

**CITY OF GORDON, NEBRASKA
ORDINANCE NO. 1184**

AN ORDINANCE OF THE CITY OF GORDON, NEBRASKA AMENDING SECTION 2-501 OF THE MUNICIPAL CODE OF GORDON, NEBRASKA, PROVIDING FOR THE ALLOWANCE OF CHICKENS WITHIN THE CITY LIMITS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; ESTABLISHING DEFINITIONS; PROVIDING FOR PUBLICATION OF THIS ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GORDON, NEBRASKA:

SECTION 1. That Section 2-501 of the Gordon Municipal Code be amended as follows:

SECTION 2-501: ANIMALS BANNED FROM CITY, CHICKENS EXEMPTED UNDER CONDITIONS

1. 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 or any turkeys, geese, ducks or other fowl, provided however that this section shall not apply to chickens as described in subsection 3 herein.

2. It shall be unlawful for any person to harbor, maintain or control a wild, dangerous or undomesticated animal within the City. A “wild, dangerous or undomesticated animal” shall be one which is not of a species customarily used as an ordinary household pet, but one which would ordinarily (A) be confined to a zoo, (B) be found in the wilderness of this or any other country, or (C) cause a reasonable person to be fearful of bodily harm or property damage. Fish in an aquarium are not included in this definition. Nothing in this section is intended to prohibit a circus or other entertainment organization, an educational, scientific, or medical institution or the Department of Parks and Recreation from keeping such an animal where the same is securely and humanely confined.

3. A resident of the city may keep or harbor a maximum of six (6) chickens within the city limits and within the city’s extraterritorial zoning areas under the following conditions:

- A. A maximum of six (6) chickens may be kept or maintained for hobby, recreational, subsistence or non-commercial purposes;
- B. Chickens are defined as domestic fowl typically maintained on farms for their eggs or meat, provided however for purposes of this Section, chickens shall not include roosters. It shall be unlawful for any person to keep or maintain a rooster within the corporate limits of the city. Chickens do not include ducks, geese, turkeys, guinea fowl or any other fowl;
- C. All chickens shall be secured within coups, pens, enclosures or shelters which are located no closer than eight (8) feet to an adjacent property line and no closer than thirty (30) feet to a neighboring residence. All coups, pens, enclosures or shelters shall be maintained in rear yards. Rear yards are defined as that portion of property which extends from the rear of a dwelling to the alley. It shall be unlawful to harbor or maintain free roaming chickens, and it shall be unlawful to harbor or maintain chickens or chicken coups, pens, enclosures or shelters in front or side yards.

4. Violations of this section may be punishable by a fine in the amount of \$100.00 per occurrence. Every individual animal maintained or harbored in violation of this section shall be deemed to be one occurrence. Further, any police officer, animal control officer, or other person duly authorized by the City shall have the authority to enforce the provisions of this section, and may further take possession of any animal which the officer or authorized representative reasonably believes is being maintained, harbored or

possessed in violation of this section. If the person in possession of such animal refuses to relinquish possession of the animal, the officer or authorized person shall obtain an appropriate court order authorizing the seizure of such animal. Animals otherwise prohibited or banned by this section found in any public place or found unrestrained or running at large on any city street, sidewalk, public property, or property belonging to anyone who is not the owner of that animal may be seized without a warrant or court order. Any person or entity violating this section shall, in addition to any other penalty, forfeit the animal to the officer or authorized representative for destruction or disposition, and all costs of such seizure, disposition or destruction shall be assessed to the defendant or person in violation of this section.

SECTION 2: All ordinances or parts of an ordinance in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be published pursuant to law.

SECTION 4: The provisions of this ordinance are severable and the invalidity of any phrase, clause or part of this ordinance shall not affect the validity or effectiveness of the remainder of this ordinance.

SECTION 5: This ordinance shall be in full force and effect from and after it's approval, passage, and publication according to law.

PASSED AND APPROVED this 8th day of August, 2019.

CITY OF GORDON, NEBRASKA

ATTEST:

/s/ Nancy I Russell
NANCY I RUSSELL, Mayor

/s/ Kim Buchan
City Clerk