

ORDINANCE NO. 1261

AN ORDINANCE AMENDING CHAPTER 6 (ANIMALS), ARTICLE II (ADMINISTRATION AND ENFORCEMENT), SECTION 6-34 (AUTHORITY OF TOWN MANAGER AND ANIMAL CONTROL OFFICER) AND SECTION 6-187 (RESTRAINT AND CONFINEMENT OF ANIMALS), 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 protection 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 unattended motor vehicles 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, and finds that certain modifications thereof are necessary for the health, safety and welfare of the Town and its inhabitants.

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

Chapter 6, Section 6-34 (f) is deleted in its entirety and amended to read as follows:

(f) Animal Control Officers in performance of their duties may enter an unattended and parked vehicle where an animal is confined and in need of rescue under the following circumstances:

1. The owner is not immediately available; and
2. The vehicle's windows are partially or completely closed; and
3. There exist weather conditions creating a likelihood that the interior temperature of the vehicle constitutes an immediate danger of severe harm or death to the

animal so confined; and
4. The animal control officer views the animal in distress and in need of rescue.

Add a new Section 6-34 (g) in Chapter 6, which shall read:

(g) The Animal Control Officer shall have authority to seize and impound the rescued animal. The provisions of Chapter 6, Division 4 (Impoundment) shall apply to the animal owner with regard to registry, notice, redemption time and right, and payment of all fees, charges and penalties.

Add a new Section 6-34 (h) in Chapter 6, which shall read:

(h) The Town and its Animal Control Officers shall not be liable to the vehicle owner or user for any damages or costs arising from the rescue of the confined animal, including damage to doors, windows, electrical or mechanical systems.

Add a new Section 6-34 (i) in Chapter 6, which shall read:

(i) In emergency situations, the Animal Control Officers are hereby authorized to cause the euthanization of any sick, vicious, or injured animals when such need is indicated by a licensed veterinarian and the owner cannot be promptly ascertained, or when the owner cannot be located.

AND:

Chapter 6, Section 6-187 is amended by adding a new subsection (h), which shall read:

(h) Confining animal in parked and unattended vehicle. The animal may not be confined in a parked and unattended vehicle where conditions of extreme heat within said vehicle is likely to cause serious harm or death to the animal.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 12th day of September, 2017.

(Seal)

TOWN OF SILVER CITY

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk