanted by an identifying veterinarian, within a maximum period of three months. from its birth or one month from 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 in order to modify them.



in the Municipal Registry of Pet 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 AND POTENTIALLY DANGEROUS ANIMALS

### CHAPTER I: DANGEROUS WILD ANIMALS

Article 17. Prohibition of possession of dangerous wild animals.

1. Animals classified as dangerous wild animals in Article 3 e) of this Ordinance may not be outside the spaces expressly authorized by the Ministry responsible for the environment or the facilities, farms or establishments authorized by the Ministry responsible for the environment. the area of animal health of the Junta de Andalucía.

2. Exotic species that behave like invasive species and have a negative impact on the ecological balance of ecosystems will be determined by regulation by the Department of the Government of Andalusia responsible for the environment, and their possession as a pet will be prohibited.

### CHAPTER II: POTENTIALLY DANGEROUS ANIMALS

Article 18. 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 an authorized driver recognition center, 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.

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 ownership 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 requirements.

previously established, 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 have a validity period of 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 19. 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.

f) Declaration responsible for compliance with the requirements established in article 21 of this Ordinance.

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.

4. The stay of a potentially dangerous animal in the municipal area for a period of more than three months will oblige its holder or owner to register the animal in the Municipal Registry of Potentially Dangerous Animals as well as comply with the requirements set forth herein. Ordinance.

### CHAPTER III: SECURITY MEASURES

Article 20. In public areas.

1. The circulation of dangerous and potentially dangerous animals that do not belong to the canine species on public roads is prohibited.

2. 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, with no more than one of these dogs allowed per person.

c) They must wear an approved muzzle appropriate for their breed.

d) 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, in no case will they be able to access places of leisure and recreation for minors.

#### Article 21. In private areas.

1. Premises or homes that house potentially dangerous animals must meet the necessary security measures, in their construction and access, to prevent the animals from leaving without the proper supervision of those responsible or from access by people without the presence or control of these. To this end, they must be duly marked with a sign, clearly visible at all entrances, with the warning that a potentially dangerous animal is housed, indicating its species and breed. In any case, they must have the following characteristics:

a) Walls and fences must be high enough and consistent to withstand the pressure, weight and attacks of the animal.

b) The doors must have sufficient solidity and resistance to guarantee that of the entire facility, preventing the animal from opening or dislodging them.

2. The owners, tenants or occupants of said properties must carry out the necessary work and works to maintain in them, at all times, the necessary safety conditions appropriate to the species and breed of animals.



3. The possession of potentially dangerous animals in homes where minors reside, or are circumstantially found, will be conditional on the parents, legal guardians or other older persons with the capacity to control the animal being at all times with them. said minors.

#### Article 22. Other security measures.

1. The loss or theft of the animal must be reported by its owner within a maximum period of twenty-four hours, from the moment they become aware of the facts, to the Agents of the Authority, who will immediately communicate this circumstance to the corresponding Municipal Services, proceeding to its entry in the Municipal Registry of Potentially Dangerous Animals and in the Autonomous Central. All this without prejudice to the immediate notification of the competent administrative or judicial authorities for their assessment and, where appropriate, adoption of the precautionary or preventive measures deemed necessary.

2. The transport of potentially dangerous animals must be carried out in accordance with the specific regulations on animal welfare, and the precautions that the circumstances advise must be taken to guarantee the safety of people, goods and other animals during transport and while waiting for loading. and download.

3. The Municipal Authority may make the decision it deems most appropriate in defense of people or their property when attacks by potentially dangerous animals occur or there is a risk of imminent attack. Likewise, in specific cases of potentially dangerous animals that present pathological aggressive behavior, following a report issued by official veterinary personnel, you may adopt the security measures that are deemed appropriate, such as the temporary confinement or isolation of those animals and, if necessary, determine his sacrifice.

### TITLE IV: RULES ON ABANDONMENT, LOSS, COLLECTION, DELIVERY AND TEMPORARY RETENTION OF ANIMALS.

#### Article 23. Abandoned, lost and surrendered animals.

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

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 carrying its identification, circulates freely without any accompanying person. In this case, the owner will be notified of this circumstance and 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 Center will have a period of 10 days to rescue them, after which the Municipal Services will proceed to transfer them or, in the last case, to sacrifice them.

5. To proceed with the rescue of an animal sheltered at the Center Municipal Zoosanitary, 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 Center will proceed to give it the same treatment as an abandoned animal and /or lost.

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

7. Owners of pets may deliver them, free of charge, to the Municipal Zoosanitary Center.

8. At any time the custody of pets may be provisionally delegated to other natural or legal persons.



Article 24. Transfer of abandoned, lost or delivered by the owners.

1. The animals delivered by their owners will be made available to citizens for adoption and, ultimately, sacrificed, after optional assessment. Likewise, abandoned and lost animals will be treated once the period to recover them established in the previous article has elapsed.

2. The animals 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 points must be taken into account:

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, they must also comply with the requirements set forth in TITLE III of this rule.

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

Article 25. Temporary retention.

1. The competent Municipal Services, with the intervention of the Authority Agents, 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 inadequate facilities. until the resolution of the corresponding sanctioning file.



2. Likewise, the competent Municipal Services may order the internment or temporary isolation of those animals that have attacked people or animals, causing them injuries, for their observation, control and adoption of the pertinent health measures and, where appropriate, initiate a file for the declaration of potentially dangerous animal.

## TITLE V. ANIMAL ESTABLISHMENTS

### CHAPTER I: VETERINARY CENTERS AND CENTERS FOR THE SALE, TRAINING AND TEMPORARY CARE OF ANIMALS OF COMPANY

Article 26. Requirements of establishments.

1. They will be considered veterinary centers and centers for the sale, training and care of pets, shelters, veterinary clinics and hospitals, residences, kennels, training centers, sales establishments, shelters for abandoned and lost animals, establishments for the practice of horse riding, beauty centers and any others that fulfill similar functions.

2. These centers must meet the following requirements:

a) Be registered in the Municipal Registry of Veterinary Centers and centers for the sale, training and care of pets.  
The registration number must be placed in a visible place in the establishment.

b) Have, where applicable, the municipal license to carry out the activity.

c) Be declared and registered as a Zoological Nucleus by the Autonomous Administration

d) Keep a record book, available to the Administrations competent authorities, under the conditions determined by regulation.

e) Cover the walls with material that ensures quick and easy cleaning and disinfection, with the joints between the floor and the walls always having a concave profile, to guarantee good hygienic-sanitary conditions.

f) Maintain a pest control program in the facilities.



g) Have good hygienic-sanitary conditions and premises appropriate to the physiological and ethological needs of the animals they house.

h) Enjoy a defined hygiene and prophylaxis program for sheltered animals, approved by a veterinarian.

i) Have a feeding plan appropriate for each species. j) Have a management program appropriate to the ethological and physiological characteristics of the animals.

k) Have adequate facilities to avoid contagion, in cases of disease, between resident animals and the environment or to maintain, where appropriate, quarantine periods.

l) Have sufficient and appropriate veterinary services to each establishment.

m) Have a reception or waiting room so that the animals do not wait on public roads, doorways, stairs, etc. before entering the establishments.

n) The other requirements required by the applicable sector regulations.

3. In the event that potentially dangerous animals are cared for in this type of establishments, they must also meet the following requirements:

3.1. All personnel who handle potentially dangerous animals must have the required municipal license.

3.2 The owner of the establishment must inform the corresponding Municipal Service of the personnel in charge of the treatment of potentially dangerous animals, as well as the corresponding license number of each of them, notifying successive modifications to the staff.

3.3. In addition to the security measures of the facilities established in Title III of this Ordinance, they must provide for registration in the Municipal Registry of Veterinary Centers and centers for the sale, training and care of pets, the following documentation and observe compliance at all times:

a) Descriptive list, prepared by a competent technician in free professional practice, of the facilities that will house the animals, with an indication of the security measures adopted and the technical characteristics of their facilities or habitats, which must

guarantee that they are sufficient to prevent the exit and/or escape of the animals and the due protection of people and animals that access or approach those places.

b) Occupational risk prevention and occupational health program specific for the treatment of potentially dangerous animals.

#### Article 27. Sales establishments.

1. Establishments dedicated to the sale and purchase of animals destined for the company may combine this activity with the sale of food or accessories for their possession, circulation, training or grooming.

2. These types of establishments must adopt, without prejudice to the other provisions that apply to them, the following measures:

a) Be large enough to house the species that, specifically, are traded on the premises.

b) Have a natural or artificial ventilation system as long as adequate ventilation of the premises is guaranteed.

c) The shop windows where the animals are displayed will not be subject to the direct action of the sun's rays and must maintain the temperature and conditions that best suit the nature of the animal, and the safety and rest of the animal must be safeguarded in all cases.

d) In the rooms in which dogs and cats and other animals established by regulation are exposed, a record will be placed in which the date of birth, the vaccinations and deworming to which they have been subjected will be recorded.

3. Mammals may not be sold as pets until forty days have elapsed from the date of their birth and must show all the characteristics of healthy and well-nourished animals.

4. The seller will give the buyer, at the time of delivery of the animal, a document signed by himself in which the following points are specified, under his responsibility:

a) Species, race, variety, age, sex and most important body signs.

b) Accrediting documentation, issued by a veterinarian, in case the animal is delivered vaccinated against diseases. When it comes to dogs and cats, they must have been dewormed and inoculated with vaccines in the terms established by regulation.



c) Document of registration in the book of origins of the breed, if so would have been remembered.

5. For the sale of potentially dangerous animals, the seller will not be able to carry out the transaction until the buyer proves that he or she has a license to own that type of animal.

#### Article 28. Residences.

1. Pet residences, training centers and other facilities of the same type will have veterinary personnel in charge of monitoring the physical condition of the resident animals and the treatment they receive. At the time of admission, the animal will be placed in an isolated and appropriate facility and will be kept there until the center's veterinarian determines its health status, which must be reflected in the center's record book.

2. It will be the obligation of the veterinary staff of the center to ensure that the animals adapt to the new situation, that they receive adequate food and that there are no circumstances that could cause them any harm, proposing to the owner of the center the appropriate measures to be adopted in each case.

3. If an animal becomes ill, the center will immediately notify the owner, who may give authorization for veterinary treatment or collect it, except in cases of infectious diseases, in which the pertinent health measures will be adopted.

4. The veterinary staff of the center will adopt the necessary measures to avoid infections among resident and surrounding animals and will notify the veterinary services of the Administration of the Government of Andalusia of the diseases that are notifiable.

5. The owners or possessors of pets must prove, at the time of admission, the application of the mandatory treatments established by the competent authorities.

#### Article 29. Aesthetic centers.

The centers dedicated to the aesthetics of pets, in addition to The general rules established in this Law must have:

a) Hot water.

b) Drying devices with the necessary gadgets to prevent the production of burns in animals.

c) Work tables with security systems capable of preventing strangulation of animals in the event that they try to jump to the ground.

d) All those not defined above that are necessary for the performance of their work and the care of the animals.

#### Article 30. Training centers.

1. The training centers, in addition to meeting the conditions established in the previous articles of this Ordinance, will base their work on the use of methods based on knowledge of the psychology of the animal that do not involve physical abuse or psychological damage. To this end, they must have personnel accredited for professional practice.

The conditions of accreditation will be those established by the regulatory standards of the Autonomous Administration.

2. Likewise, they will keep a record book containing the identification data of the animals and their owners, as well as the type of training of each animal, and must communicate quarterly to the competent Municipal Service the nominal list of clients who have had the animals trained. a potentially dangerous animal for guarding and defense, with the animal's identification data and the type of training received, for recording on the animal's registration sheet in the Municipal Registry of Potentially Dangerous Animals and the Central Registry.

3. The training of potentially dangerous animals for attack is prohibited, as well as any other type aimed at enhancing or increasing their aggressiveness.

#### Article 31. Surveillance and inspection.

1. The competent Municipal Services will inspect veterinary centers and centers for the sale, training and care of pets to observe compliance with the provisions of this Ordinance.

2. Centers for the breeding, sale and training of potentially dangerous animals, in addition to having municipal operating and possession licenses for potentially dangerous animals and appearing in the relevant records, will be subject to the appropriate inspections by the Municipal Services. , prohibiting genetic manipulation in order to favor the development of certain physical traits and potentialities or aggressive behaviors. Likewise, advertising or promotion of such features is prohibited.

3. Failure to comply with the previous prohibitions, which will lead to the loss of the license to own potentially dangerous animals and the license to operate the activity, will be reported to the Autonomous Body.

corresponding for the opening of the corresponding sanctioning procedure as a very serious infraction.

## CHAPTER II: EXHIBITIONS, COMPETITIONS AND CIRCUS

### Article 32. Requirements

1. The holding of animal exhibitions, competitions and competitions, as well as the installation of circuses with animals in the municipality, will be subject to prior obtaining the appropriate authorizations from the Provincial Delegation of the Ministry responsible for animal health and the compliance with the corresponding health conditions established by it.

2. In any case, premises intended for exhibitions or competitions of pets must have a specific place for veterinary care of those animals that require assistance. They will also have a basic first aid kit, regulatory pharmaceutical equipment and the essential material to stabilize and transfer the animal to an appropriate veterinary center when required.

3. The organizers of competitions and exhibitions will be obliged to disinfection and disinfestation of the premises or places where they are held.

4. It will be mandatory for all animals participating in competitions or exhibitions to present, prior to registration, the corresponding health card in accordance with current legislation, as well as the presentation of the corresponding municipal administrative license for the possession of animals. potentially dangerous in the case of dog breeds classified as potentially dangerous.

5. In dog breed exhibitions they will be excluded from participating. those animals that demonstrate aggressive or dangerous attitudes.

## TITLE VI. SANCTIONS REGIME

### Article 33. 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 34. 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 35. 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 purposes or without any use, except for 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 holding 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 use them for them 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 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 authorized facilities, fairs or markets.

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 less than forty days old.

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.

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. Not protecting the animal from any possible aggression or discomfort that other animals or people may cause.

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. Do not provide them with drinking water.

3.6. Keep animals permanently tied or chained, except for the exceptions and specifications established.

3.7. Artificially manipulating animals in order to make them attractive as entertainment and toys for sale.

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

3.9. Keep animals in places where they cause obvious inconvenience to neighbors.

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

3.11. 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.

3.12. 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.

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

- 3.14. Allowing animals to litter roads and public spaces.
- 3.15. The abandonment of corpses of any animal species in public spaces.
- 3.16. Inciting animals to be aggressive in any way.
- 3.17. The possession of animals in homes and private enclosures without the accommodation, hygiene and number circumstances permitting it.
- 3.18. 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.
- 3.19. The continuous possession of animals on terraces and patios, as well as allowing the animal to spend the night outside the home without the specific conditions for its well-being determined in article 11 of this Ordinance.
- 3.20. The disturbance, by the animals, of the tranquility and rest of the neighbors, especially from 10:00 p.m. to 8:00 a.m.
- 3.21. The lack of notification to the competent body of the Administration of the Junta de Andalucía of the use of experimental animals.
- 3.22. Failure to comply with the duty to subject dogs assigned to guarding lots and construction sites to appropriate antiparasitic treatment.
- 3.23. Allow the pet to access roads or public spaces without being led by a person.
- 3.24. Allowing pets to constitute a danger to passers-by or other animals on public roads.
- 3.25. Driving dogs off leash.
- 3.26. Lead dogs whose weight is greater than 20 kg without a muzzle, with a non-resistant or extendable leash.
- 3.27. Allow the animal to enter playgrounds or gardens used by children, beaches or public swimming pools.
- 3.28. Bathing animals in ornamental fountains, ponds or similar or allowing them to drink drinking water from sources for public consumption.



3.29. The use of public transport with an animal, which does not have spaces specially enabled for them and proves that the animal meets the hygienic-sanitary conditions and complies with the security measures determined by regulation, except for accompanying and guide dogs for people with disabilities. visual.

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

3.31. 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.

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

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

3.34. 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 36. 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 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 serious.

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 37. Graduation of sanctions by the competent body.

In grading the sanctions, the competent body will abide by the following criteria for its 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 38. 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. Provisional measures will be maintained as long as the causes persist that motivated its adoption.

#### Article 39. Procedure.

1. The sanctioning procedure will comply with the principles of the sanctioning power regulated in Title IX of Law 30/1992, of November 26, on the Legal Regime of Public Administrations and the Common Administrative Procedure, and in Royal Decree 1398. /1993, of August 4, which approves the Regulation for the exercise of sanctioning power, and the current regional and municipal procedural rules.

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 40. Sanctioning Power.

1. The City Council is competent to know and sanction the minor infractions.
2. In other cases, Malaga City Council will notify 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.

### ADDITIONAL PROVISION

The requirement to pass the specific course on basic training provided for in article 18.2 e) to obtain the license will be required as of March 7, 2010, in accordance with the provisions of the second final provision of Decree 42/2008. , dated February 12, by which



regulates the possession of potentially dangerous animals in the Autonomous Community of Andalusia.

### REPEALING PROVISION

The Ordinance Regulating Animal Ownership is repealed approved by the Hon. Malaga City Council in 1994 (BOP 3/18/94).

### FINAL DISPOSITION

This Ordinance will enter into force on the day following its publication. in the Official Gazette of the Province.