

ORDINANCE NO. 146

AN ORDINANCE REGULATING THE KEEPING OF FOWL (DUCKS, CHICKENS, PIGEONS, PHEASANTS, TURKEYS, ETC.) WITHIN THE LIMITS OF THE TOWN OF LYMAN.

WHEREAS the keeping of fowl has become a nuisance within the Town of Lyman with birds running at large,

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LYMAN;

SECTION 1 It is unlawful for any person, firm, company or corporation to permit any chickens, ducks, geese, turkeys, or other domestic or wild fowl belonging to them or under their control to run at large within the city limits.

SECTION 2 Fowl, as described above, shall be deemed running at large within the meaning of this section when off the owner's premises.

SECTION 3 It is unlawful for any person, firm, association, corporation or partnership to raise, care for, breed, maintain or induce the propagation of fowl for resale or profit within the corporate limits of the Town of Lyman.

SECTION 4 It shall be unlawful for any person, firm, company or corporation to keep or allow to be kept, any fowl, if they are bothersome, dangerous, nauseous, or offensive to adjacent property owners, or constitute a nuisance, which determination shall be made by the town council after written complaint and a hearing thereon.

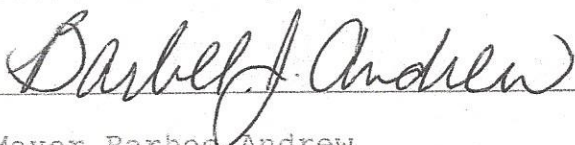
SECTION 5 When a person shall complain in writing to the clerk/treasurer, the Town shall notify the owner of the filing of such complaint and shall also transmit to the owner a copy of such complaint. The clerk/treasurer shall fix a time, not less than 10 days, in which the person named in the complaint shall remove or abate the situation complained of, and in the event said situation is abated or removed, no further proceedings shall be had hereunder.

SECTION 6 Any person who maintains fowl in violation of this ordinance, shall be deemed to have committed a misdemeanor and shall incur a penalty in an amount not to exceed \$100.00 per violation. Each day the fowl is maintained in violation of this ordinance shall constitute a separate violation.

SECTION 7 If any section, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not effect the validity of the remaining portions of this ordinance.

SECTION 8 This ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

February 14, 1994


Mayor Darbee Andrew

Attested to: