

**ORDINANCE NO. 580**

**AN ORDINANCE AMENDING CHAPTER 6 OF THE MUNICIPAL CODE OF WOOD RIVER, NEBRASKA, TO ADOPT A NEW SECTION 6-214 OF THE CODE TO ALLOW THE KEEPING OF BACKYARD CHICKENS SUBJECT TO CERTAIN RESTRICTIONS; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WOOD RIVER, HALL COUNTY, NEBRASKA, AS FOLLOWS:

**SECTION 1. ADOPTION OF NEW SECTION 6-214:**

That a new Chapter 6, Article 214 of the Municipal Code of Wood River, Nebraska, be adopted to provide as follows:

**Sec. 6-214. – KEEPING OF BACKYARD CHICKENS**

The keeping of hens and hen bantams in residential districts on property consisting of a single-family dwelling is allowed, subject to the following:

A. Any person who keeps hens or bantams in the City of Wood River shall obtain a license from the City prior to acquiring the hens or bantams. Application shall be made to City Hall, and the fee for the license shall be ten dollars (\$10.00).

B. Licenses are valid for the calendar year and shall expire and become invalid on December 31st at the end of the calendar year after the date of issuance; prorating the fee is not allowed. A person who wishes to continue keeping hens or hen bantams shall have obtained a new license on or before January 1st. Application for a new license shall be pursuant to the administrative procedures and requirements that are applicable at the time the person applies for a new license.

C. A person who keeps or houses hens or bantams on his or her property shall comply with all of the following requirements:

1. No more than four (4) hens and/or hen bantams may be kept on any one zoning lot. Hereinafter “hens” and “hen bantams” will be referenced collectively as “chickens”.
2. The principal use of the property shall be a single-family dwelling, and the license applicant shall be the owner of the property.
3. No person shall keep any rooster.
4. No person shall slaughter any chickens.
5. The chickens shall be provided with a covered fenced enclosure or coop (hereinafter, “chicken enclosure”) and must be kept in the chicken enclosure at all times. Such chicken enclosure shall contain at least four (4) square feet of floor area per chicken, and the chicken enclosure shall provide at least ten (10) square feet of open area per chicken; no chicken enclosure shall exceed one hundred twenty (120) square feet of floor area or exceed seven (7) feet in height.
6. A person shall not keep chickens in any location on the property other than in the chicken enclosure 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.
7. No chicken enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.
8. No chicken enclosure shall be located closer than forty (40) feet to any residential structure on another person’s property.
9. All chicken enclosures shall be constructed or repaired to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
10. All feed and other items associated with the keeping of chickens 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 or coming into contact with the food and other associated items.

11. Eggs produced by licensed chickens may be sold by the license holder, subject to compliance with the Zoning Ordinance of the City of Wood River, Nebraska, Section 11-301 Home occupations and home-based businesses.

12. A person who has been issued a license freely and voluntarily consents to a search and examination of the chicken enclosure in his/her rear yard upon demand by any Police Officer or Code Enforcement Officer.

If any of the above requirements are not complied with, the City may revoke any license granted under this section and/or initiate prosecution of the license holder and/or any other person violating the Code. Violations are misdemeanors punishable by Sec. 6-401 of this Code.

**SECTION 3. REPEAL:**

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 4. PUBLICATION AND EFFECTIVE DATE:**

This ordinance is adopted and approved for publishing in pamphlet form, and shall be in full force and effect from and after 15 days after its passage, approval, and publication or posting as provided by law. The provisions of this Ordinance shall become and be made part of the Municipal Code of the City of Wood River, Nebraska and sections of this Ordinance may be renumbered to accomplish such intention.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2023.

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Greg Cramer, Mayor

ATTEST:

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Ashley Manning, City Clerk