

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE VILLAGE OF FUNK, NEBRASKA TO AMEND THE CODE OF ORDINANCES CHAPTER 90: ANIMALS; TO ALLOW NON-OWNER-OCCUPIED, SINGLE-FAMILY OCCUPANTS TO OBTAIN A PERMIT; TO PROVIDE FOR A CLAUSE THAT ALLOWS THE ISSUANCE OF PERMITS DISCLOSING ROOSTERS AND CHICKENS OR DUCKS IN EXCESS OF THE ALLOWABLE LIMIT; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON OF THE BOARD OF TRUSTEES OF THE VILLAGE OF FUNK, NEBRASKA.

Section 1. Village of Funk, Nebraska Code of Ordinances Chapter 90: Animals shall be amended by repealing Section 90.11(C)(5) and replacing it with the following:

Poultry

§ 90.11 POULTRY; CHICKENS AND DUCKS; PERMIT REQUIREMENTS; RESTRICTIONS.

(C) It shall be unlawful for any person to own, keep, harbor, or have under their care, custody, or control any chicken or duck without a valid annual permit issued by the Village. Permits are issued annually and run January 1st through December 31st.

5. Permits will be issued only to applicants residing in owner-occupied, single-family homes and only in residential zoning districts. It shall be within the discretion of the Village to issue a permit to an applicant of a non-owner-occupied, single-family home if the owner of the real estate is a signatory on the applicant's application for a permit.

Section 2. Village of Funk, Nebraska Code of Ordinances Chapter 90: Animals shall be amended by adding Section 90.11(F) as follows:

Poultry

§ 90.11 POULTRY; CHICKENS AND DUCKS; PERMIT REQUIREMENTS; RESTRICTIONS.

(F) The Village Board of Trustees acknowledges that a number of persons in the Village owned, kept and harbored certain poultry prior to the passage of this Ordinance that now causes them to be in violation of this Ordinance, specifically by owning chickens or ducks in excess of the limits allowed herein and owning roosters. No person who would otherwise be in violation of this ordinance on the basis of having an excess

number of chickens or ducks or by owning one or more roosters that makes application with the Village within six (6) months of the passage of this Ordinance and fully and accurately discloses the number of chickens, ducks or roosters owned and being kept by said person shall be required to remove said chickens, ducks or roosters for the life of that poultry. Provided, however, that upon the death of said chicken, duck or rooster that caused said person to be in violation of this Ordinance, said person expressly agrees not to replace said poultry so as to be in compliance with the requirements of this Ordinance.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4. All ordinances or parts thereof in conflict herewith, as written prior to the effective date of this Ordinance, are hereby repealed.

Section 5. This ordinance shall be published and shall take effect and be in full force from and after its passage, approval and publication as required by law.

Passed and Approved this 13th day of November, 2023.

VILLAGE OF FUNK, NEBRASKA
A MUNICIPAL CORPORATION

Chairperson, Board of Trustees

ATTEST: _____
Village Clerk/Treasurer