

ORDINANCE 68

AN ORDINANCE TO PROVIDE FOR GENERAL WELFARE AND TO PROTECT PUBLIC HEALTH BY REGULATING THE KEEPING OF ANIMALS AND FOWL WITHIN THE VILLAGE OF BIRD ISLAND, AND PROVIDING PENALTIES FOR VIOLATION THEREOF

The Village Council of the Village of Bird Island hereby Ordains:

Section 1. No horse, mule, donkey, pony, cow, goat, sheep, swine or animal raised for fur bearing purposes and not more than two dogs, cats, rabbits, guinea pigs, ducks, turkeys or geese more than four months old, and not more than fifty chickens more than four months old, shall be kept on any premises within the village limits of Bird Island unless a special permit therefore is issued by the Board of Health of the Village after an inspection of the premises and a finding of fact that no nuisance will be created thereby and approved by majority vote of the Village Council. Such permit shall be issued only in the following cases:

(1) where such animals or fowl were being lawfully kept on such premises prior to the enactment of this ordinance;

(2) where such animals or fowl were being lawfully kept on such premises after the enactment of this ordinance in an area which was excepted from the operation of this ordinance as hereinafter provided but which subsequently became a restricted district;

(3) where full compliance with this ordinance has been made. Such permit shall be for one year and shall not be renewed without a reinspection.

Section 2. (a) Every building, structure, pen, coop or yard, wherein such animals or fowl are kept, shall be kept in a clean and sanitary condition, devoid from all rodents and vermin and free from objectionable odor at all times and the interior walls, ceilings, floors, partitions and appurtenances of all such structures shall be whitewashed or painted annually or oftener as the Board of Health shall direct.

(b) No such building, structure, pen, coop or yard, wherein such animals or fowl are kept, shall be maintained closer than one hundred feet to any building used for school, religious or hospital purposes, or where food or loading are furnished, or to any dwelling or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept.

(c) No manure shall be allowed to accumulate on any premises as covered by this ordinance unless the same is kept in a receptacle which shall be water tight and fly tight and of sufficient size and capacity. Such receptacle shall be kept securely covered at all times except during the deposit or removal of manure and refuse, and shall be emptied sufficiently often and in such manner as to prevent it from becoming a nuisance.

(d) No manure, refuse or rubbish shall be dumped or left on any street, alley, sidewalk nor on any open area or lot in any inhabited portion of the village, neither shall any manure, refuse or rubbish be used to grade in whole or any part of any sidewalks, street or area or lot in said section unless said manure, refuse and rubbish is completely covered with at least four inches of dirt. This shall not apply to the usual and reasonable scattering and spreading of manure for fertilization purposes.

(e) The Board of Health shall, if it deems it necessary to avoid a nuisance, require that any such building be screened tightly against flies and/or that it be provided with running water, drain sewer connection, flooring impervious to water and that such other measures be taken as may be necessary to insure proper protection to public health and safety.

Section 3. No person shall suffer or permit any horse, mule, donkey, pony, cow, goat, sheep, swine, rabbit, chicken, goose, turkey or duck of which he is the owner, caretaker, or custodian, to be at large within the village. Any such creature shall be deemed to be at large when it shall be off the premises owned or occupied by its owner, caretaker or custodian and unaccompanied by such owner or custodian or his or their agent or employee.

Section 4. (a) This ordinance shall not apply to those outlying districts where there are not more than three residences, other than that occupied by the owner or occupant of the premises upon which such animals or fowl are kept, within a distance of three hundred feet of the structure, housing or enclosure of said animals or fowl, nor shall said ordinance apply to agriculture lands used for agriculture purposes only, consisting of five acres or more.

(b) This ordinance shall not apply to produce stations and hatcheries engaged in the business of buying, selling and hatching of such animals or fowl, provided, however, that the keeping thereof shall be done so as not to create a nuisance.

Section 5. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be deemed guilty of a misdemeanor and punished by a fine of not more than one hundred dollars and costs, or by imprisonment in the county jail for not more than ninety days.

Section 6. Unconstitutionality of a section, provision or part of this ordinance shall not in any wise affect any other part, provision or section thereof.

Section 7. All ordinances or parts thereof inconsistent herewith are hereby repealed.

Section 8. This ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Village Council this 3rd day of August, 1944.

Mike Sanger, Mayor

Gustave Steffen, Clerk

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