

ORDINANCE NO. 90.07
of the
VILLAGE OF LOOMIS, NEBRASKA

AN ORDINANCE PROVIDING FOR THE KEEPING OF AND RAISING OF CHICKENS WITHIN THE MUNICIPALITY; ADDING SECTION 90.07A TO 90.07 OF THE MUNICIPAL CODE OF LOOMIS RELATING TO THE KEEPING OF AND RAISING OF CHICKENS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF LOOMIS, NEBRASKA:

Section 1. That section 90.07 of the Municipal Code of Loomis, Nebraska shall hereby read as follows:

90.07 § 90.07 FOWL; WRITTEN PERMISSION.

It shall be unlawful for any person to keep on their private property poultry until they have received the written consent of the owners or lessees of the property immediately adjoining the private property where such fowls are to be kept, and all other property owners within 150 feet of the place where such animals are to be kept, which consent shall be filed at the office of the Village Clerk and shall be subject to revocation by any of the said owners or lessees at any time.

(1997 Code, § 6-207) Penalty, see § 90.99

90.07A POULTRY; CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS.

- A. It shall be unlawful for any person to keep or maintain within the corporate limits any turkeys, ducks, geese, or any other poultry not classified as chickens (*gallus domesticus*).
- B. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody, or control any male or rooster chicken. The unlawful keeping or harboring of male chickens or roosters is hereby declared to be a public nuisance.
- C. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody, or control any chicken without a valid annual permit issued by the Village.
 1. Application shall be made to the Village Clerk and the fee for the permit shall be \$25.00.
 2. The application shall be in writing on a form furnished by the Village Clerk. All applications to keep chickens within the corporate limits must be approved by the Village Board of Trustees.
 3. The permit will expire and become invalid one (1) year after issuance. A person who wishes to continue to keep chickens shall have to renew said permit on or before the expiration date of the previous permit. The procedures for renewing said permit shall be the same as those applying for a new permit.
 4. No permit shall be assignable or transferable either as to permittee, location, or chickens.
- D. The requirements for the issuance of a permit by the Village to own, keep, harbor, or have custody or control over a chicken are as follows:
 1. No more than five (5) chickens shall be permitted on any property.

2. The chickens must be housed in a chicken facility and run approved by the Village, such chicken facility and run to be maintained in compliance with all of the Village's requirements as a condition of the permit. The requirements for the chicken facility and run include:
 - a. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
 - b. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor, or threats to public health;
 - c. The chicken facility and run shall prevent chickens from roaming at large;
 - d. The run shall be attached to the coop and constructed to include metal wire fencing anchored to the ground and a fully enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the public;
 - e. The chicken facility shall be constructed of durable material and the flooring of any chicken facility within the coop shall be of a waterproof, hard-surface, non-porous material. Chicken run area shall not require hard-surface flooring;
 - f. The chicken facility shall provide not less than three (3) cubic feet per occupant chicken and the run shall provide not more than five (5) cubic feet per occupant chicken;
 - g. The chicken facility and run shall not be located in any front yard of a property and must be located so as to be at least five (5) feet from the rear property line, six (6) feet from the side property line and;
 - h. The chicken facility and run shall comply with all applicable Village building and zoning codes and must be consistent with the requirements of any land use regulation.
3. Offal, manure, and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method in which offal, manure, and waste material accumulating from the chickens will be sanitarily disposed of at least once every seven (7) days.
4. All grain, feed, and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
- E. The slaughtering or destruction of chickens within the corporate limits of the Village shall be prohibited.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

ATTEST:

Keith Fagot, Chairman of the Board

MJ Pristavic, Village Clerk

(SEAL)