

**SUPERCEDING NOTICE OF INTENT
TO ADOPT AN ORDINANCE AMENDING CHAPTER 6 (ANIMALS), SECTION 6-1
(DEFINITIONS); ADDING A NEW SECTION 6-15 (KEEPING OF HONEY BEES); AND
A NEW SECTION 32-7 (PERMITTING UNDESIRABLE BEE BEHAVIOR) OF THE
CODE OF ORDINANCES OF THE TOWN OF SILVER CITY**

The Council of the Town of Silver City, Grant County, New Mexico hereby gives notice of its intention to adopt a proposed amendment to the Town of Silver City Code of Ordinances. This notice is given the title as follows:

ORDINANCE NO. 1272

**AN ORDINANCE AMENDING CHAPTER 6 (ANIMALS), SECTION 6-1
(DEFINITIONS); ADDING A NEW SECTION 6-15 (KEEPING OF HONEY BEES); AND
A NEW SECTION 32-7 (PERMITTING UNDESIRABLE BEE BEHAVIOR) OF THE
CODE OF ORDINANCES OF THE TOWN OF SILVER CITY**

Sponsored by: Councilor Lynda D. Aiman-Smith

WHEREAS, the Town Council has authority under its Territorial Charter and its Municipal Code to pass ordinances designed to promote the general welfare, protect public safety, and regulate certain activities within the Town; and

WHEREAS, the Town Council has been made aware of the increasing engagement of persons in the hobby of honey bee keeping, as well as the need for appropriate regulation for public safety; and

WHEREAS, the Town Council finds that the provisions regarding the registration of honey bee keepers and the clarification of the Town's nuisance ordinances are appropriate and 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 the following amendments shall become effective as of July 1, 2019:

Chapter 6, Article I, Section 6-1 Definitions is amended by deleting the current definitions of "Animal" and "Bite or Bitten" and replacing those terms with the following:

Sec. 6-1. Definitions.

Animal means any vertebrate, excluding human, including but not limited to dogs, cats, livestock, birds, reptiles and insects.

Bite or bitten means a mark, puncture or tear of the skin inflicted by the teeth, fangs, or stinger of an animal.

Chapter 6, Article I, is amended by inserting a **new Section 6-15**, which shall read:

Section 6-15. Keeping of honey bees.

A. It shall be unlawful for any person to keep bees without first registering the location of its hives with the Town pursuant to a form approved by the Town Manager and to thereafter post a copy of said registration upon the property where the hive(s) are located in such a manner as to reasonably give notice to passers-by of the presence of those hives. Failure to register and failure to post shall be considered as separate offenses.

B. It shall be unlawful for any person who shall keep bees to permit undesirable honey bee behavior that infringes upon the safety and well-being of others, whether other properties or other persons. “Undesirable Honey Bee Behavior(s)” is any behavior exhibited by honey bees from a managed hive, colony or apiary that may result in harm to others. Undesirable honey bee behaviors include, but are not limited to, characteristics of Africanized honey bees guarding a larger territorial perimeter around the hive in greater numbers than is typical of European honey bees; responding to minimal or no provocation into over-defensiveness, aggressiveness, repeated swarming; unpredictability, reactiveness, and agitation. Gentle honey bees foraging on flowering vegetation is considered normal and desirable.

C. Penalties. Any person violating any provision of this Section shall be subject to the general penalty provisions of Section 1-9 of the Municipal Code of the Town of Silver City and may be enforced by the police department and the animal control officer(s).

Chapter 32 Nuisances, Article I, is amended by inserting a new Section 32-7 and renumbering the existing and following sections of said Article I, and shall read:

Section 32-7 Permitting undesirable bee behavior.

A. The permitting of undesirable bee behavior, including but not limited to swarming of bees upon the Town’s rights-of-way and upon property of another, or permitting any other activity by bees that may result in harm to others, is hereby declared a public nuisance and subject to all civil and criminal remedies available to the Town by virtue of the authorities granted in Chapter 32 of the Town’s Municipal Code.

B. Officers of the Town’s police force and animal control are authorized to issue citations and exercise all the civil and criminal remedies available under provisions of the Town’s Municipal Code, except that the ten-day notice to owner to remedy or remove condition provided for in this Chapter shall not apply when the police officer or animal control officer have made a reasonable determination that a present and imminent danger to the public exists.

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PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2019.

(Seal)

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk

Consideration of the final adoption of such proposed ordinance will not take place until at least two (2) weeks subsequent to the date of this notice and only at a public meeting called and held in accordance with Section 3-17-3, N.M.S.A. 1978. Consideration of adoption of said ordinance is currently scheduled for and will not take place prior to _____.

Ann L. Mackie, Town Clerk

Date