

**A RESOLUTION AMENDING CITY ORDINANCE CHAPTERS 6.16.010 THROUGH
6.16.050 (LIVESTOCK AND FOWL PROHIBITED) TO PROVIDE FOR A LIMITED
NUMBER OF BACKYARD CHICKEN HENS PERMITTED UNDER CERTAIN
CONDITIONS WITHIN CITY LIMITS**

WHEREAS, after careful consideration, the City of Lovington governing body sees a benefit to a limited number of “backyard chicken hens” being permitted within city limits provided certain requirements are met, with strict enforcement.

6.16.010 - Definitions.

“Fowl” in its exact definition means: a bird of the order *Galliformes* that is kept for its eggs and flesh; a rooster or hen. It also includes turkeys, geese, guineas, ducks, chickens, birds and all other fowl, domestic and wild, male and female, singular and plural, except pets confined in the residence proper.

“Backyard Chicken Hen” is a domesticated female chicken (typically 4-5 months old) kept in a small-scale, non-commercial setting, such as a residential backyard, primarily for egg production, companionship or pest control.

6.16.020 – Keeping domesticated livestock prohibited.

A. It is unlawful for any person owning any real estate within the city to permit any livestock, to be or remain on such property for a period of more than twenty-four hours and it is likewise unlawful for any person owning, leasing or having possession of any real estate within the city to possess, keep, maintain or permit any livestock to remain upon any such real estate owned, leases or possessed by such person for a period of more than twenty-four hours.

B. Except as provided in Section 1-5 of this section:

1. Apply for and receive from the animal protection department a permit to own or keep any domestic livestock.

a. The animal protection officer shall be permitted at any reasonable time to enter the premises for the purpose of inspection or reinspection to determine compliance with this title.

b. The fee for a permit shall be \$25.00.

c. The permit will remain effective for so long as the applicant owns or maintains domestic livestock at the location listed on the permit. The permit shall list the requirements contained in this section to own or maintain domestic livestock within the city limits.

2. That the premises upon which such livestock is kept and maintained is more than three hundred feet from the nearest premises occupied for residential or commercial purposes by any other person residing within the city or if such livestock is maintained on pasture or other grazing land where the major portion of the acreage of such grazing tract be located more than three hundred feet from the nearest occupied premises;

3. That the premises upon which such livestock are kept or maintained are securely fenced so that such livestock will not escape therefrom;

4. That the premises is kept and maintained in a clean and wholesome manner as not to endanger the health of the inhabitants of the city and become noxious, offensive or a nuisance;

5. That Chinese or Vietnamese miniature potbellied pigs may be kept as pets, but only on the following conditions:

a. Potbellied pigs shall be annually licensed and shall pay the annual license fee required for cats and dogs within the city.

b. No household shall have more than two potbellied pigs at any given time.

c. No breeding shall occur for sale, resale or for any other purposes.

d. No sale or resale of the potbellied pigs shall occur.

e. The pigs shall be kept in a clean and sanitary condition.

f. The pigs shall be kept indoors or in a well fenced area.

g. Each potbellied pig be registered with the potbellied pig registry or other appropriate registry.

6. Keeping of Livestock are subject to 6.04.020 nuisance provisions, which shall supersede and take precedence over this provision of this chapter.

7. Nothing herein shall permit keeping an animal, as the laws and regulations of the State of New Mexico or the United States otherwise prohibit or restrict.

6.16.030 – Keeping of fowl prohibited.

A. It is unlawful to own or keep any fowl within city limits, including ducks, quail, geese turkeys, pigeons, peacocks, roosters, guineas or chickens.

B. Except as provided in Section 1-5, of this section:

1. Apply for and receive from the animal protection department a permit to own or keep any backyard chicken hen(s).

a. The animal protection officer or code enforcement officer shall be permitted at any reasonable time to enter the premises for the purpose of inspection or re-inspection to determine compliance with this title.

b. The fee for a permit shall be \$25.00, for the allowed 1-6 backyard chickens (not per chicken).

c. The permit will remain effective for so long as the applicant owns or maintains chicken hens at the location listed on the permit. The permit shall list the requirements contained in this section to own or maintain back yard chicken hen(s).

d. each chicken hen shall wear an identification band that is marked with the numbers assigned to them by the Animal Protection Services department.

d. it is unlawful to mark chicken hen bands with any numbers other than those assigned to the permit.

2. Backyard chicken hens are allowed under the following conditions:

a. No more than six (6) backyard chicken hens are permitted per lot.

b. Backyard chicken hens are restricted to the rear or backyard of any lot.

c. Backyard chicken hens may not free range and are restricted to the coop and run.

3. All backyard chicken hen coops shall meet the following requirements:

a. Be predator-proof (ie, made of chicken or hardware wire), with a solid top, with solid wall.

b. Provide water at all times, and coop shall be properly ventilated.

c. Are limited to a maximum of one hundred twenty (120) square feet (includes coop space and chicken run).

d. Provide at least four (4) square feet of space per backyard chicken for the coop and run.

e. Be no taller than seven feet (7') at the highest point of the roof.

f. Be at least five feet (5') from any other structure and at least five feet (5') from any side or rear property line.

g. All coops shall be regularly cleaned to control dust, odor, and waste and not constitute a nuisance, safety hazard, or health problem to surrounding properties.

h. No coops shall present a fire hazard, especially regarding heat lamps.

i. All coops should not interfere with a structure's egress (ie, if windows are close by).

j. All coops shall comply with zoning codes.

4. Nothing herein shall permit keeping an animal, as the laws and regulations of the State of New Mexico or the United States otherwise prohibit or restrict.

5. Keeping of backyard chicken hens are subject to this Code's nuisance provisions, which shall supersede and take precedence over this provision of this chapter.

6.16.040 Special Permit

A. Anyone wishing to have an exemption from the regulations set forth in this chapter shall apply to the Zoning department for a Special permit. 17.17.050

B. It shall be unlawful for the grantee not to notify the Animal Protection Services department of the special permit being granted within 5 business days.

a. Exemptions allowed shall be added to the existing permit with the animal protection department.

C. It shall be unlawful for anyone holding a special use permit granted by the city to not obtain a permit as required in section 6-16-020 of this section.

6.04.050 Procedures for complaints for Livestock or Chicken hens .

A. A complaint alleging any violation of this chapter may be filed with the City by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The City Manager or their designee may require the complainant to provide his name and address and swear to and affirm the complaint.

B. It is unlawful for any person to intentionally make a report to the City Manager or their designee, which that person knows to be false at the time of making it, alleging a violation by another person of any violation of the Lovington Animal Ordinance.

16.16.030 16.16.060 Running at large.

It is unlawful for any domestic livestock, including but not limited to cattle, horses, mules, donkeys, burros, swine, goats, sheep or fowl including chicken hens, or other animals, to be turned loose, abandoned, or to run at large within the city limits of the City of Lovington NMSA 77-14-36.

6.16.070 Impoundment of stray livestock or chicken hens

A. It shall be the duty of persons finding livestock at large to contact the New Mexico Livestock inspector within 24 hours within the city limits. NMSA 77-18-2

B. The City of Lovington Animal Protection Services may take up any chicken hen found running at large.

C. Any chicken hen that is taken up by Animal Protection Services that does not have an identification band will be adopted out, or disposed of immediately.

6.20.080 Revocation.

A domestic livestock or chicken hen permit may be revoked when, in the opinion of the animal protection department, it is maintained that any one or more of the following conditions exists:

A. The property and pens are not maintained in a clean and sanitary condition to constitute a health hazard or produce noxious odors.

B. Structures are considered to be unsafe.

C. Maintaining animals unpermitted, as required by this chapter.

D. Any violation of 6.16.030

6.16.04 - 16.16.090 Pigpens prohibited.

It is unlawful for any person to maintain any pigpens within the city. (Prior code § 10-2-3)

6.16.050 - 16.16.010 Declaring nuisances.

The city commission determines whether the keeping, possessing or maintaining of any livestock contrary to the provisions of this chapter is and shall constitute a nuisance and such nuisance may be abated summarily or by any of the remedies provided by law for the abatement of nuisances. (Prior code § 10-2-4)