

ORDINANCE NO. 1277

AN ORDINANCE AMENDING CHAPTER 6 (ANIMALS), ARTICLE I, SECTION 6-1 (DEFINITIONS), SECTION 6-34(a) (AUTHORITY OF TOWN MANAGER AND ANIMAL CONTROL OFFICER) , CHAPTER 6-55 b. (ADMINISTRATIVE ENFORCEMENT; CITATIONS) AND CHAPTER 32 (NUISANCES), A NEW SECTION 32-14 (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 existing provisions regarding the enforcement of regulations regarding animals within the Town would benefit from a reorganization and clarification thereof, and is 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 6-1, the definition “*Public Nuisance*” and the subsection examples numbered (1-8) are deleted in their entirety from Chapter 6, and is revised and inserted in Chapter 32 (NUISANCES), as new Section 32-14, which shall read as follows:

Sec. 32-14 (Animals)

A. It shall be a public nuisance for any animal within the Town which:

- (1) Molests passersby, passing vehicles or bicycles;
- (2) Attacks or bites humans or other animals;
- (3) Trespasses on school or hospital grounds;
- (4) Is running at large;
- (5) Damages public or private property;
- (6) Barks, whines or howls excessively;
- (7) Emits noxious or offensive odors; or,
- (8) Acts in any manner that may annoy or injure humans.

Chapter 6, Section 6-34 Title is deleted in its entirety and replaced with:

Sec. 6-34. (Authority of animal control officers; Town Manager Rules and Regulations)

Chapter 6, Section 6-34 (a) is deleted in its entirety and replaced with:

(a) Any animal control officer is authorized to enforce the provisions of this Chapter and such other provisions in the Town's Municipal Code regarding public nuisances caused by animals. It shall be a violation of this Chapter to interfere with an officer in the performance of his/her duties.

Chapter 6, Section 6-55 Title is deleted and replaced with:

Administrative enforcement; Citations.

Chapter 6, Section 6-55 (b) [*Authority.*] is deleted in its entirety and replaced with:

Sec. 6-55 (b.) Citations.

Subject to the provisions for administrative enforcement described in subsection (a) herein and in addition to the powers to impound animals as provided in Section 6-103 and in addition to the powers to seek civil and criminal remedies for causing or permitting a public nuisance, all officers charged with the enforcement of this Chapter shall have the power to issue citations when there exists probable cause that there exists a violation of this Chapter and/or Chapter 32 (Nuisances) of the Town's Municipal Code.

PASSED, ADOPTED AND APPROVED by vote of the Council of the Town of Silver City, Grant County, New Mexico, this 26th day of March, 2019.

(Seal)

TOWN OF SILVER CITY

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk