

**Legislative Development Committee Meeting**  
**Tuesday, March 7, 2023 5:00 PM**  
**Crete City Hall**  
**243 E 13th Street**  
**Crete, NE 68333**

**1. Open Meeting**

- In accordance with Nebraska law, a copy of the Open Meetings Act can be found in the back of the Council Chambers.
- Items listed on the agenda may be considered in any order.

**2. Roll Call**

- Attendance of members will be recorded to determine the presence of a quorum for official actions.

**3. Items of Business**

- The Committee may discuss or limit discussion on, hear testimony in favor of or in opposition to, or take action to provide a recommendation to the City Council on any matter presented under this title.

3.A. Discuss amending City Code to address fowl regulations for the City of Crete.

**4. Officers' Reports**

- Reports may be given by the Mayor, Officers, Departments, or Councilmembers concerning the current operations of the City.
- No action can be taken on matters presented under this title except to answer any questions or to refer the matter for further action.

**5. Adjournment**

**Disclaimers & Notices**

- The Council may enter into closed session to discuss any matter on this agenda when it is determined that a closed session is clearly necessary for the protection of the public interest or the prevention of needless injury to the reputation of an individual (if such individual has not requested a public meeting) or as otherwise allowed by law. Any closed session shall be limited to the subject matter for which the closed session was called. If the motion to close passes, then immediately prior to the closed session the Mayor shall restate on the record the limitation of the subject matter of the closed session.
- The City of Crete assures that no person shall on the grounds of race, color, national origin, age, disability, handicap or sex, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity of the City receiving Federal financial assistance. To report discrimination, contact the City Clerk's office.
- The complete agenda with attachments is available at [www.crete.ne.gov](http://www.crete.ne.gov).

# Lincoln, NE

## Required items needed to apply for Large/Small Animal Permit:

### Definitions:

1. Goats, horses, miniature horses are LARGE animals.
2. Rabbits, geese, ducks, chickens, and pigeons are SMALL/FOWL animals.
3. No Roosters are allowed to be kept within the city limits.
4. **Measurements have to be accurate and submitted with the application. (i.e.: living space square feet, 5-foot property line, 50 feet from neighbors=small animal, 75 feet from neighbors=large animal). See below space requirements.**

### Small Animal/Fowl Space & Minimum Distance Requirements:

5. If you have **SMALL** animals, you have to be **5 feet** or more from the property line (not the fence line) on all sides of the shelter.
6. You have to be **50 feet** or more from neighbor's houses. **Attached garages are considered part of a dwelling.** Detached garages are not applicable.
7. If you have less than 3 fowl, you do NOT need a permit. More than 7 pigeons, you need a permit.
8. All pens/coops/enclosures must have a hard floor. Any animal continually left outside shall be provided with a structurally sound, moisture-proof and windproof shelter large enough to accommodate and keep the animal reasonably clean, dry and comfortable.
9. Chickens, ducks, or other fowl weighing between 3-5 pounds need 3 times the number of birds per square feet (ex. 3 birds X 3 square feet=9 square feet), pigeons need 1 square foot per bird (ex. 15 birds X 1 square foot=15 square feet) for exercise/shelter area.

### Large Animal Space & Minimum Distance Requirements:

10. If you have a **LARGE** animal, you have to have at least 1 acre of land. If you have more than 1 animal, you need 1.5 acres per animal, 2 horse=3 acres, 3 horses=4.5 acres, etc.
11. If you have a **LARGE** animal, you have to be **75 feet** from any neighboring residence.

### Sanitary Regulations:

12. Sanitation (manure) has to be removed within 7 days to avoid odor, flies, mosquitoes, and other noxious insects. More often as needed

### Application/Inspection Procedures:

13. All applications can be obtained from and filed with Animal Control
14. An officer will inspect the premises after you have paid, if you **fail inspection twice**, your money will be refunded and **your permit will be revoked.**
15. Renewals are every year in May.
16. If you have an attached garage and the animals are kept in there, you do NOT need a permit.

**All requirements must be met before permit is approved.**

**0 Pigeons, Small Animal, and Fowl Permit Requirements.**

- a It shall be unlawful for any person to keep or harbor small animals or fowl, without a permit, in numbers equal to or greater than the minimum provided in Table 6.04.040.
- b It shall be unlawful for any person to keep or harbor small animals or fowl as follows:
  - 1. In numbers greater than the maximum provided in Table 6.04.040;
  - 2. Within pens, enclosures or shelters closer than fifty feet to a neighboring residence; or
  - 3. Within pens, enclosures or shelters closer than five feet to a neighboring property line.

TABLE 6.04.040		
Property Size	Minimum and Maximum Number of Small Animals or Fowl	Exercise/Shelter Area (Square Feet)
1 acre or less	Rabbits or Other Small Animals 3 - 20	3 times number of small animals
	Bantam, miniatures or other fowl weighing less than 3 lbs. 7 - 30	2 times number of fowl
	Chickens, ducks or other fowl weighing 3 - 5 lbs. 3 - 20	3 times number of fowl
	Pigeons 14 - 200	1 times number of pigeons
	Turkey, geese or other fowl weighing 5 - 20 lbs. 2 - 5	7 times number of fowl
For each additional 1 acre	2 times the number per each category	Same as above

(Ord. [16712](#) §2; December 12, 1994: prior Ord. [16014](#) §1; November 25, 1991: Ord. [15515](#) §4; April 9, 1990: P.C. §8.71.040: Ord. [14955](#) §4; August 22, 1988).

**1 Keeping of Roosters Prohibited.**

No person shall, within the corporate limits of the City, own, keep or harbor live roosters. The unlawful keeping or harboring of roosters is hereby declared to be a public nuisance.

This prohibition on the ownership, keeping, or harboring of live roosters shall not apply to roosters owned or harbored by a governmental entity or a person participating in a health surveillance conducted by a governmental entity, Humane Society, a nimal shelter, animal research facility, zoo, or to an animal hospital operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. [18092](#) §58; November 18, 2002).

**6.04.070 Application for Permit.**

Application for a permit to keep any large or small animals, or fowl shall be made to the Director, in writing, upon forms provided for that purpose by the Director. Such application shall contain the following information in addition to such other information as the Director may desire:

- a. Name and residence of applicant;
- b. Location of premises where large or small animals or fowl are to be kept;
- c. Species of large or small animals or fowl to be kept;
- d. Number of large or small animals or fowl to be kept;
- e. Statement of the method in which offal, manure and waste material accumulating from such large or small animals or fowl will be sanitarilly disposed of.
- f. An attached diagram or plat of premises, showing dimensions of premises, the location and dimensions of the enclosure, corral, pen, or shelter, and the distance from residence buildings, and property lot line, either on the same

lot or on adjacent property. (Ord. [15515](#) §7; April 9, 1990: P.C. §8.71.070: Ord. [14955](#) §7; August 22, 1988).

#### **6.04.080 Issuance of Permit.**

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Prior to the issuance of any permit for the keeping of large or small animals or fowl the Animal Control Division shall investigate the application for the permit and determine whether said premises conform to the requirements of this chapter and other ordinances of the city with respect to zoning and building regulations, sanitation, and location of enclosures and shelters. No permit shall be issued by Director until proper facilities are provided for the care and protection of the large or small animals or fowl to be cared for on the premises and the location of the premises is deemed to be proper and suitable for the keeping of such large or small animals or fowl and the application has been approved as to proper zoning. (Ord. [15515](#) §8; April 9, 1990: P.C. §8.71.080: Ord. [14955](#) §8; August 22, 1988).

#### **0 Permit Fees.**

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A permit shall be issued for any large or small animal or fowl upon the Director's finding that the applicant satisfies the requirements of this chapter and upon payment of the following fees:

<u>Large Animal</u>	\$50.00
Small Animal	\$50.00
Fowl	\$50.00
Combination of Large and Small Animal or Fowl	\$75.00

A permit holder who fails to renew the permit within thirty days of the permit expiration date shall pay a late fee of \$25.00 in addition to the annual permit fee. (Ord. [18092](#) §59; November 18, 2002: prior Ord. [16163](#) §1; July 20, 1992: Ord. [15515](#) §9; April 9, 1990: P.C. §8.71.090: Ord. [14955](#) §9; August 22, 1988).



# Animal Control

Lincoln-Lancaster County Health Department

## Application Form for Large and/or Small Animal Permit

1. Name of Applicant: \_\_\_\_\_  
 Address of Applicant: \_\_\_\_\_  
 Zip Code \_\_\_\_\_ Telephone # \_\_\_\_\_

2. Location of premises where animals are kept \_\_\_\_\_  
 \_\_\_\_\_  
 Dimensions of premises or lot size: \_\_\_\_\_

3. Species and number of animals or fowl

Species of Animal or Fowl	Number

4. Complete diagram on back or attach plat of premises showing dimensions of premises, the location and dimension of the enclosure, corral, pen and shelter, and the distance from residence buildings and property lot line, either on same property or adjacent property. (Not required if no change from previous year.)

5. How will manure and waste material be disposed of: \_\_\_\_\_  
 \_\_\_\_\_

6. Fees:

- Large Animal only..... \$50.00
- Small Animal only..... \$50.00
- Fowl only (excluding roosters)..... \$50.00
- Combination of large and small animal or fowl (excluding roosters)..... \$75.00

*Permit expires May 31 each year. A permit holder who fails to renew the permit within 30 days of expiration date shall pay a late fee of \$25.00 in addition to the annual permit fee.*

*To Applicant:* Upon receipt of this application and the permit fee, an inspection of the premises will be performed. If the premises meets minimum standards, a permit will be issued. **Make Check Payable to Animal Control.**

Please send the completed application and fee to:

**Animal  
 Control 3140  
 N Street  
 Lincoln, NE 68510**

\_\_\_\_\_  
*Signature of Applicant*

\_\_\_\_\_  
*Date*

Animal Control Use Only		
Fee Received \$ _____	Permit Issued <input type="checkbox"/>	Health Dept. or A.C. Approval
Permit # _____	Permit Denied <input type="checkbox"/>	_____
Date _____	Date _____	Date _____

Large Small Animal Permit Application.docx 3/16

FOWL — Any two-legged, feathered, winged creature.

KENNEL — Any person engaged in the business of breeding, buying, selling or boarding dogs, cats and/or other domestic animals.

LIVESTOCK — All cattle, swine, horses, mules, bison, sheep, goats and other grazing animals.

OWNER — Any person, group of persons, association of persons, partnership or corporation who or which shall own, keep or harbor any animal or permit the same to habitually remain or be fed in or about such owner's premises.

RESTRAINT — An animal is under restraint only when controlled by a leash or when in the immediate company of a competent person and obedient to that person's command or when on or within a vehicle being driven or parked on the streets of the City.

WILD ANIMAL — Any live monkey or ape, raccoon, skunk, fox, opossum, coyote, wolf, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

**§ 213-3.2. Permit required for certain animals; venomous snakes prohibited; notice requirements.**

- A. It shall be unlawful for any person to keep, own or harbor any fowl, livestock, hoofed, exotic or wild animal within the City limits of the City of Seward unless a permit has been obtained. This section shall not apply to educational institutions, exhibitions sponsored by the Seward County Agricultural Society or veterinary clinics.
- B. Permits authorizing the keeping of fowl, livestock, hoofed, exotic or wild animals within the City limits shall be issued by the City Administrator in his sound discretion, with right of appeal to the City Council. The following criteria shall be considered by the City Administrator when issuing such permits:
- (1) The applicant must comply with all City, state and federal statutes regarding the animal in question.
  - (2) The applicant must provide proof that there are no objections from property owners or residents living within 200 feet in all directions from the property lines of the applicant.
  - (3) The applicant must provide a description of the type of enclosure for confinement of the animal, and the same must be suitable for the type of animal and approved by the City Administrator.
  - (4) The applicant, after issuance of the permit, must continue to comply with all City, state and federal statutes or the permit can be revoked by the City Administrator, subject to right of appeal to the City Council.
  - (5) The applicant must provide a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety and welfare of the citizens of the City of Seward.

C. No household or residence shall have more than three animals requiring a permit. This section shall not apply to small caged birds or aquatic or amphibious animals kept solely as pets.

D. No venomous snakes shall be permitted in the City of Seward.

E. Upon issuance of a permit authorized under this section, the permit holder shall immediately post a notice provided by the City which states "Animal(s) Requiring City Permit Located on the Premises." Such notice shall be displayed in a conspicuous location visible to the public at the front entrance of the house.

### § 213-3.3. Public nuisances prohibited.

It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon private property, noxious or offensive odors emanating from their living conditions or unsanitary living conditions shall be deemed a nuisance.

### § 213-3.4. Animals running at large prohibited.

It is unlawful for any animal to run at large within the City, except within the confines of an approved dog park. Every animal shall be considered running at large when it is physically off the property of the owner of the animal, and not under immediate restraint of a competent person.

## SCHUYLER

### 90.21 FOWLS; BANNED FROM MUNICIPALITY.

It shall be unlawful for any person to keep, maintain, or harbor, within the corporate limits of the city, any poultry, chickens, turkeys, geese, or other fowl. (1972 Code, § 6-121) (Ord. 869, passed 9-5-1996; Ord. 931, passed 12-5-2000; Ord. 2012-16, passed 2-19-2013) Penalty, see § [90.99](#)

## FAIRBURY

§ 94.02 PROHIBITED ANIMALS AND FOWL. (A) It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine, or other livestock. (Ord. 2389, passed 4-7-1987) (B) For the purpose of this section, the following definition shall apply: LIVESTOCK. Any animal which is kept for the use or profit of its owner. (C) It shall be unlawful for any person to keep or maintain within the corporate limits any poultry, chickens, turkeys, geese, or any other fowl. (Ord. 2391, 4-7-87) (Am. Ord. 2941, 6-20-06) Penalty, see § 10.99

## GRETNNA

### SECTION 3-303: CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS

A. It shall be unlawful for any person to permit or allow any chicken to run or fly at large within the corporate limits of the City.

B. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any cock or rooster chicken two (2) months of age or

older. The unlawful keeping or harboring of cocks 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 his/her/its care, custody or control any chicken without a valid permit issued by the City. The fee for such permit shall be established by the City. 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 City to own, keep, harbor, or have custody or control over a chicken are:

1. No more than four (4) chickens shall be permitted on any lot of one (1) acre or less. No more than ten (10) chickens shall be permitted on any lot of more than one (1) acre.

2. The chickens must be housed in a chicken facility and run approved by the City, such chicken facility and run to be maintained in compliance with all of the City'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 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 shall be of a waterproof hard-surfaced non-porous material;

f. The chicken facility shall provide not less than three (3) square feet per occupant chicken, and the run shall provide not more than eight (8) square feet per occupant chicken;

g. On lots less than one acre in size, the chicken facility shall not exceed an overall height of (8) feet and overall size of (32) square feet; on lots more than one acre in size, the chicken facility shall not exceed an overall height of (10) feet and an overall size of (80) square feet;

h. The chicken facility and run shall be located so as to be at least thirty (30) feet from any dwelling, front yard or side yard, street, public sidewalk, public building, park or recreation area; and

i. The chicken facility and run shall comply with all applicable city 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

5. The permit application shall be accompanied by adequate evidence, as determined by the City, that the applicant has notified all abutting property owners and residents of the property lines of the property on which the

chickens will be located, of the application. The City may consider resident objections in deciding whether to issue a permit under this section.

E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited.

(Am. by Ord. No. 999, 4/19/11)

## **HICKMAN**

### **SECTION 3-403: POULTRY; BANNED FROM CITY**

It shall be unlawful for any person to keep or maintain within the corporate limits any chickens, turkeys, ducks, geese, or any other poultry. (Neb. Rev. Stat. §17-547)

### **SECTION 3-404: POULTRY; RUNNING AT LARGE**

It shall be unlawful for any person to allow chickens, turkeys, ducks, geese, or any other poultry to run at large within the corporate limits. (Neb. Rev. Stat. §17-547)

## **YORK**

York does not allow chickens within fifty (50) feet of any building used as a residence, place of dwelling, or a place of business. No limit for the number of chickens and no permit required.

### **Sec. 7-3. - Proximity of animals and fowl to residences.**

(a) No person, whether as owner, bailee, keeper or custodian shall keep or maintain any horse, mule, sheep, goat, or rabbit within one hundred (100) feet of any part of any building used by another as a residence or place of dwelling or place of business; provided, no swine or bovine shall be kept or maintained within the corporate limits of the city.

(b) No person, whether as owner, bailee, keeper or custodian shall keep or maintain any chickens, ducks, turkeys, geese, or any similar fowl within fifty (50) feet of any building used by another as a residence, a place of dwelling or a place of business.

The restrictions set forth in subsections (a) and (b) of this section shall not be construed to apply to the use or employment of any building or premises now or hereafter erected or existing in the city if temporarily used for the weighing, loading or unloading of fowls of any description, immediately preceding or during transportation; nor shall the foregoing restrictions be construed to prevent the processing of animals or fowls for commercial purposes; nor shall the foregoing restrictions apply to animals kept or maintained on any school property.

(c) Any use of property within the city that complied with the requirements of this section and any amendments to the section shall be allowed to continue as long as the use of such property complies with any applicable requirements contained in the city zoning ordinance. However, the use of such property shall only be allowed to continue to the extent that the property was used at the time of the enactment of this ordinance or amendment of the ordinance, and no expansion of such use shall be permitted.

(Code 1955, § 2-203; Ord. No. 2149, § 1, 3-3-16; Ord. No. 2296, § 1, 8-19-21)

## **BEATRICE**

Beatrice does allow chickens within city limits. There is no limit on how many you can have. You can also have roosters, but they are subject to noise complaints like any other animal. There is no permitting process in place.

### **Sec. 5-17. - Animals running at large.**

It shall be unlawful for the owner or keeper of any animal to permit the same to run at large within the city at any time.

(Ord. No. 11-007, § 16, 4-18-11)

### **Sec. 5-29. - Animals; public nuisances; excretion; disturbing the peace.**

It shall be unlawful for any person owning, possessing, harboring or keeping any animal to do any of the following:

Permit an animal, whether restrained by a leash or not, to be present at any time upon the playing surface of any baseball or softball diamond, including foul territory thereof, or upon any football or soccer field. This provision shall apply to any such diamond or field owned or maintained by the city.

Permit an animal to unreasonably obstruct the use and enjoyment of property held by others in the community by allowing such animal to habitually bark, howl, yelp, bay or make other noise which by loudness or frequency causes a breach of the peace; provided, however, this section shall not apply to the animal shelter, and the business premises of licensed veterinarians.

Permit an animal to engage in menacing behavior including but not limited to the chasing of vehicles or the molesting or frightening of passersby or neighbors.

Any law enforcement officer, animal control officer or their designee may abate any of the above nuisances, either through issuance of a citation or impounding the animal.

(Ord. No. 11-007, § 28, 4-18-11)

## NEBRASKA CITY

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

(1) Any person who keeps hens or bantams in the City of Nebraska City 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).

(2) 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.

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

a. No more than four (4) hens and/or hen bantams may be kept on any one (1) zoning lot.

Hereinafter "hens" and "hen bantams" will be referenced collectively as "chickens."

b. The principal use of the property shall be a single-family dwelling, and the license applicant shall be the owner of the property.

c. No person shall keep any rooster.

d. No person shall slaughter any chickens.

e. 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.

f. 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.

g. No chicken enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.

h. No chicken enclosure shall be located closer than forty (40) feet to any residential structure on another person's property.

i. 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.