

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:

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 invertebrates including insects.

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

Add new definition entitled “Aggressive and undesirable bee behavior”, which shall read: *Aggressive and undesirable bee behavior* means any behavior exhibited by honey bees from a managed hive, colony or apiary that may result in harm to others. It includes, but is not limited to, characteristics of Africanized honey bees guarding a territorial perimeter extending beyond the property boundaries of the bee keeper and in greater numbers than is typical of European honey bees; and, bees aggressively responding to minimal or no provocation by striking, chasing, biting, or stinging persons who are not present upon the bee keepers property, whereby the personal safety of such persons is endangered.

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, and each day thereof, after the passage of the ten-day period to remediate such failure(s), shall be considered to be separate offenses. *The penalty for failure to register or post shall be fifty (\$50.00) for each offense, and a maximum of two-hundred dollars (\$200.00) for consecutive days of violation.*

B. It shall be unlawful *and a public nuisance* for any person who shall keep bees to permit aggressive and undesirable honey bee behavior that infringes upon the safety and well being of others, whether *it be their property or person.*

C. 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 shall have made a reasonable determination that a present and imminent danger to the public exists.

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 liable to result in harm to persons or property.

A. The permitting of *aggressive and undesirable bee behavior as defined in Chapter 6 of this municipal code*, 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 by 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.

PASSED, ADOPTED AND APPROVED this 10th day of September, 2019.

(Seal)

Ken Ladner, Mayor

Attest:

Ann L. Mackie, Town Clerk