

ORDINANCE NO. 2023-06

AN ORDINANCE OF THE VILLAGE OF MALCOLM, LANCASTER COUNTY, NEBRASKA, TO ADD SECTION 6-6-210 AND AMEND SECTION 6-303; TO SUSPEND AND REPERMIT ANIMALS; TO ADD PERMIT REINSTATEMENT FEES; TO PROVIDE FOR PUBLICATION; TO REPEAL ANY CONFLICTING ORDINANCES; AND TO PROVIDE FOR AN EFFECTIVE DATE

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

**Section 1.** A new Section 6-210 shall be added to the Village Code as follows:

6-210 Animal Licenses and Permits

- (A) The Village Board of Trustees may suspend any animal license or permit for failure to comply with the terms and conditions of its issuance, in which case, written notice thereof shall be provided to the owner and/or applicant. The owner of the animal and/or applicant may appeal the suspension to the Board of Adjustment by written request delivered to the Village Clerk within five (5) days of receipt of the notice of suspension. The appeal hearing shall be held within thirty (30) days. A suspended permit shall only be reinstated upon sufficient showing that the violations have been remedied. The Village Board of Trustees may establish any reinstatement fees by separate resolution.
- (B) Any animals requiring a permit that are living within Village limits prior to the issuance of a permit, after the expiration of a permit, or during such time the permit is suspended, shall be deemed a nuisance subject to abatement. Any person who owns an animal requiring a permit inside Village limits without a proper permit shall also be guilty of a misdemeanor and subject to a fine not to exceed \$500.00 per animal.

**Section 2.** Section 6-303 of the Village Code is hereby amended as follows:

**§ 6-303 Chickens; Permits; Regulations; Penalty**

- (A) The keeping of chickens (*Gallus gallus domesticus*) shall be allowed within corporate limits under express conditions detailed herein.
- (B) No more than ~~three (3)~~ six (6) hens shall be allowed per household. No roosters or other fowl shall be allowed within corporate limits.
- (C) All chickens shall be kept in an enclosed pen in the backyard of the homeowner's property. Such enclosure shall be secure and maintained in a clean condition, free of accumulated refuse, manure, and debris.
- (D) All prospective chicken owners must obtain a permit from the Village of Malcolm on an annual basis. The permit fee shall be set by separate resolution.
- (E) Breeding of chickens is prohibited within corporate limits.
- (F) The owner of any chickens causing damages to property or persons shall be liable for such damages to the person(s) injured.

(G) Any person(s) in violation of any provision of this section shall ~~forfeit their current chicken permit and shall not be eligible to obtain a permit in the future~~ be subject to permit suspension under section 6-210. The owner of the chicken(s) in violation of this provision may be assessed the costs for boarding, care, and disposal of said animals.

**Section 3.** The permit fee is set at \$25.00 per year for up to ~~three (3)~~ six (6) chickens and shall be included in the Master Fee Schedule.

**Section 4.** Any conflicting provisions in the Malcolm Village Code or other ordinances are hereby repealed. All other provisions in Village Code Chapter 6 shall remain in full force and effect except as revised herein.

**Section 5.** This ordinance shall be published in book or pamphlet form and posted in three (3) public locations in the Village of Malcolm. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

SUSPEND  
READINGS  
(3/4 VOTE)

9/6/23

FIRST READING

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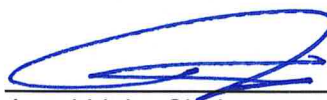
SECOND READING

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THIRD READING

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PASSED AND APPROVED THIS 6<sup>TH</sup> DAY OF SEPTEMBER 2023



Jerad Little, Chairperson, Board of Trustees

ATTESTED AND PUBLISHED IN BOOK OR PAMPHLET FORM AND BY POSTING IN THE VILLAGE HALL, POST OFFICE, AND FIRE STATION PER § 1-405 AND § 1-410 OF THE MALCOLM MUNICIPAL CODE WITHIN FIFTEEN (15) DAYS OF PASSAGE ON THE 6<sup>TH</sup> DAY OF SEPTEMBER 2023.



Nadine Link, Village Clerk

