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Remaining

Backyard chickendom advances

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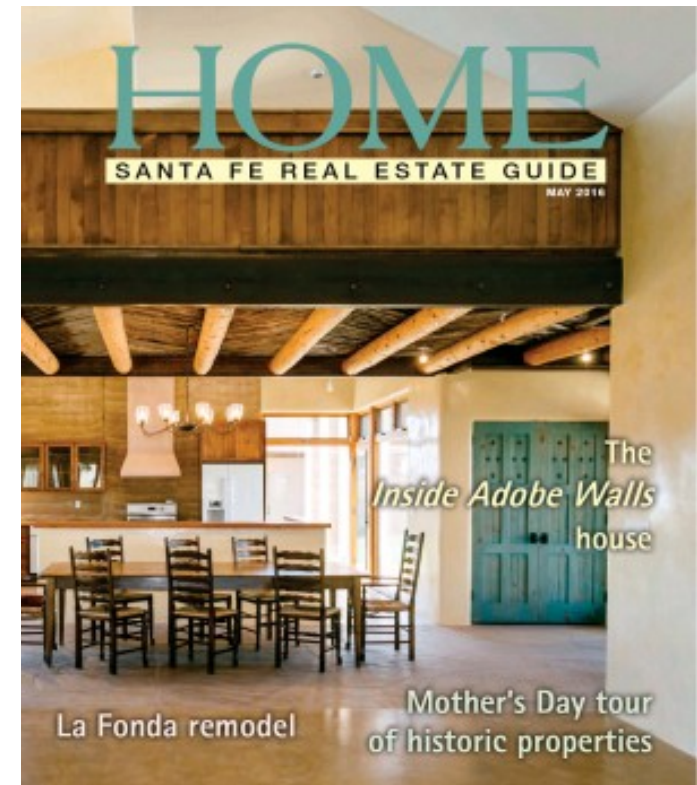
Nate Downey/For The New Mexican

There was evidence—blood, body parts, feathers, paw prints, and holes dug by burrowing carnivores. Recent sightings abounded, too, of canine, feline, musteline, and avian suspects. But, in a larger sense, the killer's name didn't



Illustration from the 1880 book Afternoon Tea: Rhymes for Children by J.C. Sewanh...

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matter. The fact remained that I needed to refortify our henhouse. Pronto. Our new, six-bird flock would be getting too big for that stinky box in the garage, and soon we'd have to release our young fowl into the chicken yard.

Since the coop-fortification project, we have had only one violent death, and that was intentional. When a so-called "chick" turned out to be a very loud rooster, we had to bless him, thank him, kill him, and make soup. Believe me. Having fine-feathered friends, even though they taste good, isn't for the feint of heart. The turf demands dedication and sometimes courage. Moments must be consecrated. Land must be hallowed. Even feathers must be ripped from still-warm flesh.

Just in time for spring-chick-purchasing season, the good people of the Eldorado community can now possess live chickens without worrying if a neighbor might be a narc. Yep, Santa Fe County's longest civil war has come to its final resting place, and nevermore can serious people squawk about it.

Two score and seven years ago, real-estate developers broke ground on a new subdivision. Conceived to flip cheap property and dedicated to some sometimes-ambiguous community covenants, for decades the chicken issue lay dormant in Eldorado's consciousness.

The big legal news is two-fold. First, a recent unanimous ruling by the New Mexico Court of Appeals gives the ecologically conscious people of Eldorado the right to bear chickens. Second, the high-level decision puts homeowners associations on notice if they try to enforce ambiguous covenants.

In the court's opinion, Judge Jonathan B. Sutin cites a 1996 New Mexico Supreme Court case, *Hill v. Community of Damien of Molokai*. That decision favors individual freedom over restrictive interpretations of unclear community covenants. In other words, HOAs must write clear covenants, or let homeowners



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do as they please. Eldorado's covenants were widely seen as ambiguous on the poultry-as-pet question, so, specifically, Eldoradoans can now keep chickens. The question now becomes, who else might benefit? I imagine egg lovers, gardeners, and sustainability enthusiasts across the Land of Enchantment are digging up their subdivision's covenants as we speak.

The world will little note, nor long remember, what we say here, but let's not forget that chickens take as much work as, if not more than, most pets.

Homegrown eggs are the bomb, but at regular points in the sometimes-foul journey every chicken owner has to get down and deal with real crap, seize some responsibility, or know how to delegate.

To honor the hard work, lost time, spent savings, and infringed-upon liberties of the defendants (can we say, "victims," now?) in this case, we should increase our devotion to the cause of backyard chickendom and self-sufficiency. If we do, government of the people, by the people, and for the people cannot be replaced by the whims of frightened, nosey neighbors adhering to a late-20th-century, anti-fowl mythology.

Chickens have been around people for a very long time, and thankfully they are here to stay.

Nate Downey, the author of Harvest the Rain, has been a local landscape consultant, designer, and contractor since 1992. He can be reached at 505-690-7939 or via www.permadesign.com.

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