

City of Blair – Housing of Chickens within City Limits Ordinance No. 2260

Maximum Number of Chickens – (6)

One Year Permit Fee – \$25.00

Applicant: Owner occupant, lessee, mortgagee or agent thereof of the property where the hen chickens will be kept, the use of the property must be a single-family dwelling and hen chickens shall not be kept on a vacant or uninhabited property.

6-202.1 FOWL, CONTROLLED WITHIN MUNICIPALITY; PERMIT PROCESS.

- A. Except as permitted by subsection E of this section, it shall be unlawful for any person, corporation, firm, or other entity, in the capacity of owner occupant, lessee, mortgagee, or agent thereof, to keep or maintain, within the corporate limits of Blair, Nebraska, any chickens, ducks, geese, turkeys, pheasants, quail, ostrich, or other fowl except such fowl as are within the said corporate limits temporarily for exhibition purposes and are kept in sanitary and enclosed areas at least one hundred fifty (150') feet from any habitable structure owned by any person or business.
- B. The keeping or maintain of such fowl as described in subsection A above shall be considered to be a specific nuisance and may be abated in accordance with the provisions of the Blair Municipal Code.
- C. In addition to abatement as identified in subsection B above, the Mayor and City Council shall be authorized to maintain an action for abatement of such activity in Court in Washington County, Nebraska, against the owner, occupant, lessee, mortgagee, or agent thereof, who is deemed to be in violation of subsection A of this section.
- D. Furthermore, any owner, occupant, lessee, mortgagee, or agent thereof, who shall violate or refuse to comply with the provisions of subsection A of this section, or the enforcement thereof, shall be fined as per the City's Violations Bureau for every offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
- E. Notwithstanding the above provisions of this section, the raising of hen chickens within the municipality may be permitted, subject to compliance with the following conditions:
 - 1. Any person desiring to keep hen chickens in the corporate limits of the City of Blair shall obtain a permit from the City of Blair prior to acquiring the hen chickens. Application shall be made at City Hall and the fee for the permit shall be as determined by the City Council in APPENDIX – PERMIT, LICENSE AND APPLICATION FEES. The application shall be in writing on a form to be furnished by the City of Blair for that purpose.
 - 2. The minimum property requirements to qualify for a permit shall include:

- a. The applicant must be owner occupant, lessee or mortgagee of the property where the hen chickens will be kept;
 - b. The use of the property where the hen chickens will be kept must be a single-family dwelling. No permit will be issued for duplexes, condominiums, or multi-family dwellings;
 - c. Hen chickens shall not be kept on a vacant or uninhabited property.
3. The application for such permit 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:
 - a. Name and mailing address of the applicant;
 - b. Mailing address where hen chickens are to be kept;
 - c. Signature of the property owner (if not the applicant) agreeing to the application;
 - d. Statement of the method and frequency in which offal, manure and waste material accumulating from such hen chickens will be sanitarily disposed of;
 - e. An attached plot plan of the property upon which the hen chickens will be kept, as well as all adjacent properties, showing dimensions of the property upon which the hen chickens will be kept, the location and dimensions of the covered enclosure and fenced pen area, the distance of any part of the covered enclosure and fenced pen area from residence buildings on all properties, and the distance of any part of the covered enclosure and fenced pen area from the property lot lines upon which the hen chickens will be kept.
4. Any applicant for such permit, shall, prior to the issuance or renewal of a permit by the City of Blair, give notice of the pendency of said application to all owners of property adjacent to the property upon which the hen chickens will be kept, as well as to other owners of residences within one hundred feet (100') of any part of the covered enclosure and fenced pen area. The applicant shall furnish proof of said notice to the City Clerk. The notice required by this section shall be in writing and in a form as provided by the City of Blair, and may be served personally with proof by signature or by certified return receipt mail. If any owner of property adjacent to the property upon which the hen chickens will be kept or any owner of a residence within one hundred feet (100') of any part of the covered enclosure and fenced pen area objects within ten (10) days of the date of notification to the issuance of a permit for the keeping of hen chickens, such permit will not be issued.
5. Prior to the issuance or renewal of any permit for the keeping of hen chickens, the City of Blair shall have a proper investigation completed by City personnel of the facts set forth in the application for the permit and determine whether said application conforms to the requirements of this section and whether the property conforms to the requirements of this section and other ordinances of the City with respect to zoning and building regulations, sanitation, and location of the covered

enclosure and fenced pen area. No permit shall be issued by the City of Blair until all requirements of this section have been satisfied.

6. Permits expire and become invalid one (1) year after date of issuance. A person who wishes to continue keeping hen chickens shall have satisfied the requirements of subsection 3-5 and obtained a new permit on or before the expiration date of the previous permit. No permit shall be assignable or transferable.

7. A person who keeps or houses hen chickens shall comply with all of the following requirements:

- a. No more than six (6) hen chickens may be kept on any one (1) property or lots joined by a contiguous parcel agreement;
- b. No person shall keep any rooster;
- c. No person shall slaughter any hen chickens within view of the general public;
- d. The hen chickens shall be provided with a covered enclosure and fenced pen area which meets all of the requirements of subsection 7. The hen chickens shall be kept in the covered enclosure or the fenced pen area at all times. Hen chickens shall be secured within the covered enclosure during non-daylight hours;
- e. A person shall not keep hen chickens 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 converge with an imaginary line established by the rear of the dwelling and extending to the side lot lines;
- f. No part of the covered enclosure or fenced pen area shall be located closer than ten feet (10') to any property line of an adjacent property;
- g. No part of the covered enclosure or fenced pen area shall be located closer than forty feet (40') to any residential structure on an adjacent property;
- h. All covered enclosures for the keeping of hen chickens shall meet the following requirements:
 - i. Contain at least four (4) square feet of floor area per hen chicken. No covered enclosure shall exceed one hundred-twenty (120) square feet in size or exceed twelve feet (12') in height. Covered enclosures shall be constructed and repaired so as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.
 - ii. Enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked during non-daylight hours. Openings for windows and vents must be covered with predator and bird proof wire of less than one (1") inch openings.
 - iii. The building materials used shall be uniform for each element of the structure, such that the walls are made 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 of scrap

wood, waste board, sheet metal, or similar materials is prohibited. All elements shall be well maintained and are subject to the Property Maintenance Code adopted by the City of Blair;

- i. All fenced pen areas shall provide at least ten (10) square feet of open floor or ground area per hen chicken and shall consist of sturdy wire fencing. The top of the fenced pen area must be covered with wire, aviary netting, or solid roofing so as to not allow hen chickens to escape or predators to enter;
 - j. All storage containers for feed and other items associated with the keeping of hen 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 them;
 - k. Odors from hen chickens, hen chicken manure or other hen chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land;
 - l. Noise from hen chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity;
 - m. Hen chickens shall not roam outside of the covered enclosure and fenced pen area.
- F. The City may revoke any permit granted under this section due to any violation(s) of this section. Fees associated with permits which are revoked are not refundable.
- G. A person who has been issued a permit shall allow the inspection of the property, covered enclosure and fenced pen area, during reasonable hours, upon written or verbal request by any Police Officer or Code Enforcement Officer of the City. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule.)**