

**ORDINANCE NO. 1250**

**AN ORDINANCE AMENDING CHAPTER 6, SECTION 6-1 (DEFINITIONS), SECTION 6-4 (KEEPING OF DOGS AND CATS), SECTION 6-54 (PENALTY), SECTION 6-166 (BREEDER PERMITS), SECTION 216 (LICENSE AND PERMIT REQUIRED), SECTION 217 (PROFESSIONAL ANIMAL PERMITS), AND THE LAND USE AND ZONING CODE, ARTICLE III, SECTION 3.2 (USES) OF THE TOWN OF SILVER CITY MUNICIPAL CODE**

**Sponsors: Councilor Cynthia Ann Bettison and Councilor José A. Ray, Jr.**

**WHEREAS**, the Town Council of the Town of Silver City finds that the regulation of the housing and breeding of dogs and cats within the Town is necessary for the health, safety and welfare of the Town and its inhabitants; and

**WHEREAS**, the Town of Silver City has authority under the police powers of its Charter and State of New Mexico Statutes to pass Ordinances and make necessary rules and regulations regarding wild and domestic animals within the Town; and

**WHEREAS**, the Town Council has reviewed the existing Ordinances of the Town regarding the kenneling and breeding of dogs and cats within the Town, 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:

**Article I, Chapter 6, Section 6-1. Definitions** is hereby amended to delete the following:

*Kennel, private residential* and the definition therein following is deleted in its entirety.

**Article I, Chapter 6, Section 6-1. Definitions** is hereby amended to add the following:

*Hobby Breeder* means a person who pursuant to a valid permit issued annually by the Town's animal control officer, breeds dogs or cats. The Hobby Breeder shall be limited to breeding three (3) dogs, cats, or combination thereof. There are, however, no number

restrictions on keeping one (1) litter up to the age of four months within any 12 month period.

**Article I, Chapter 6, Section 6-4 (b)** is hereby deleted in its entirety and replaced with:

(b) It is unlawful for any person to be the owner of, to keep, to cause to be kept, or to assist in keeping more than the maximum number of dogs, cats, or a combination thereof, except in conformance with a permit issued annually for a commercial kennel or a permit issued annually for hobby breeding, which permits shall be limited to locations in all commercial, industrial, or rural zoned areas within the Town, with the exception, however, that no such permits shall be issued for locations in the Commercial Historic District (C-HD) zone. There are, however, no number restrictions on keeping one (1) litter up to the age of four (4) months within any 12 month period. Any persons harboring dogs or cats for hobby breeding or operating a residential kennel which would be legal under Municipal Code provisions prior to the effective date of this Ordinance has a period of not more than 6 months from the effective date of this amended Ordinance to conform to the provisions stated herein. After such date, any persons harboring dogs or cats for hobby breeding, or operating a residential kennel, in land use zones other than Rural (Ru), Commercial (C-Lt, C-Hwy), or Industrial (I) will be subject to the penalties and other remedies as provided by this Chapter and this Municipal Code.

**Article II, Section 6-54** is amended to add the following language:

Each day of continuing violation shall constitute a separate offense.

**Article IV, Sec. 6-166. Breeder permits is amended as follows:**

Amend both Chapter 6, Section 166 index to read “Hobby breeder permits.”, and Section title of Article IV, Section 166 to read: “**Hobby breeder permits.**”

Amend present subsection (a) (2) by adding a new subsection (d), which shall read:

(d) Submit an affidavit that the proposed location is located in an authorized commercial, industrial, or rural zone within the Town.

Amend present subsection (a) (3) by increasing the permit fee to \$200.00

Delete present subsection (d) and replace with:

(d) The permittee may appeal the Chief of Police's decision to the Town Manager by written notice of the intent to appeal delivered to the Town Clerk within five (5) business days of the receipt of decision. Thereafter, the Town Clerk shall notify the permittee of the time and place for hearing the appeal.

**Article VI, Section 6-216** is deleted in its entirety and replaced with:

**Sec. 6-216. License and permit required.**

Except for those persons permitted to conduct hobby breeding by the Town, it shall be unlawful for any person to operate a commercial kennel or pet shop without obtaining a Town license for the operation of a business in addition to the required professional animal permit.

**Article VI, Section 6-217** is amended by changing its title to the following:

**Section 6-217. Professional animal permits for commercial kennels or hobby breeders.**

**Section 6-217 (a)** is deleted in its entirety and replaced with the following:

(a) Professional animal permits shall be issued by the animal control officer on an annual basis and shall be renewed on January 1 of each year.

**Section 6-217 (e)** is amended as follows:

<i>Type of Permit</i>	<i>Fee Amount (In dollars)</i>
Commercial kennel	\$400.00
Hobby breeder	\$200.00

**Appendix C, Land Use and Zoning Code, Article III, Section 3.2 (Uses)** is amended to include a new category placed on the use chart under “Other”, to be entitled and read as follows:

Kennels, Pet shops, Hobby Breeders

Then, conform the use table to indicate:

Kennels, Pet shops, Breeders [not permitted except under RU, C-Lt, C-Hwy, and I]

Delete Section 3.3.2 C) 9) in its entirety and replace with:

C) 9) In the RU, C-Lt, C-Hwy, and I districts, Kennels or Hobby Breeding, provided the lot has an area of one acre or more and complies with the provisions of Chapter 6 of the Code of Ordinances.

Amend Section 3.3.2 F) 6) i) is deleted in its entirety and replaced with:

6) i) Veterinary facilities/small animal clinics, kennels, or hobby breeder facilities.

**PASSED, ADOPTED AND APPROVED** by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 25th day of October, 2016.

(Seal)

TOWN OF SILVER CITY

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Ken Ladner, Mayor

Attest:

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Ann L. Mackie, Town Clerk