

ORDINANCE NO. 1115

**AN ORDINANCE AMENDING TITLE IX, CHAPTER 90, SECTION 90.003 OF THE
2005 CODE OF ORDINANCES OF THE TOWN OF SILVER CITY
(ANIMALS; DEFINITIONS, PUBLIC NUISANCE)**

WHEREAS, Title IX, Chapter 90, Section 90.003 provides definitions for the purposes of the regulation of animals within the boundaries of the Town; and

WHEREAS, among the definitions of “public nuisance” is a subsection which refers to any animal who barks, whines and howls excessively; and

WHEREAS, the Town Council has determined that the language of the present definition does not properly reflect the intent of the Town Council with regard to the health and welfare of the Town, because it implies that excessive barking, whining and howling at times other than 9:00 p.m. to 7:00 a.m. is permissible;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Silver City, Grant County, New Mexico, that:

The present text of subparagraph 6 of Title IX, Chapter 90, Section 90.003 (Definitions-Public Nuisance), is hereby modified by deleting the following, which is italicized for reference:

**Sec. 90.003 DEFINITIONS.
PUBLIC NUISANCE, Any animal which:**

(6) Barks, whines or howls excessively. “~~*Quiet hours are between 9:00 p.m. and 7:00 A.M.*~~”

PASSED, ADOPTED AND APPROVED this 28th day of March 2006.

/s/ *Terry Fortenberry*
Terry Fortenberry, Mayor

/s/ *Jane Toomajianian*
Jane Toomajianian, Town Clerk