

ORDINANCE NO. 2023-3

**AN ORDINANCE AMENDING SECTION 3-302 OF THE REVISED MUNICIPAL CODE OF THE VILLAGE OF SPRAGUE, NEBRASKA; ADOPTING SECTION 3-307 OF THE CODE TO ALLOW THE KEEPING OF BACKYARD CHICKENS SUBJECT TO CERTAIN RESTRICTIONS; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; APPROVING PUBLICATION IN PAMPHLET FORM; AND DECLARING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE VILLAGE BOARD OF THE VILLAGE OF SPRAGUE, NEBRASKA, AS FOLLOWS:**

**SECTION 1. AMENDMENT:**

That Section 3-302 of the Code of the Village of Sprague, Nebraska, is hereby amended to read as follows:

**Section 3-302: FOWLS; RUNNING AT LARGE**

It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run at large within the corporate limits, except in enclosed places on private property which satisfy all of the requirements in Section 3-307. (Neb. Rev. Stat. § 17-547)

**SECTION 2. ADOPTION OF SECTION 3-307.**

That Section 3-307 of the Code of the Village of Sprague, Nebraska, is hereby adopted and shall read as follows:

**Section 3-307: KEEPING OF BACKYARD CHICKENS**

The keeping of hens and hen bantams (collectively referred to hereinafter as "chickens") in residential districts on property consisting of a single-family dwelling is allowed, subject to the following:

- A. Any person who keeps chickens in the Village of Sprague shall obtain a license from the Village prior to acquiring the chickens. Application shall be made to the Village Board, and the fee for the license shall be ten dollars (\$10.00).
- B. 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 chickens shall have obtained a new license on or before January 1st of each year. 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.

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

1. No more than twenty (20) chickens may be kept on one zoning lot.
2. The principal use of the property shall be a single-family dwelling.
3. No person shall keep any rooster.
4. No person shall slaughter any chickens.
5. 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.
6. 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.
7. No chicken enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.
8. No chicken enclosure shall be located closer than forty (40) feet to any residential structure on another person's property.
9. 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.
10. All feed and other items associated the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with the food and other associated items.

11. A person who has been issued a license freely and voluntarily consents to a search and examination of the chicken enclosure in his/her rear yard upon demand by any Police Officer or Code Enforcement Officer.

If any of the above requirements are not complied with, the Village may revoke any license granted under this section and/or initiate prosecution of the license holder and/or any other person violating the Code. Violations are misdemeanors punishable by Section 3-601 of this Code.

**SECTION 3. REPEAL:**

That all ordinances or portions of ordinances in conflict herewith are hereby repealed.

**SECTION 4. PUBLICATION AND EFFECTIVE DATE:**

This ordinance is adopted and approved for publishing in pamphlet form and shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 14 day of August, 2023.

VILLAGE OF SPRAGUE, NEBRASKA

/s/ Luke Foote  
Chairman



ATTEST:

/s/ Staci Hayden  
Village Clerk



**CERTIFICATION OF PASSAGE**

STATE OF NEBRASKA            )  
  ) ss.  
COUNTY OF LANCASTER        )

I, Staci Hayden, village clerk in and for the Village of Sprague, Nebraska, do hereby certify that Ordinance No 2023-3, where is herein set out, was duly passed by the Village Board on the 14 day of ~~March~~ <sup>August</sup>, 2023, and was duly approved by the chairman of said village on the same date. In testimony whereof, I have hereunto set my hand and affixed my official seal this 14 day of ~~March~~ <sup>August</sup>, 2023.

*August*

/s/ Staci Hayden  
Village Clerk

A handwritten signature in cursive script that reads "Staci Hayden". The signature is written in black ink and is positioned to the right of the typed name.

(SEAL)