

ARTICLE 3. ANTIFREEZE SAFETY

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§ 7.3.1 SHORT TITLE

This Article may be known and shall be cited as the “Antifreeze Safety Ordinance.”

§ 7.3.2 FINDINGS AND INTENT

(A) Antifreeze contains ethylene glycol, an extremely toxic yet sweet-tasting substance that injures many children and kills thousands of animals every year in the United States.

(B) The National Safety Council, the American Medical Association and the American Association of Poison Control Centers have noted that the addition of nontoxic bittering agents to toxic household products can make these products so unpalatable that many children reject the products upon, or shortly after, tasting them.

(C) Organizations that support the health and safety of animals favor the passage of legislation that requires a bittering agent to be added to antifreeze.

(D) The cost to add the most common bittering agent, denatonium benzoate, to antifreeze is approximately two cents (\$.02) per gallon, and by law the antifreeze manufacturers already blend antifreeze with this bittering agent for sale in Oregon and California.

§ 7.3.3 BITTERING AGENT REQUIRED IN ANTIFREEZE

(A) Any engine coolant or antifreeze sold in the Village of Los Ranchos after March 1, 2004, and that contains more than 10 percent (10%) ethylene glycol, shall include denatonium benzoate at a minimum of thirty (30) parts per million as a bittering agent within the product so as to render it unpalatable. Another aversive agent may be used if it meets or exceeds the degree of aversion in test subjects obtained by utilizing the formulation of thirty (30) parts per million of denatonium benzoate in antifreeze. Any manufacturer or packager of a product subject to this Article shall maintain a record of the trade name, scientific name, and active ingredients of any bittering agent used pursuant to this Article. Information and documentation maintained pursuant to this Article shall be furnished to any member of the public upon request.

(B) This Article shall not be construed to apply to any of the following:

(1) The sale of a motor vehicle that contains engine coolant or antifreeze.

(2) Antifreeze that was, prior to the effective date of this Antifreeze Safety Ordinance, in the possession of a retail merchant, possession of an automotive repair or similar business, or possession of a governmental unit within the Village of Los Ranchos. The exemption provided by this subsection shall expire on January 1, 2005.



§ 7.3.4 PENALTY

Each sale of antifreeze in violation of this Antifreeze Safety Ordinance is a separate violation of this Article and subject to the penalties in Chapter 7, Article 5 of the 2013 Codified Ordinances.

§ 7.3.5 SEVERABILITY CLAUSE

If any section, paragraph, sentence, clause, word or phrase of this Article is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Article. The Board of Trustees hereby declares that it would have passed this Article and each section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

§ 7.3.6 EFFECTIVE DATE

This Article shall take effect five (5) days after publication by summary and title.

Ordinance and State Law References regarding Chapter 7, Article 3:

Ordinance #187, February 11, 2004;

§ 57-19-38 NMSA 1978 Aversive or bittering agent in engine coolant and antifreeze; liability limitation; exceptions; penalty;

§ 31-19-1 NMSA 1978 Sentencing authority [;] misdemeanors; imprisonment and fines; probation.

