

ORDINANCE NO. 4415

AN ORDINANCE OF THE CITY OF HASTINGS, NEBRASKA, TO AMEND SECTION 34.315.01 OF THE OFFICIAL CITY CODE DEALING WITH LIMITED AGRICULTURE INSIDE AND OUTSIDE THE CORPORATE LIMITS OF THE CITY OF HASTINGS; TO AMEND SECTION 10-102 OF THE OFFICIAL CITY CODE DEALING WITH THE KEEPING OF ANIMALS WITHIN THE CITY OF HASTINGS; TO AMEND SECTION 10-105 OF THE OFFICIAL CITY CODE DEALING WITH ANIMALS RUNNING AT LARGE; TO REPEAL ANY ORDINANCES OR CITY CODE PROVISIONS INCONSISTENT HEREWITH; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HASTINGS, NEBRASKA AS FOLLOWS:

Section 1. That Section 34.315.01 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 34-315.01 Limited Agriculture.

1. Limited Agriculture inside of the corporate limits of the City of Hastings shall comply with the following:
 - a. A maximum of three (3) horses shall be permitted on lots with an area of two (2) acres or greater.
 - b. A maximum of two (2) horses shall be permitted on lots with an area less than two (2) acres.
 - c. All other hooved animals not specifically described above are limited to a maximum of two (2) animals per lot.
 - d. The following animals are prohibited: swine; ducks, geese, swans, turkeys, ostrich, emus, pheasants, quail, peacocks and other similar fowl.
 - e. Chickens are subject to the regulations found in Section 10-102 of this Code.

- f. For the purposes of this section multiple contiguous lots in common ownership which are not developed with another permitted principal use shall be deemed one lot.
 - g. Sites utilized for limited agriculture shall not produce noise that disturbs the peace and quiet of the neighborhood in which it is located.
 - h. Sites utilized for limited agriculture shall have all waste products, including animal waste, removed on a regular basis so as not to cause odor beyond the lot line of the property where the limited agriculture is conducted.
 - i. Sites utilized for limited agriculture shall internalize effects to the site, so as not to create a nuisance to neighboring properties.
 - j. Sites utilized for limited agriculture shall not produce effects or conditions that violate the provisions of Chapter 18, Offenses—Miscellaneous.
2. Limited Agriculture outside the corporate limits of the City of Hastings shall comply with the following:
- a. A maximum of two (2) livestock animals shall be permitted on lots with an area less than two (2) acres.
 - b. The maximum number of livestock animals shall be limited to 1 per acre for lots or parcels having an area greater than two (2) acres.
 - c. All livestock animals as allowed pursuant to the section shall be in an enclosed or fenced area which shall be kept in good repair so as to not allow the livestock animals to run at large or be off the owner's property.
 - d. Sites utilized for limited agriculture shall have all waste products, including animal waste, removed on a regular basis.
 - e. Sites utilized for limited agriculture shall internalize effects to the site, so as not to create a nuisance to neighboring properties.
 - f. Sites utilized for limited agriculture shall not produce effects or conditions that violate the applicable provisions of Chapter 18, Offenses—Miscellaneous.

Section 2. That Section 10-102 of the Official City Code be and the same is hereby amended to read as follows:

Sec. 10-102 Keeping of Animals Prohibited; Exceptions

It shall be unlawful for any person to keep, harbor or maintain inside the corporate limits of the City of Hastings any wild or domesticated animal, reptile or fowl, except as follows:

- (1) Dogs and cats may be kept, harbored and maintained within the City as provided in this Chapter.
- (2) Horses, ponies, llamas, donkeys, mules, sheep, swine, goats, cattle, and ducks, may be kept, harbored and maintained as provided in the Chapter 34 of this Code;

horses and ponies may be ridden within the City subject to any limitations contained in this Chapter.

(3) Chickens, kept only at a detached single family residential use, subject to the following provisions:

- A. Not Domesticated. For the purposes of this Chapter chickens shall not be considered to be domesticated animals.
- B. Number. No more than six (6) hens shall be allowed for each single family dwelling within the foregoing zoning districts.
- C. Setbacks. Coops or cages having chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line.
- D. Coops and cages shall not be located in the front yard.
- E. Enclosure. Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two (2) square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the coop or cage if necessary.
- F. Running at Large. Any chicken running at large on any of the public ways or upon the property of another within the City when caught by the animal control officer shall be disposed of.
- G. Sanitation. The coop or cage and outdoor enclosure must be kept in a sanitary condition and free from offensive odors to neighboring properties and prevent conditions that are unsanitary or unsafe. The coop or cage and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- H. Slaughtering. There shall be no outdoor slaughtering of chickens.
- I. Roosters and Crowing Hens. It is unlawful for any person to keep roosters or a hen which has developed the rooster-like quality of crowing or making crowing-like sounds.

(3) Canaries, parakeets, parrots, fish, hamsters, gerbils, guinea pigs, white mice or rabbits so long as they are confined within a residential structure or other building.

(4) Raptors kept by a person licensed under the laws of the State of Nebraska and in accordance with federal.

(5) Live bait, such as earthworms, minnows and crayfish for sale or for use.

(6) Amphibians and non-venomous reptiles as long as they are confined within an owner's dwelling unit or escape-proof enclosure compatible with the animals' welfare, and provided that all amphibians and non-venomous reptiles that are not native to Nebraska are registered with the Animal Control Officer on forms provided by the Animal Control Officer and a registration fee in the amount of five dollars (\$5.00) per animal is paid.

(7) The prohibitions of this Section shall not operate to prevent the keeping of prohibited animals by primary, secondary and post-secondary educational institutions for educational purposes.

(8) The prohibitions of this Section shall not operate to prevent the temporary storage or display of animals adjacent to and for use in connection with any veterinary clinic, packing plant, livestock sale yard, zoo, circus, rodeo, horse racing track, parade, county fair, or by a humane society or the City of Hastings Health Department.

(9) Upon the annexation of lands into the City where sheep, goats, cattle, horses, ponies, llamas, swine or fowl are kept, the person keeping said animals shall be allowed 30 months from the date of annexation to remove said animals, or to otherwise bring their property into compliance with this Section. During such time, the person granted said extension shall not:

- (a) Expand or enlarge the area within which the animals are kept; or
- (b) Increase the number or types of animals that are being kept there on the effective date of the annexation ordinance.

Section 3. That Section 10-105 of the Official City Code be and the same is hereby amended to read as follows:

10-105. Running at large.

No person having the charge, custody or control of any animal not specifically banned from the City, as provided by Section 10-102, or having charge, custody and control of any fowl of any kind, other than chickens which are subject to the provisions of Section 10-102, shall permit such animal or fowl to run at large in any of the public ways or upon the property of another within the City, or shall permit the same to be tethered or staked out in such a manner as to allow the animal to reach or pass into any public way or to reach or pass upon the property of another. The Mayor and Council hereby find and determine that animals or fowl so running at large upon the public ways or upon the property of another is a public nuisance and is hereby declared to be such.

Section 4. That all other ordinances or sections of the Official City Code in conflict with this ordinance be and the same are hereby repealed.

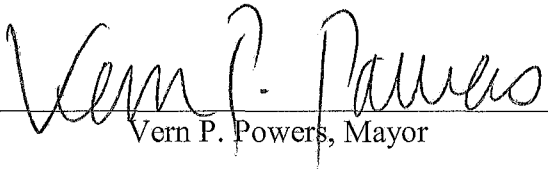
Section 5. That this ordinance shall take effect and be in full force and effect from and after its passage, approval and publication or posting as required by law, in its entirety or in pamphlet form. The effective date of this Ordinance shall be November 26, 2014, and this ordinance shall be included in the Hastings City Code Book.

PASSED AND APPROVED this 10th day of November, 2014.

ATTEST:




Connie Hartman, City Clerk



Vern P. Powers, Mayor





David H. Ptak, City Attorney