

**VILLAGE OF ALVO  
ORDINANCE NO. 12-01**

**AN ORDINANCE, AMENDING CHAPTER SIX, ARTICLE TWO, SECTION 6-302, ANIMALS; CONTROLLED WITHIN MUNICIPALITY; AMENDING SECTION 6-205; ANIMALS; ENCLOSURES AND ADDING SECTION 6-206; ANIMALS; DEFINITIONS AND SHORT TITLE; AND ADDING SECTION 6-207; CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS; AND ADDING SECTION 6-208; ANIMALS; PENALTY FOR VIOLATIONS**

**BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF THE VILLAGE OF ALVO, NEBRASKA:**

Section 1. That Section 6-206 of the Alvo Municipal Code be added to read as follows:

**6-206 ANIMALS; DEFINITIONS AND SHORT TITLE.**

- A. This Ordinance shall be known and may be cited as "The Alvo Animal Protection Ordinance." For the purpose of this Article, the following definitions shall prevail.
- B. Person. The word person shall include all natural persons, artificial persons, including, but not limited to, firms, partnerships, associations, corporations, companies, political and corporate bodies, societies, communities, the public generally, individuals, joint stock companies, and shall include all aggregate organizations of any character whatsoever.
- C. Pet Shop. The term "pet shop" shall mean any commercial retail establishment or premises or part thereof maintained for the purchase, sale, or breeding of animals of any type, and shall also include any places where cleaning, caring, and grooming services are provided for animals; Provided, however, that the term shall not include livestock auction houses, the place of business of licensed veterinarians, boarding kennels, or animal shelters.
- D. Owners. The term "owner" as used in this Article, shall mean any person or persons, who shall harbor or permit any animal to be in or about his, her, or its house, store, or enclosure, or to remain to be fed in or about his, her, or its house, store, or enclosure for a period of ten (10) days or more.
- E. Animal. The term "animal" shall mean any vertebrate member of the animal kingdom, excluding humans.

F. Unusual Animal. The term "unusual animal" shall mean any poisonous or potentially dangerous animal not normally considered domesticated and shall include animals prohibited by the Village of Alvo, State of Nebraska, or by Federal requirements, and also:

1. Class Mammalia; Order Carnivora, Family Felidae, (Such as lions, tigers, jaguars, leopards, and cougars) except commonly accepted domesticated cats and hybrids involving same; Family Canidae, (such as wolves, coyotes, and fox) except domesticated cats and hybrids involving same; Family Mustelidae, (Such as weasels, martins, fishers, skunks, wolverines, mink, and badgers); Family Procyonidae, (such as raccoon); Family Ursidae, (such as bears); Order Primata (such as monkeys and chimpanzees); and, Order Chiroptera (such as bats).
2. Poisonous reptiles, cobras, and their allies (Elapidae, Hydrophiidae); vipers and their allies (Crotalidae, Viperidae); boonslang and kirtland's tree snake; and gila monster (Heleodermatidae).

G. Livestock. The term "livestock" shall mean any domestic cattle, horses, mules, donkeys, sheep, goats, swine, or fowl.

H. Chicken. The term "chicken" shall mean a domesticated chicken (*Gallus domesticus*).

Section 2. That Section 6-202 of the Alvo Municipal Code be amended to read as follows:

**6-202 ANIMALS; UNUSUAL ANIMALS AND LIVESTOCK PROHIBITED; EXCEPTIONS.** It shall be unlawful for any person to own, harbor, or have under his or its care, custody, or control any unusual animal or livestock within the corporate limits of the Village, except as provided in this Section and Article. It shall be unlawful for any pet shop to sell, give, transfer, import into the corporate limits of the Village any unusual animal or livestock.

A. This Section shall not be construed to prohibit:

1. A public zoo, circus, Humane Society, or other public exhibition or carnival from displaying unusual animals or livestock as exhibits;
2. Primary or secondary schools, colleges or universities from using unusual animals or livestock for research or teaching;
3. Wildlife rescue organizations with appropriate permits from the Nebraska Game and Parks Commission from rehabilitation or sheltering unusual animals;
4. Individuals authorized by the State of Nebraska from sheltering animals belonging to a public zoo that require rehabilitation; or

5. Individuals from owning or possessing chickens provided such ownership and possession complies with Section 6-311 of this Article and all applicable zoning and building regulations.

Section 3. That Section 6-207 of the Alvo Municipal Code be added to read as follows:

**6-207 ANIMALS; CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS.**

- A. It shall be unlawful for any person to permit or allow any chicken to run or fly at large with the corporate limits of the Village.
- B. It shall be unlawful for any person to own, keep, harbor, or have under his or 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 or its care, custody or control any chicken without a valid annual permit issued by the Village. The fee for an annual chicken permit shall be established by the Village. 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 Village to own, keep, harbor, or have custody or control over a chicken are:
  - a. No more than three (3) chickens shall be permitted on any lot of one (1) acre or less. No more than four (4) chickens shall be permitted on any lot of more than one (1) acre.
  - b. The chickens must be housed in a chicken facility and run approved by the Village, such chicken facility and run to be maintained in compliance with all the Village's requirements as a condition of the permit. The requirements for the chicken facility and run include:
    - i. 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;
    - ii. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
    - iii. The chicken facility and run shall prevent chickens from roaming at large;
    - iv. 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;
    - v. The chicken facility shall be constructed of durable material and the flooring of any chicken facility shall be of a waterproof hard-surface non-porous material;
    - vi. The chicken facility shall provide not less than three (3) cubic feet per occupant chicken, and the run shall provide not more than five (5) cubic feet per occupant chicken;

- vii. The chicken facility and run shall be located so as to be at least thirty (30) feet from any dwelling, sidewalk, street, alley, road, public building, park or recreation area; and
  - viii. The chicken facility and run shall comply with all applicable Village building and zoning codes and must be consistent with the requirements of any land use regulation.
  - c. 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 sanitarly disposed of at least once every seven (7) days.
  - d. 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
  - e. The permit application shall be accompanied by adequate evidence, as determined by the Village, that the applicant has notified all property owners and residents within 150 feet of the property lines of the property on which the chickens will be located, of the application. The Village 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 Village shall be prohibited.

Section 4. That Section 6-208 of the Alvo Municipal Code be added to read as follows:


**6-208 ANIMALS; PENALTY FOR VIOLATION.** Except as otherwise provided in herein, any person upon whom a duty is placed by the provisions of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Article, shall be deemed guilty of a Class II Misdemeanor. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be fifty dollars (\$50.00). Each day such violation continues shall be deemed a separate offense.

Section 5. That any other ordinance or section passed and approved prior to the passage, approval, and publication or positing of this ordinance and in conflict with its provisions, is hereby repealed.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2012.



  
Ryan Anderson, Chairman