

ORDINANCE NO. 1241

AN ORDINANCE AMENDING CHAPTER 6 (ANIMALS), SECTION 6-187 (ANIMALS RUNNING AT LARGE.) AND SECTION 6-190 (FAILURE TO PROVIDE PROPER CARE AND MAINTENANCE.), OF THE MUNICIPAL CODE OF THE TOWN OF SILVER CITY

Sponsor: Councilor Cynthia Ann Bettison.

WHEREAS, the Town Council of the Town of Silver City finds that the regulation of the standards of adequate care and maintenance of domestic animals within the Town is necessary for the health, safety and welfare of the Town and its inhabitants; and

WHEREAS, the Town of Silver City finds that the regulation of the manner of confinement and restraint of animals within the Town is necessary both for the benefit of the animals as well as the health, safety and welfare of the Town and its inhabitants; and

WHEREAS, the Town Council has reviewed the existing ordinances of the Town regarding standards of adequate care and maintenance of domestic animals, as well as the manner of confinement and restraint of those animals, and finds that certain modifications thereof are necessary for the health, safety and welfare of the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SILVER CITY, GRANT COUNTY, NEW MEXICO, that:

Chapter 6, Section 6-187 is deleted in its entirety and replaced with the following:

Sec. 6-187 Restraint and Confinement of Animals.

It is unlawful for any person to permit its dogs or cats to run at large in or on any street, sidewalk or other public property, or upon private property without the permission of the owner thereof. An animal owner or keeper/guardian shall keep the animal upon his or her own premises by either a secure run or kennel area, an enclosure surrounding the perimeter of the property or any other acceptable means associated with a particular species of animal in accordance with the specification of this Chapter.

(A) When a dog is off of its owner's or keeper/guardian's premises it must be on a leash or lead no more than six (6) feet long, with a person physically capable of controlling and restraining the animal. This section shall not apply to police K-9 units or to dogs or cats that are participating in a bona fide animal show.

(B) When on their owner's or keeper/guardian's premises, animals must be confined within an appropriately fenced area of an appropriate size according to the size of the dog. A fence shall be of sufficient height to assure that the animal cannot escape, and enough area to prevent overcrowding. The animal may be confined on a trolley run, or within a building. All confinement methods shall meet specifications as stated in this Chapter.

(C) Prohibited tethering. It is unlawful for any person to keep an animal on unenclosed premises or to chain, stake or tether any animal in a cruel and inhumane manner, including but not limited to:

(1) A cable/chain that exceeds 1/8th of the dog's body weight.

(2) A cable/chain which causes the dog to choke or become entangled.

(3) Any restraint which prevents the dog from getting adequate food, water or to shelter.

(4) Any restraint that is too short to allow the dog to sit, stand or lie down in a natural position or does not allow the dog enough area to relieve itself away from the food, water and shelter area.

(5) No dog shall be tethered to a single point. The only exception shall be short term tethering of working dogs, hunting dogs, search and rescue dogs. In these instances, the dogs may only be tethered in this manner when in the presence of the owner or keeper/guardian or trainer and only for short periods. Any other system used to secure or restrain an animal shall be set up as specified herein for using a trolley system.

(6) Tie outs: where circumstances warrant and no fencing alternative exists for confining an animal on its owner's or keeper/guardian's property, a dog may be secured or restrained by means of a trolley system only if the following criteria are met:

(a) Only one dog may be secured to each cable run.

(b) The device must be attached to a pulley on a cable run or trolley of a minimum of ten (10) feet in length; the cable run must be at ground level or at least six (6) feet off the ground.

(c) The cable/chain must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness. Prong type, pinch type or choke collars shall not be used.

(d) Cable/chain shall be at least ten (10) feet in length unless such length allows the animal to enter onto another's property, in which case the cable/chain shall be no less than eight (8) feet in length. Ropes shall not be used to secure or restrain a dog. The chain/cable used to secure the animal to the trolley system shall not be of excessive weight appropriate to the size, age and health of the dog.

(e) The device shall be fastened so that the animal can sit, walk, and lie down comfortably.

(f) The animal must have accessibility to fresh water, appropriate shelter and fresh food. The area where the animal is confined must be kept free of garbage, feces and debris, and insect infestation which may endanger the animal's health and safety.

(g) The owner or keeper/guardian shall be responsible for assuring that the animal is safe from attack by wild or stray animals.

(7) Caging or crating. The animal may not be confined in a cage, crate or kennel where the animal is not free to stand, turn around, or have easy access to fresh water and fresh food, except when the animal is being transported from one location to another.

AND:

Chapter 6, Section 6-190 is deleted in its entirety and replaced with the following:

Sec. 6-190 Adequate Care Requirements and Specifications.

The owner or keeper/guardian of an animal shall be responsible for its care and maintenance. An owner or keeper/guardian of any animal shall have the following obligations in regard to the care and maintenance of each animal:

(A) Adequate shelter: the owner or keeper/guardian of an animal shall provide such animal with adequate shelter. It is the owner's or keeper/guardian's responsibility to clean the area and shelter of feces and excreta minimally every other day or more often if deemed necessary. The shelter shall, at a minimum, provide shade, a space within the structure for protection of the animal from wind, rain and snow, and reasonable access to fresh food and fresh water. The shelter shall have a floor which shall insure that the bedding is above flood and snow levels. It is the owner's continuing obligation to keep the bedding clean and dry.

(B) Water requirements: the owner or keeper/guardian of an animal shall provide for access to potable fresh water at all times. Containers shall be designed or affixed or buried sufficiently to prevent tipping and spilling of the water contained therein.

(C) Feeding requirements: the owner or keeper/guardian of an animal shall provide sufficient fresh food daily of such quantity and quality to maintain proper body weight and good health. Food receptacles shall be accessible to the animal and shall be affixed or buried sufficiently to prevent tipping and spilling of the food contained therein, and shall be located as to minimize contamination by excreta or insects.

(D) Exercise: the owner or keeper/guardian of an animal shall provide the opportunity to the animal for reasonable exercise.

(E) Medical/Veterinary care: it is the owner's or keeper/guardian's responsibility to ensure that the animal receives appropriate medical care, including distemper, parvovirus, adenovirus, and rabies vaccinations.

(F) Abandonment: No animal shall be abandoned by its owner. For the purposes of this Chapter, an absence by the owner/guardian/keeper for more than a 24 hour period without a substitute guardian/keeper having care of the animal shall be considered abandonment.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 25th day of August, 2015.

(Seal)

TOWN OF SILVER CITY

Michael S. Morones, Mayor

ATTEST:

Ann L. Mackie, Town Clerk