

ORDINANCE NO. 521

AN ORDINANCE OF THE VILLAGE OF POTTER, NEBRASKA, AMENDING SECTION § 90.08 KEEPING OF AND RAISING OF HEN CHICKENS AND DUCKS TO ALLOW FOR THE KEEPING OF AND RAISING OF DUCKS WITHIN THE MUNICIPALITY UNDER SPECIFIC CONDITIONS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

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

Section 1. That §90.08 of the Municipal Code of the Village of Potter, Nebraska shall be amended to read hereby reads as follows:

§ 90.08 KEEPING OF AND RAISING OF HEN CHICKENS AND DUCKS

- A. The raising of hen chickens and ducks within the Village limits may be permitted, subject to the compliance with the following conditions:
1. Any person desiring to keep hen chickens or ducks within the Village limits shall obtain a permit from the Village prior to acquiring the hens or ducks. Application shall be made to the Village Clerk and the fee for the permit shall be \$50.00. The application shall be in writing on a form furnished by the Village Clerk.
 2. The application shall be made pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit, which shall include:
 - i. Name and mailing address of the applicant;
 - ii. Location of premises where the hen chickens or ducks are to be kept;
 - iii. Species of hen chickens or ducks to be kept; and
 - iv. A plot plan showing the size and location of the enclosure in which said hen chickens and/or ducks are to be kept.
 3. Prior to the issuance of any permit for the keeping of hen chickens or ducks the Village shall make a proper investigation of the facts set forth in the application for the permit and a determination as to the location of the enclosure in which said hen chickens or ducks will be housed and whether said property conforms to the requirements of this chapter and other ordinances of the Village with respect to the zoning and building regulations, as well as sanitation regulations. No permit shall be issued until it is established that there are facilities appropriate for the care and the protection of the hen chickens or ducks and the location of the enclosure is deemed to be proper and suitable for the keeping of such hen chickens or ducks.
 4. All applications to keep hen chickens or ducks within the Village limits must be approved by the Village Board of Trustees.
 5. The permit to keep hen chickens or ducks will expire and become invalid one (1) year after issuance. A person who wishes to continue to keep hens 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 for applying for a new permit.
 6. Permits to keep hen chickens or ducks shall not be transferable.
 7. A person who keeps or houses hen chickens or ducks on his or her property shall comply with all of the following requirements:
 - i. No more than 6 hen chickens or ducks or no more than a combination of 6 hen chickens or ducks may be kept on any one zoned lot.
 - ii. The principal use of the property shall be a single-family dwelling.
 - iii. No person shall keep any rooster.
 - iv. No person shall slaughter any chicken hens or ducks within the Village limits.
 - v. No person shall keep hen chickens or ducks on a vacant to uninhabited tract of land.


- vi. The hen chickens or ducks shall be provided with a covered enclosure as well as an adjoining fenced-in enclosure and must be kept in the covered enclosure or said adjoining fenced-in enclosure at all times. Hen chickens or ducks shall be secured within a covered enclosure during non-daylight hours. Such covered enclosure or coop shall contain at least four (4) square feet of floor area per hen chicken or duck and the fenced enclosure shall provide at least ten (10) square feet of open area per hen chicken or duck; no coop shall exceed 120 square feet of floor area or exceed eight (8) feet in height.
- vii. A person shall not keep hen chickens or ducks in any location on the property other than in the rear yard. For purposes of this section "rear yard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the dwelling and extending to the side lot lines.
- viii. No covered enclosure or fenced-in enclosure shall be located closer than 10 feet to any property line of an adjacent property.
- ix. All enclosures for the keeping of hen chickens or ducks shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath the enclosure or within its walls. A covered enclosure or fenced-in enclosure shall not be located closer than 40 feet to any residential structure on another person's property.
 - a) The covered enclosure shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird proof wire of less than one (1) inch openings.
 - b) The material used in making a covered enclosure shall be uniform for each element of the structure such that the wall are made out of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use any scrap materials, waste board, sheet metal or other similar materials is prohibited. Covered enclosures shall be regularly maintained as to not become a Public Nuisance.
 - c) The fenced-in area adjoining the covered enclosure shall consist of sturdy wire fencing, and the fenced-in area shall be covered with sturdy wire, aviary netting or other suitable materials.
 - d) All covered enclosures shall be covered with solid roofing materials.
- x. All feed and other items associated with the keeping of hen chickens or ducks that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to them.
- xi. Odors from hen chickens, ducks, manure, or other poultry related substances shall not be perceptible beyond the boundaries of the property with the permit for hen chickens or ducks. All manure and waste materials accumulating from hen chickens or ducks must be removed at least once every seven (7) days.
- xii. Any noise from hen chickens or ducks shall not be loud enough beyond the boundaries of the property with the permit for the hen chickens or ducks to disturb persons of reasonable sensitivity.
- xiii. Hen chickens or ducks shall not be permitted to run at large within the Village limits. No dog, cat, or other domesticated animal which kills a hen chicken or duck permitted to run at large will, for that reason alone, be considered a dangerous or aggressive animal and it will not be the Village's responsibility to enforce its animal control provisions.

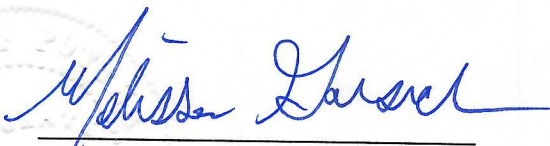
8. If the above requirements are not complied with the Village may revoke any hen chicken or duck permit granted under this section and initiate prosecution for a civil infraction violation. If a permit is revoked, all hen chickens or ducks must be removed from the property with the revoked permit within seven (7) days, and may not be re-established without obtaining a new permit.
9. A person who has been issued a permit shall submit it for examination upon demand by any Law Enforcement Office, Animal Control Office or Code Enforcement Officer.

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

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

Passed and approved this 14th day of November 2022.





Village Clerk



Chairman of the Board of Trustees