

ORDINANCE NO.2023-03

OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, AMENDING THE ORIGINAL CHAPTER 93 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED “93.5 KEEPING OF POULTRY”; DEFINING POULTRY AND CREATING POLICIES FOR KEEPING POULTRY WITHIN CITY LIMITS; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT MATTER HEREIN; SETTING AN EFFECTIVE DATE HEREOF AND ORDERING THE PUBLICATION OR OPOSTING OF THE ORDINANCE.

WHEREAS, the City of Peru, Nebraska Code of Ordinances (“Code”) §93 entitled “Animals” is silent as to the restrictions and limitations of the keeping of poultry within the City Limits of Peru, Nebraska.

WHEREAS, residents of the City of Peru, Nebraska have expressed an interest in keeping poultry within City limits.

WHEREAS, definite statements need to be made in order to establish a policy pertaining to keeping poultry within the City limits to provide standards and ensure conformity in keeping poultry within the City limits, for the benefit of the City of Peru and its residents.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERU, NEBRASKA;

SECTION 1. That Section 93, of the City of Peru, Nebraska Municipal Code shall be amended, adding Section 93.5 “Keeping of Poultry”, which shall read:

§93.5. Keeping of Poultry

A. **POULTRY** shall be defined as domestic fowl, which shall include any two legged, feathered, winged creatures, but specifically excluding Guineas.

B. Poultry may be kept within the zoning jurisdiction of the City of Peru, Nebraska subject to the conditions set forth herein.

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

1. No more than ten (10) hens (female poultry) may be kept on any one lot. Any poultry under the age of thirty (30) days are excluded from this number.

2. The principal use of the property, in which poultry may be kept, shall be a single-family dwelling.

3. No person shall keep any rooster (male poultry).

4. No person shall slaughter any poultry within the City limits.

5. The poultry shall be provided with a covered enclosure. Such covered enclosure (or coop) shall contain at least four (4) square feet of floor area per hen (female poultry), and the fenced enclosure shall provide at least ten (10) square feet of open area per hen (female poultry). No covered

enclosure shall exceed one hundred twenty (120) square feet of floor area or exceed twelve (12) feet in height.

6. A person shall not keep poultry in any location on the property other than in the rear yard. For purposes of this section, **REAR YARD** shall mean 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 covered enclosure or fenced enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.

8. All enclosures for the keeping of poultry shall be so constructed or repaired as to prevent rodents/vermin from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than forty (40) feet to any residential structure on another person's property.

9. All feed and other items associated with the keeping of poultry that are likely to attract or to become infested with or infected by rodents/vermin shall be protected so as to prevent rodents/vermin from gaining access to or coming into contact with them.

10. All poultry and other items associated with the keeping of poultry must be kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof.

11. The owner of any poultry shall not allow offal, manure, or waste material of such animal to accumulate or remain in the coop, enclosures, and shelter areas in which such animal or poultry resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment.

12. The owner of any poultry shall, in a sanitary manner, remove or dispose of all offal, manure, and waste material accumulating from such poultry at least once every thirty days.

13. No person keeping or harboring any poultry shall permit such poultry to go loose or run at large. In the event that any poultry found running at large is creating a hazard to the safety of other or another person's property, such poultry shall be destroyed if it cannot be confined or captured. The City shall not be required to give notice to the owner of the poultry prior to its destruction.

14. The maintenance of permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance.

Penalty, see §10.99

Cross reference:

Defining nuisance, see §91.20

Authority to obtain injunction against nuisance, see §10.99

D. Noise. The keeping of any poultry, which by causing frequent or long, continued noise shall disturb the comfort or repose of any person in the vicinity shall be a violation of City Code and deemed a public nuisance.

Penalty, see §10.99

Cross reference:

Defining nuisance, see §91.20

Authority to obtain injunction against nuisance, see §10.99

Section 2. All other sections of Chapter 93 of the Municipal Code of the City of Peru, Nebraska, shall remain in full force and effect herein.

Section 3. Any other Ordinance or section passed and approved to passage, approval, and publication of this Ordinance and in conflict with its provisions shall be repealed.

Section 4. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting in pamphlet form as required by law.

Passed and approved this ____ day of _____, 2023.

David Pease, Mayor of
City of Peru, Nebraska

ATTEST:

Angela Allgood, Deputy City Clerk
for the City of Peru, Nebraska

(Seal)

Approved as to Form & Legality:

City Attorney