

**AN ORDINANCE OF THE CITY OF ROSWELL PROVIDING THAT THE CODE OF ORDINANCES, CITY OF ROSWELL, NEW MEXICO, BE AMENDED BY REVISING SECTION 5-33 IN THE ROSWELL CITY CODE TO ALLOW THE KEEPING OF RABBITS AS PETS WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND FIXING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has determined that the public interest will best be served by exempting rabbits, subject to specified restrictions, from being declared as a public nuisance.

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

Section 1. The Roswell City Code Section 5-33 is hereby amended to read as follows:

Section 5-33. Prohibited; nuisance declared.

The keeping, harboring, confining or maintaining of any animals classified as livestock or fowl 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 (3) rabbits, which must be of the same sex, and are permanently housed in a cage that prevents their escape. The residence where the rabbits are housed is subject to applicable provisions of the Roswell Municipal Code Chapter Five and specifically:

- a. No person shall offer this animal as a prize, award, novelty, or incentive.
- b. It shall be unlawful for anyone to willfully allow rabbits to run at large upon their premises or within the city limits.
- c. Cages or secure enclosures shall be located ten (10) feet from the nearest property line, and must also conform to zoning and building requirements.
- d. All housing, pens, cages or facilities shall be structurally sound, maintained in good repair, adequately spaced, weather proof, ventilated, sufficiently shaded, easy to be kept clean, sanitary, and of non-toxic materials.
- e. Animals shall be provided with clean, fresh, and sufficient amount of water, wholesome and adequate food.
- f. This exception applies only to domesticated rabbits and excludes all other rabbits commonly referred to as wild rabbits (i.e. Cottontail rabbits and jackrabbits).

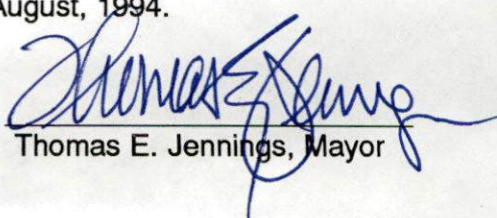
Section 2. All ordinances or parts of ordinances in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency. this repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 3. If any section, paragraph, clause or provision of this ordinance for any reason shall be held to be invalid or nonenforceable, the invalidity or nonenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

Section 4. This ordinance shall be effective after five (5) days following its publication as required by law.

**PASSED, ADOPTED, SIGNED AND APPROVED** the 11<sup>th</sup> day of August, 1994.

**CITY SEAL**

  
Thomas E. Jennings, Mayor

**ATTEST:**

  
Ruth A. May, City Clerk