



LOCAL MANAGEMENT

TORREMOLINOS

Environment and Health Delegation

Edict

As no claims have been submitted during the period of exposure to the public, the initial plenary agreement approving the modification of Municipal Ordinance number 50 on the Protection and Ownership of Animals is automatically elevated to final, the full text of which is made public, for general knowledge and in compliance with the provisions of article 72.2 of Law 7/1985, of April 2, Regulating the Bases of the Local Regime.

ANIMAL PROTECTION AND OWNING ORDINANCE

PREAMBLE

The growing concern of our society in relation to the protection of animals, added to the tendency of inhabitants of urban centers to possess and allow these animals in their homes, sometimes including those considered potentially dangerous, generates the need of an intervention by public administrations that regulates possession in hygienic-sanitary conditions and with adequate treatment in accordance with the principles of respect, defense and protection, all without prejudice to the public health and safety considerations of citizens.

All these aspects are what make it necessary to draft an ordinance that regulates the protection and possession of animals, by virtue of the powers attributed to the municipalities by Law 7/1985, of April 2, Regulating the Bases of the Local Regime, Law 50/1999, of December 23, on the Legal Regime of the Possession of Potentially Dangerous Animals, and its regulatory development by Royal Decree 287/2002, and Law 11/2003, of November 24, of Animal Protection.

CHAPTER I

General disposition

Article 1.

The purpose of this ordinance is to establish the rules for the protection and possession of pet animals, in the municipality of Torremolinos, making it compatible with public health and the safety of people and property, guaranteeing the protection of these animals according to the current legislation. Animals used for profit, sporting, guarding and recreational purposes are included in the scope of this ordinance.

Article 2.

In addition to the owners or holders of pets, those in charge of breeding farms and sales establishments, those responsible for establishments for the temporary maintenance of pets, protection associations and defense of companion animals and freely practicing veterinarians, who carry out their activity within the municipal area



from Torremolinos. Likewise, the presidents of communities of owners, administrators, doormen, janitors, guards or managers of urban or rural properties, will have a duty to collaborate with the municipal authority to obtain precise data and background on the animals related to them, regarding the existence of animals in the places where they provide services, with the limits that their employment relationship may impose on them.

Article 3. Definitions

1. Pet domestic animal: It is one kept by any person, mainly in their home, for pleasure, company or other reasons, without any lucrative activity.
2. Domestic animal for exploitation or rent: It is one that, adapted to the human environment even without living with man, is kept by him for food production, lucrative, sporting, or other purposes, and cannot, in any way, case, constitute a danger to people or property.
3. Wild companion animal: It is one belonging to the native or foreign fauna, which has required a period of adaptation to the human environment and which is kept by any person, mainly in their home, for pleasure and company, without any lucrative activity. some.
4. Vagrant animal or animal of unknown owner: It is one that has no known owner, or circulates freely on public roads without the company of a responsible person.
5. Abandoned animal: It is one that, without being identified, circulates freely on public roads without being accompanied by a responsible person, and without its loss or theft having been reported by the owner.
6. Lost animal: It is one that, even carrying its identification, circulates freely on the road. public without the company of a responsible person.
7. Identified animal: It is one that carries a marking system recognized as official by the competent authorities and is registered in the corresponding official registry.
8. Potentially dangerous animal: It is a domestic or wild companion animal that, regardless of its aggressiveness, and due to its morphological and racial characteristics (size, jaw strength, etc.), has the capacity to cause serious or fatal injuries. to the people. This consideration will also be given to animals that have had episodes of attacks and/or attacks on people or animals, dogs trained for attack or defense, as well as those that are regulated by RD 287/2002, of 22 December. March, or rule that replaces it.
9. Guide dog: It is one that is accredited as trained in recognized national or foreign centers, for the accompaniment, driving and assistance of physically disabled people. These animals will enjoy the exceptions contemplated in current legislation.
10. Guard dog: It is one kept by man for the purposes of surveillance and custody of people and/or property, characterized by its strong and potentially aggressive nature, and by requiring firm control and learning to obey, and must have more than six months old. For all intents and purposes, guard dogs will be considered presumptively dangerous.
11. Feral cat: It is that domestic cat belonging to the species *Felis catus* (L.1758) that, adapted mainly to the urban environment, survives on its own in a natural state. Their unsociable nature and a certain degree of feral nature make adoption impossible. Regardless of where they come from, they should lead healthy lives in their own around.
12. Colonies of feral cats: Consisting of the controlled grouping of cats, duly sterilized, that coexist in a public or private space, run by non-profit organizations and civic entities, with the aim of ensuring their well-being. and where they receive care, health surveillance and food.



CHAPTER II

Domestic and wild pets

Article 4. Conditions for keeping animals

1. In general, the possession of pets in private homes is authorized, provided that the conditions of their accommodation allow it, and the absence of hygienic-sanitary risks for their environment is guaranteed, also complying with the provisions of the article. 11 of the Animal Protection Law of Andalusia. In any case, in the case of dogs and cats, their total number may not exceed five animals together without the corresponding authorization from the City Council.

2. The owner or keeper of an animal will be obliged to provide it with adequate housing, keep it in good hygienic-sanitary conditions, provide it with the food and drink necessary for its normal development, and subject it to any curative or palliative veterinary treatments that may be necessary. specify, as well as comply with current regulations related to the prevention and eradication of zoonoses, carrying out any preventive treatment that is declared mandatory. In addition, it will adopt the necessary measures to prevent its possession, possession or circulation from causing fear, posing danger or threat, or causing inconvenience or aggression to people or animals.

3. The owner or keeper of an animal may not use it for the practice of begging. ity, even if it is covert.

4. The owner of an animal is obliged to obtain authorizations, permits or licenses. necessary information in each case, and registration thereof in the corresponding registries or censuses.

5. The owner or keeper of an animal is obliged to report its loss.

Article 5. Documentation

1. The owner or keeper of an animal must make available to the competent authority, at the time it is requested, the documentation that is mandatory in each case.

2. If you do not present it at the time of the request, you will have a period of 15 calendar days to submit it to the corresponding municipal office. After this period, the animal will be considered to lack documentation for all purposes.

3. In the event of theft or loss of the mandatory documentation of an animal, the owner or holder must proceed to request the corresponding duplicate without more than seven business days elapse from its disappearance.

Article 6. Responsibilities

1. The owner or keeper of an animal will be responsible for damages, losses and inconveniences. damage caused to people, property and the environment in general.

2. All owners of animals with episodes of aggression or bite are obliged to take out civil liability insurance, for the amount specified in Royal Decree 287/2002, of March 22, or regulation that replaces it.

3. The holders, owners or holders of pet animals, as well as those people who, in any capacity, habitually take care of their care, feeding and/or custody, if said animals were not identified.

Article 7. Identification

1. The owner of a dog, cat or ferret is obliged to microchip the animal and request that it be registered in the corresponding municipal registry, as well as in the municipal census, within three months of its birth. or one month from its acquisition, as well as



to be in possession of the supporting documentation for this purpose. The same procedure will be required for animals determined by the competent administration.

2. In the case of animals already identified, changes in ownership, loss, cancellation due to death and changes of address or telephone number, or any other modification of the registration data must be communicated to the municipal registry and the municipal census within the deadline maximum of one month.

3. The theft or disappearance of an identified dog must be reported to the municipal registry within a maximum period of ten calendar days. Failure to communicate within this period will be considered abandonment, unless proven otherwise.

4. Animals without identification and transferred to the Municipal Reception Center for any reason must be identified and vaccinated against rabies, if applicable, within a maximum period of thirty days, and the owner must, in any case, present supporting documentation. tive vaccination and identification.

Article 8. *Anti-rabies vaccination*

1. Every dog or cat resident in the municipality of Torremolinos must be vaccinated against rabies from three months of age. Successive revaccinations will be mandatory and annual, unless modified by the competent authorities.

2. When it is not possible to vaccinate a dog against rabies within the deadlines established as mandatory due to some type of clinical contraindication, this circumstance must be duly justified by means of an official veterinary certificate.

3. The anti-rabies vaccination of an animal entails its review in the health record, issued by a veterinarian, and mandatory for dogs, cats and ferrets, whose custody will be the responsibility of the owner.

Article 9. *Use of leash and muzzle*

1. In public or private spaces for common use, as a general rule, pet animals must circulate accompanied and led by a strong chain or cord that allows their control, and provided with the corresponding identification.

2. All dogs weighing more than twenty kilograms must also circulate with a muzzle. Likewise, animals will be provided with a muzzle when their background, temperament or nature and characteristics so advise, and always under the responsibility of their owner or caretaker. The use of the muzzle, both individually and generally, may be ordered by the competent authority when health or other circumstances so advise, and while these last, all without prejudice to the specific rules of application for animals. potentially dangerous evils.

Article 10. *Rules of coexistence*

1. Dogs not classified as potentially dangerous may remain loose in the areas specially designated by the City Council for this purpose between 8:00 p.m. and 7:00 a.m. from October 2 to February 28, and between 10:00 p.m. 7:00 a.m., the rest of the year.

2. The owners or holders of animals will not incite them to attack each other, to attack people or property, and it is prohibited to make any display of their aggressiveness.

3. Bathing of animals in ornamental fountains, ponds or similar is prohibited, as well such as them drinking directly from drinking water sources for public consumption.

4. For reasons of public health and protection of the urban environment, the supply of food on public roads, public or private spaces in common use to stray or abandoned animals, as well as to any other (including birds) is prohibited when it occurs. discomfort, damage, or sources of unhealthiness may arise. The owners of properties and lots will adopt the appropriate measures to prevent the occupation of animal species therein.



feral or susceptible to becoming such, provided that these measures do not entail suffering or mistreatment for the animals involved.

5. The continued permanence of animals on terraces or patios outdoors is prohibited, and in any case they must spend the night inside the home.

6. In the case of single-family homes, animals may remain in their gardens as long as the conditions indicated in article 4 of this ordinance are met. Otherwise, the municipal authority may order that the animal remain housed inside the home at night and/or day, in its

case.

7. Both the raising and lowering of pets on lifting devices, as well as their stay in common spaces of the properties, will always be done not coinciding with other people, if they so demand, except in the case of dogs. guide.

8. The transportation of animals in any vehicle will be carried out in accordance with current legislation, and in particular in such a way that the driver's actions cannot be disturbed, traffic safety is compromised, or conditions are not considered inappropriate from the point of view. ethological or physiological. In any case, the continued permanence of animals inside vehicles is prohibited.

9. In lots, gardens, and other closed areas, public or private, where dogs are loose, this circumstance must be posted in a visible place.

10. Except for guide dogs, no animal may circulate or remain on the Municipality's beaches.

11. For reasons of public health, the owners or keepers of animals located in homes must adopt the necessary measures to prevent excrement and urination, as well as the remains of house cleaning, from causing inconvenience to the rest of the neighbors.

12. Owners or keepers of dogs or any other animal likely to cause repetitive annoying noises must take appropriate measures to avoid such annoyance, especially at night (11:00 p.m. - 7:00 a.m.).

Article 11. Defecation and urination in public and private spaces of common use not provided for this purpose.

1. People who drive dogs and other animals must prevent them from excreting and urinating on sidewalks, walks, gardens and, in general, in any place intended for pedestrian traffic.

2. Whenever excrement remains in any space, both public and private, for common use, the person driving the animal is obliged to clean it immediately. Likewise, it will proceed in the case of urination in private spaces of common use.

Article 12. Entry into public establishments

1. Except in the case of guide dogs, the entry of pets into public shows, sports facilities, and any establishment or facility where food products are stored, manufactured, handled, transported or sold is expressly prohibited.

2. Hotels, hostels or similar, restaurants, bars, taverns and other public establishments in which drinks and meals are consumed, may admit pets, with prior administrative authorization from the competent body. In this case, they must display a badge indicating this, visible from outside the establishment. Even if entry and stay are authorized, the animals will be restrained with a chain and provided with a muzzle, the previous paragraph being applicable depending on the facilities available to the establishment.



CHAPTER III

Of potentially dangerous animals

Article 13. *Administrative license and registration of animals*

1. Obtaining or renewing the administrative license for the possession of potentially dangerous animals will require compliance by the interested party with the provisions of RD 287/2002, of March 22, or regulation that replaces it, and must pay the corresponding fee.

2. Once the license has been obtained, the license holder will have a maximum period of fifteen days from the acquisition of the animal to register it in the Municipal Registry of Potentially Dangerous Animals, created in accordance with current legislation.

Article 14. *Security measures*

1. In public places and spaces, potentially dangerous animals must be provided with an appropriate muzzle, and led and controlled with a chain or leash, not extendable, of less than two meters.

2. Administrative license holders must carry it with them whenever they drive to the animal, and it is prohibited to carry more than one of these animals per person.

3. Potentially dangerous animals found on a farm, country house, chalet, plot, terrace, patio, or any other delimited place, must be tied, unless there is a habitat with the surface, height and adequate enclosure to protect people or animals that access or approach these places.

4. Breeders, trainers and traders of potentially dangerous animals must have adequate facilities and means for their possession.

5. The theft or loss of the animal must be reported by its owner to the person in charge of the Municipal Registry of Potentially Dangerous Animals within a maximum period of forty-eight hours from becoming aware of these facts.

Article 15. *Intervention of animals*

The municipal authority will proceed with the precautionary intervention, and transfer to the Municipal Reception Center, of any animal considered potentially dangerous, when its owner does not comply with the measures contained in this ordinance, without prejudice to the economic sanctions that may be imposed. correspond. This intervention may be definitive in case of recidivism, or when at the discretion of the municipal authority, and after recognition by qualified technicians, it is determined that its degree of aggressiveness or inadaptation to life in society makes it impossible to return the animal to the There is no full guarantee that its possession is not harmful to people or property, passing its ownership to the Local Administration.

CHAPTER IV

Of wandering, lost and abandoned animals

Article 16. *Destination*

1. Stray, lost and/or abandoned animals will be collected and taken to the Municipal Reception Center.

2. The shelters or shelters for these animals will comply with the provisions of article 34.3 of this ordinance, and with those provisions determined by current legislation.

3. Owners of pets, if they wish, may deliver them to these centers, free of charge, for adoption or euthanasia.

*Article 17. Deadlines*

1. Stray and/or abandoned animals will remain in the Municipal Reception Center for a period of ten days if their owner is not known.
2. If it is an identified animal, the owner will be notified of its collection, after which he will have a period of 5 days to recover it, having to pay the expenses corresponding to its collection, maintenance and health care. . After this period has elapsed without the owner removing the animal, it will be considered abandoned. This circumstance will not exempt the owner from any liability that may have been incurred due to the abandonment of the animal.

Article 18. Adoption

1. Any animal admitted to the Municipal Reception Center that has been classified as abandoned will be available to anyone who wishes to adopt it during the period determined by the Municipal Reception Center.
2. The adopted animals will be delivered sterilized, externally and internally dewormed, identified, and vaccinated against rabies, if applicable, in accordance, in any case, with the provisions of the regulations in force for each animal species. The expenses derived from these actions will be borne by the adopter.
3. Persons sanctioned with a final resolution by the Commission may not adopt animals. sion of serious or very serious infractions.
4. Under no circumstances will abandoned animals be transferred for experimental purposes.
5. Animals that have been involved in episodes of aggression against people or other animals cannot be adopted.

Article 19. Transfer into custody

1. When an animal has to remain admitted to the Municipal Reception Center for a period of time such that, in the opinion of the competent veterinary services, it may be detrimental to its health and well-being, it may be provisionally transferred into custody. , upon request of the interested person.
2. The transfer into custody does not imply the acquisition of any right over the animal from its owner, although it does constitute a preferential option for adoption at the time when this becomes possible.

Article 20. Euthanasia

Identified animals not removed by their owners or given up for adoption may be sacrificed, with prior knowledge of the owner, by means of those methods authorized by the legislation that specifically regulates this matter. Likewise, we will proceed with stray, lost and/or abandoned animals that are not given up for adoption.

CHAPTER V**Of animals for exploitation or rent***Article 21. Conditions of farms*

1. The presence of domestic animals for exploitation, defined in article 3, including those intended for domestic breeding, will be restricted to the areas classified as rural in the General Urban Planning Plan, and will not be permitted in any case, and for reasons of health and safety, staying in homes, terraces, patios, or lots; Therefore, the establishment of stables, pens for livestock, rabbits, and birds within the urban center is prohibited.
2. The animals will be housed in isolated buildings suitable for stabling for the different species, which will comply with current regulations on animal management.



farms and the protection of animals in them, as well as Law 7/1994, of May 18, for the Protection of the Environment, and other provisions applicable in this matter.

Article 22. Administrative requirements

All exploitation must be registered, have the required urban planning license, and be registered in the health records established for this purpose by the competent Administration.

Article 23. Livestock movement

The transfer of animals within the municipal area will be carried out in accordance with the provisions of current legislation.

CHAPTER VI

Of dead animals

Article 24. Dead animal collection service

People who need to dispose of animal carcasses will do so through the corresponding municipal service, or concessionaire company, where applicable, which will proceed to collect, transport and dispose of them, and abandoning them in any place or circumstance is prohibited. Said service will accrue the rates indicated in the corresponding tax ordinance.

Article 25. Transfer to animal cemeteries

Under the responsibility of the owner, the transfer of corpses may be carried out, in hygienic conditions, to authorized places for incineration, burial or temporary stay for subsequent transfer.

CHAPTER VII

Epizootics and zoonoses

Article 26. Control of epizootics and zoonoses

1. The City Council, through municipal veterinary technicians, may carry out the control of zoonoses and epizootics when so determined or required by the competent Administration, in accordance with the existing epizootiological circumstances.

2. In the case of declaration of epizootics, the municipal authority will dictate the rules and carry out municipal actions, according to the criteria dictated by the competent Administration and within the scope of the powers delegated to local administrations, and internment may be ordered. and isolation of animals in the event that they have been diagnosed with a communicable disease, either to undergo curative treatment or to be euthanized if necessary.

CHAPTER VIII

Control of aggressive animals

Article 27. Observation period

1. Animals that have caused injuries to a person or another animal, as well as those suspected of such circumstance or of suffering from rabies, will undergo veterinary control in accordance with current legislation.

Article 28. Location of aggressive animals

The people affected or involved will collaborate in the location and capture of those aggressive animals that turn out to be strays or abandoned.



Article 29. Aggressive and attacked animals

1. Free practice clinical veterinarians who carry out their activity in the municipality of Torremolinos are obliged to inform the competent municipal delegation of any attacks between animals of which they are aware due to the cases attended for injuries. that could have their origin in these circumstances.

2. The communication of cases of aggression between animals will be carried out through complaint, written, fax or email.

3. When the epidemiological conditions advise it, and depending on the instructions that may come from the competent health authority, as well as the result of the anti-rabies observation of the aggressor animal, if this could have been carried out, the animals that have been bitten by another animal may be subjected to anti-rabies observation during the period determined by the competent veterinary technicians and under the conditions established by them.

Article 30. Observation at home

1. In relation to home observation, the provisions of the specific legislation in force at all times will be followed.

Article 31. Custody of aggressive animals

The owner of an aggressive animal is obliged to:

- a) Guarantee its adequate custody during the anti-rabies observation period if it is performed at home.
- b) Avoid any movement of the animal outside the municipality, or its transfer to another address within the municipal area without the knowledge and authorization of the competent municipal delegation.
- c) Do not administer the rabies vaccine to an animal during the observation period anti-rabies, nor cause death during it.
- d) Communicate to the competent veterinary technicians any incident that, in relation to the animal, occurred during it.

Article 32. Registration of anti-rabies observation

1. When the anti-rabies observation has been carried out in the shelter, after the period of fourteen calendar days of observation has elapsed, the owner of the animal will have a period of five calendar days to remove it, after which, and having assessed the temperament and history of aggressiveness of the animal, it will be euthanized.

2. In the case of dogs, cats and ferrets, once the anti-rabies observation has been completed, and prior to their return to their owner, they will be identified and vaccinated against rabies, if necessary, and the corresponding fees must be paid.

CHAPTER IX

Eviction of farms and removal of animals

Article 33. Eviction and withdrawal

1. When by virtue of a legal provision, for serious health or safety reasons, for animal protection purposes, or due to a history of aggressiveness, the presence or permanence of animals in certain places should not be authorized, the municipal authority, after initiating the appropriate file, may require the owners of these animals to voluntarily evict them. Failing this, subsidiary execution of what was ordered will be agreed upon, without prejudice to any civil and criminal responsibilities that may arise, requiring the owner to pay the amount of the expenses incurred.



2. The destination of the retired animals will be decided, in accordance with the criteria of the competent technicians, by the municipal authority that agreed to the withdrawal.

3. When, by order of the competent authority, and as a preventive measure, due to signs of abuse, torture, physical exhaustion or malnutrition, hygienic-sanitary conditions of the facilities or aggression, an animal is retained and interned in the Municipal Center. Reception Pal, will be accompanied by an admission order stating:

- a) The cause or causes thereof.
- b) Identification of the owner and, where applicable, the person or persons authorized to remove the animal.
- c) Circumstances under which the animals will be returned, if so would agree.
- d) The maximum period of retention of the animal will be that which corresponds to the resolution of the sanctioning file, except for aggressor animals in which the periods provided for in this ordinance will be met.

4. Once the return is authorized, and seven calendar days have elapsed since the owner was notified of the agreement to return the animal or animals without having been removed, they will remain at the municipal disposal for the purposes of their delivery for adoption or euthanasia.

CHAPTER X

Veterinary centers and centers for sale, training, residence and aesthetics

Article 34. Definition

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, horse-riding establishments, beauty centers and any others that fulfill similar functions.

2. The Municipal Registry of Veterinary Centers and Centers for the Sale, Training and Care of Pets is created, in which the centers defined in the previous section will be registered.

3. 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.
- b) Have a municipal license to carry out the activity.
- c) Keep a record book available to the competent administrations, under the conditions determined by regulation by the autonomous community.
- d) Have good hygienic-sanitary conditions and premises suitable for the needs. physiological and ethological conditions of the animals they house.
- e) Enjoy a defined hygiene and prophylaxis program for housed animals, visa-done by a veterinarian.
- f) Have sufficient and healthy food, water, and have personnel trained to care for them.
- g) Have adequate facilities to avoid contagion, in cases of disease, among animals residing in the environment, or to maintain, where appropriate, periods of quarantine.
- h) Have sufficient and appropriate veterinary services for each establishment.
- i) Place in a visible place at the main entrance a plaque with the registration number of centers for the maintenance and temporary care of pets.
- j) The other requirements required by the sectoral regulations that apply.



Article 35. Establishment of sale

1. Establishments dedicated to the sale and purchase of pet animals may combine this activity with the sale of food or accessories for their possession, movement, training or grooming.
2. These establishments must adopt, without prejudice to the other provisions that The following measures are applicable to them:
 - a) 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.
 - b) In the rooms in which dogs and cats, and other animals that are regulated by the competent authority, are exposed, a card will be placed in which the date of birth, vaccinations and dewormings will be recorded. that have been subjected.
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. In the case of dogs, cats and ferrets, they must have been dewormed and inoculated with vaccines in the terms established by current law.
 - c) Document of registration in the book of origins of the breed, if this has been agreed.
 - d) CITES documentation.

Article 36. 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. 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-contagious 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 animals and the environment, and will notify the veterinary services of the Administration of the Government of Andalusia of the diseases that are notifiable.
5. Owners or holders of pets must prove, at the time of admission, the application of the mandatory treatments established by the competent authorities.

Article 37. Aesthetic centers

Centers intended for the grooming of pets, in addition to the general rules established in this law, must have:



- a) Hot water.
- b) Drying devices with the necessary devices to prevent the production of burns in animals.

- c) Work tables with safety systems capable of preventing strangulation of animals in case they try to jump to the ground.
- d) Disinfection and disinfection programs for premises.

Article 38. Training centers

The training centers, in addition to meeting the conditions established in articles 34 and 36 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 for accreditation will be those determined by current legislation.

Likewise, they will keep a record book containing the identification data of the animals, their owners, as well as the type of training of each animal.

CHAPTER XI

Exhibitions and competitions

Article 39. Requirements

1. The premises intended for exhibitions or competitions of the different breeds of pets must comply with the following requirements:
 - a) Have a veterinary doctor's space where those animals that require assistance.
 - b) Have a basic first aid kit, with regulatory pharmaceutical equipment, and the essential material to stabilize and transfer the animal to an appropriate veterinary center when required.

2. The organizers of competitions and exhibitions will be obliged to disinfect and disinfect the premises or places where they are held.

3. 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.

4. In dog breed exhibitions, animals that demonstrate aggressive or dangerous attitudes will be excluded from participating.

5. Have the appropriate authorizations (municipal, regional, etc.).

CHAPTER XII

Inspections and procedure

Article 40. Inspections

1. The competent municipal services will carry out inspection functions and will take care of exact compliance with the precepts contained in this ordinance.

2. The personnel of the competent municipal services, once their identity has been proven, and in the exercise of their functions, will be authorized to:
 - a) Collect verbal or written information regarding the facts or circumstances that are the subject of performance.
 - b) Carry out checks and any actions that are necessary for the development of their work.

3. In situations of serious risk to public health, municipal technicians will adopt the precautionary measures they consider appropriate.

*Article 41. Procedure*

Non-compliance with the rules contained in this ordinance will be subject to the corresponding sanctions prior to the investigation of the appropriate file, which will be processed in accordance with the rules and general principles established in Law 4/1999, of June 13, of adaptation to 30/1992, of November 26, Legal Regime of Public Administrations and Common Administrative Procedure, and specific applicable legislation.

CHAPTER XIII**Violations***Article 42. Violations*

Administrative infractions are considered to be acts or omissions that contravene the regulations contained in this ordinance.

The infractions are classified as minor, serious or very serious, in accordance with the established in the following provisions:

a) They constitute minor infractions:

1. The possession of pets when the conditions of the accommodation, the number of animals or any other circumstance imply hygienic-sanitary risks, discomfort for people (odors, noise, etc.), pose danger or threat, or adequate surveillance cannot be exercised over them.
2. Failure to adopt, by the owner or holder of an animal, the necessary measures to prevent its possession, possession or circulation from causing fear or posing danger or threat.
3. The movement of animals not classified as potentially dangerous, without a chain or strong cord that allows their control, and a muzzle in the cases included in this ordinance.
4. The permanence of loose animals in areas not specially delimited for this purpose, or outside the hours established in this ordinance.
5. Failure to adopt appropriate measures to prevent animals from soiling public or private spaces in common use with their excrement, as well as failure to comply with the provisions of article 10.11.
6. Failure to adopt timely measures to prevent the entry of animals into areas of children's recreation or in other areas not authorized for them.
7. Failure to comply with the rules regarding the use of lifting devices, staying in common spaces of buildings and entering public establishments.
8. Keep animals on terraces, gardens or patios continuously, without having access to adequate accommodation and/or causing obvious inconvenience to neighbors.
9. The abandonment of dead animals or their disposal by unauthorized methods.
10. The provision of food to stray or abandoned animals or any other animals, including birds, when this may result in inconvenience, damage or sources of unhealthiness.
11. The non-adoption, by the owners of buildings or plots, of the appropriate measures in order to prevent the proliferation of feral animal species or those susceptible to becoming such.
12. Bathing animals in ornamental fountains, ponds and similar, as well as allowing them to drink directly from drinking water sources for public consumption.
13. Possessing more than five animals in the same home without the corresponding authorization.
14. Failure to announce the prohibition or authorization of entry of animals into accommodation tourist.
15. Do not warn in a visible place of the presence of loose dogs when this is mandatory, with the exception of potentially dangerous animals, in which it will be classified according to current legislation.



16. Lack the necessary authorizations, permits or licenses or not have at the disposal of the competent authority the documentation that is mandatory in each case, with the exception of potentially dangerous animals, in which it will be classified according to current legislation.
17. Those that expressly receive said qualification in the regulations of special application.
18. The disturbance by animals of the tranquility and rest of the neighbors.
19. The continued permanence of animals inside vehicles.
20. Failure to comply with the rules contained in this ordinance referring to domestic animals for exploitation.
21. The use or exploitation of animals for the practice of begging, including when it is covert.
22. The lack or incomplete possession of the file of clinical records of the animals subject to mandatory treatment.
23. The artificial manipulation of animals in order to make them attractive as entertainment or toy for sale.
24. The lack of notification to the competent body of the Administration of the Junta de Andalucía of the use of experimental animals.
25. Any action or omission that constitutes non-compliance with the precepts contained in this ordinance and that is not classified as a serious or very serious infraction.
 - b) They constitute serious infractions:
 - Those classified as such by Law 11/2003, of November 24 and Law 50/1999, of December 23, or regulations that expand or replace them.
 - c) Very serious infractions are considered:
 - Those qualified as such by Law 11/2003, of November 24, and Law 50/1999, of December 23, or regulations that expand or replace them.

CHAPTER XIV

Sanctions

Article 43. Sanctions

1. Minor infractions will be sanctioned by the City Council with a fine included between 75 and 500 euros.
2. Serious and very serious cases will be sanctioned by the competent Administration with the fine indicated in Law 11/2003, of November 24 and Law 50/1999, of December 23, or regulation that replaces them.

Article 44. Competence and sanctioning power

The power to apply and sanction infractions is entrusted to the Mayor, or to the Councilor or councilors to whom he delegates, without prejudice to the powers attributed to the corresponding departments of the Autonomous Community of Andalusia.

FIRST ADDITIONAL PROVISION

All expenses derived from the application of this ordinance will be paid by the owner of the affected animals.

SECOND ADDITIONAL PROVISION

When state and/or regional regulations allow it, the stable authorization of feral cats will be regulated, consisting of the controlled grouping of cats, duly sterilized,



who live together in a public or private space, run by non-profit organizations and civic entities, with the aim of ensuring their well-being and where they receive care, health surveillance and food.

Notwithstanding the above, while this is happening, the Torremolinos City Council will design and apply alternative measures to the euthanasia of feral cats, in order to keep the feline population under control and exercise certain surveillance and supervision.

THIRD ADDITIONAL PROVISION

The Torremolinos City Council, to achieve the measures referred to in the second additional provision, will promote agreements and aid to projects and associations, legally constituted, whose main purpose is the defense and protection of animals. , and will develop the bases within the framework of the strategic subsidy plan, all in accordance with Ordinance number 65, General Regulatory of Aid and Subsidies.

FINAL DISPOSITION

In accordance with the provisions of article 70 of Law 7/85, of April 2, Regulating the Bases of Local Regime, this ordinance will come into force once its text has been published in the Official Gazette of *the Province* and after the period provided for in article 65 of the same legal text.

The interested parties may file a contentious-administrative appeal against this agreement before the Contentious-Administrative Chamber of the Superior Court of Justice of the Autonomous Community of Andalusia within a period of two months from the day following that of the publication of this announcement, in accordance with article 46 of Law 29/1998, of July 13, Regulating the Contentious-Administrative Jurisdiction.

In Torremolinos, August 30, 2019.

The Mayor-President, signed: José Ortiz García.

6184/2019