

ORDINANCE NO. 1042

AN ORDINANCE AMENDING SECTION 8-22 OF THE CODE OF THE CITY OF ROSWELL; PROVIDING FOR THE KEEPING OF PIGEONS WITHIN THE CITY OF ROSWELL AND PLACING RESTRICTIONS ON SUCH ACTIVITY; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY; AND FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City Council of Roswell, New Mexico, has reviewed the City's existing prohibition on the keeping of homing pigeons and considered and evaluated such prohibition in comparison to the benefits of allowing homing pigeons within the City, and

WHEREAS, the City Council now desires to provide for the keeping of homing pigeons within the City and to provide appropriate restrictions thereon,

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

Section 1. That the present Section 8-22 of the Code of the City of Roswell be amended to read as follows:

Section 8-22. Exemptions from article.
Nothing in this article shall be construed as regulating or prohibiting the keeping of dogs or cats.

Nothing in this article shall be construed as prohibiting the keeping of homing pigeons, defined as: Antwerp Messenger or Homing Pigeons, also commonly called "carrier pigeons" and bearing upon a leg a seamless band or ring with the name or initials of the owner or an identification or registration number stamped thereon, such keeping of homing pigeons as defined herein shall be subject to the following regulations:

1. No more than 40 homing pigeons shall be kept or harbored on any lot or tract of land within the limits of the city.
2. Homing pigeons shall at all times be kept confined in proper cages or lofts except when released for necessary exercise and training under restraint and control of their owner. Such pigeons shall not be permitted to alight upon buildings and property of others.
3. Cages or lofts for homing pigeons shall be located at least 10 feet from the nearest property line and shall be in conformity with applicable zoning and building requirements.

Nothing in this article shall be construed to prohibit action against a person keeping animals for a nuisance in fact.

Section 2. Repealer. All ordinances, parts of ordinances or fee schedules in conflict or inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 3. Severability. If any section, paragraph, clause, or provision 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 4. Effective Date. This ordinance shall be and become effective five days after its publication.

PASSED, ADOPTED, SIGNED AND APPROVED on August 12, 1980.



CITY SEAL

L. C. Stiles
L. C. STILES, Mayor

ATTEST:

Sarah L. Carter
Sarah L. Carter, City Clerk