

ORDINANCE 18-08

AN ORDINANCE PERMITTING POULTRY WITHIN CITY LIMITS

Whereas, the governing body sees a benefit to allowing poultry to be raised within city limits;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL AS THE GOVERNING BODY OF THE CITY OF ROSWELL, NEW MEXICO, that:

SECTION 1. The Roswell City Code will be amended to include a new Sec. 4-16 to read as follows:

1. As used in Sec. 4-16 "Acceptable Poultry" means chickens, turkeys, ducks, and pigeons whether kept for use or pleasure.
2. Acceptable Poultry may be kept in all zoning districts pursuant to the following limitations.
 - a. Four females (hen (chicken), hen (turkey), hen (duck)) or ten (10) pigeons, regardless of sex, may be kept on any lot within the city.
 - b. In lots having an area of at least four-tenths (.4) of an acre but less than one (1) acre, ten (10) females (hen (chicken), hen (turkey), hen (duck)) or twenty (20) pigeons, regardless of sex, may be kept.
 - c. In lots of one acre or larger, twenty-five females (hen (chicken), hen (turkey), hen (duck)) or twenty-five (25) pigeons, regardless of sex, may be kept per acre.
3. No rooster or male chickens mature enough to crow or otherwise disturb the peace shall be kept within the city.
4. Poultry permitted by this chapter shall be housed in outdoor species-appropriate housing.
5. Secure enclosures which protect the poultry from predators and allow for species specific behaviors including but not limited to roosting, scratching, dusting, and nesting, are required and shall be constructed prior to acquisition of the poultry. Roosting areas shall provide no less than two (2) square feet per bird. The enclosure shall provide adequate shade and must be located at least ten (10) feet from any other structure and at least ten (10) feet from any lot line.
6. Poultry shall be provided with constant access to potable water in sufficient amount as to maintain good health.
7. Nothing in this section shall be construed as to limit liability that may arise under Section 4-1 of the Roswell City Code as it relates to the care of poultry permitted under this section.
8. Nothing in this section shall be construed as permitting the keeping of poultry in numbers or conditions that constitute an animal nuisance as prohibited by Section 4-38 of the Roswell City Code as applicable.
9. Nothing in this section shall be construed as permitting to waiver or limit other applicable federal, state, or local laws, including but not limited to regulations on the keeping of certain birds, or contractual or real property agreements including but not limited to restrictive covenants or home owner association agreements.

SECTION 2. Section 4-13 of the Roswell City Code is amended as follows:

The keeping, harboring, confining or maintaining of any animals classified as livestock or fowl, except as permitted under Sec. 4-16, within the city is hereby declared to be a nuisance and unlawful, except in areas classified as Rural-Suburban (R-S) under the zoning ordinance.

Exception: Rabbits may be kept within those areas that are zoned R-1, R-2, R-3 providing there are no more

than three rabbits, which must be of the same sex, and are permanently housed in cage that prevents their escape. The residence where the rabbits are housed is subject to applicable provisions of the Roswell Municipal Code chapter 4 and specifically:

- (1) No person shall offer this animal as a prize, award, novelty, or incentive.
- (2) It shall be unlawful for anyone to willfully allow rabbits or poultry to run at large upon their premises or within the city limits.
- (3) Cages or secure enclosures shall be located ten feet from the nearest property line, and must also conform to zoning and building requirements.
- (4) All housing, pens, cages or facilities shall be structurally sound, maintained in good repair, adequately spaced, weatherproof, ventilated, sufficiently shaded, easy to be kept clean, sanitary and of nontoxic materials.
- (5) Animals shall be provided with clean, fresh, and sufficient amount of water, wholesome and adequate food.
- (6) This exception applies only to domesticated rabbits and poultry and excludes all other rabbits commonly referred to as wild rabbits (i.e., Cottontail rabbits and jackrabbits).

SECTION 3. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

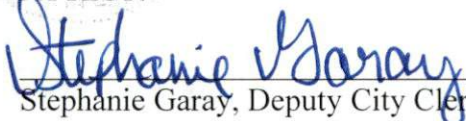
SECTION 4. If any section, paragraph, clause or provisions of this ordinance for any reason shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

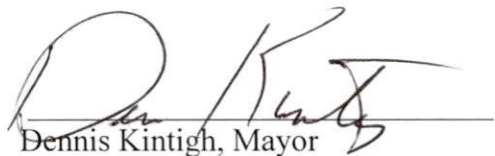
SECTION 5. This ordinance shall be effective after five (5) days following its publication as required by law.

PASSED, ADOPTED, SIGNED and APPROVED the 13 day of December 2018.



ATTEST:


Stephanie Garay, Deputy City Clerk


Dennis Kintigh, Mayor