

WAHOO CITY COUNCIL AGENDA
Tuesday, July 28, 2026 - 7:00 PM
Wahoo Public Library, 637 N Maple St, Wahoo, NE 68066

NOTICE IS HEREBY GIVEN that the Mayor and Council of the City of Wahoo meet on the second and fourth Tuesdays of each month at the Wahoo Public Library, 637 N Maple Street Wahoo, Nebraska, at 7:00 p.m. Notice of special meetings shall be given by posting a notice thereof on the bulletin board in City Hall, U.S. Post Office, and FirstBank of Nebraska, at least 24 hours before the special meeting. All Council meetings are open to the public and the agenda, which is kept continually current, is available for public inspection at the office of the City Clerk at City Hall during normal business hours.

Individuals requiring physical or sensory accommodations, individual interpreter service, Braille, large print or recorded material, please contact the ADA Coordinator at City Hall, 637 N Maple St, Wahoo, Nebraska, 68066, telephone 402-443-3222 as far in advance as possible, but no later than 48 hours before the scheduled event.

Pledge of Allegiance

Announcement of the Open Meetings Act

Call to order and roll call

Proclamation

Audience comments on items not listed on the agenda

Department head reports

1. Library
2. Parks and Recreation

Consent Agenda

1. Acceptance of excused absence of Mayor or Council member(s)
2. Approval of the July 14, 2026 minutes of the City Council
3. Approval of invoice in the amount of \$16,022.55 to JEO for professional services through July 17, 2026, for the Wahoo Downtown Revitalization
4. Appointment of Jon Gross-Rhode to the Airport Authority Board
5. Approval of Logan Kleffner as a volunteer fire fighter
6. Approval of claims

Public hearing and associated action items

1. Application for a Rezone at County Road 15 and County Road O from TA to LLR
2. Approval of an amendment to Zoning Regulations regarding definition of single-family dwellings.

Action items not requiring a public hearing

1. Discussion and possible action directing staff on the topic of backyard chickens
2. Approval of an Ordinance to amend the ATV/UTV regulations to allow for use after dark
3. Approval of an Ordinance to amend on street parking permit process
4. Approval of an ordinance to amend Ordinance No 2491 regarding the vacation of an Alley between Ninth and Tenth connecting Sycamore and Walnut Streets
5. Acceptance of the 2025 Utilities audit
6. Consideration of a waiver of fees for the building permit for the amphitheater project located on NRD property.

Mayor's comments on items not listed on the agenda

Council Comments on items not listed on the agenda

Adjourn

Upcoming planned meeting dates and agenda deadlines

How Much Does Your Library Benefit Your Community?

Wahoo Public Library, WAHOO

Local, State, and Federal revenue (cost to taxpayers): **\$402,006**

Total amount that residents would spend without a library: **\$690,658**

Population of library legal service area (population served): **4,970**

Average annual cost per resident: **\$81**

What would it cost if the library did not exist? The following shows what residents would pay for some of the materials and services provided by the library. The number of uses are based on 2024-25 fiscal year statistics.

Category	Number of Uses/Circulation	Average Cost	What Residents Would Spend On Their Own
Adult Items (non-electronic)	10,302	\$20.00	\$206,040
Adult Electronic Items (eBooks and Audiobooks)	10,251	\$9.99	\$102,407
Children's Items (non-electronic)	20,661	\$15.00	\$309,915
Children's Electronic Items (eBooks and Audiobooks)	3,564	\$9.99	\$35,604
Computer Uses	1,248	\$29.40	\$36,691
Total Amount That Residents Would Spend Without a Library			\$690,658
Total Operating Revenue (Cost to Taxpayers)			\$402,006
Savings			\$288,652

Libraries also offer programs and other services, which are valuable to the community but are difficult to assign a value. Here are the number of programs offered by the Wahoo Public Library in the 2024-25 fiscal year, and number of attendees:

Programs (Audience)	Number of Programs	Number of Attendees
Children's	180	3,866
Young Adult	0	0
Adult/General Interest	99	721
Total	279	4,587

Explanation of Calculations/Values

Adult Items (non-electronic)	\$20.00 (average price of new purchase of hardbacks, paperbacks, CD's, and DVD's)
Adult Electronic Items (eBooks and Audiobooks)	\$ 9.99 (typical download from Amazon or similar services, although the average price of Audiobooks is between \$20 and \$30)
Children's Items (non-electronic)	\$15.00 (average price of children's hardbacks, paperbacks, CD's and DVD's)
Children's Electronic (eBooks and Audiobooks)	\$ 9.99 (typical download from Amazon or similar service)
Computer Use	\$29.40 (Office supply store cost (e.g. Kinkos) for 1 hour @ .49/minute)
Wi-Fi Use	\$5.00 (Restaurants provide free Wi-Fi with purchase. \$5.00 represents an average purchase during visit)

LIBRARY SERVICES PROVIDED THAT ARE **NOT** INCLUDED IN THESE CALCULATIONS:

Meeting Room Use
Library Programs (Adult, Young Adult, Children's, and Early Literacy)
Reference Transactions
Use of Databases/Electronic Collections
Use of Newspapers and Magazines (both paper and electronic)
Computer/Electronic Device Training and Assistance
Homework Help
Outreach Programs
Use of Makerspace Equipment

The Council met in Regular session in the Wahoo Public Library, in compliance with the agenda posted at City Hall, Post Office, and First Bank of Nebraska, and the City of Wahoo website, with each Council member being notified of the agenda prior to the meeting. The meeting was called to order by Mayor Gerald D. Johnson at 7:00 PM and opened with the Pledge of Allegiance. The public was informed of the location of posting of the Open Meetings Law. Roll call was taken with the following Council members: Ryan Ideus: Present, Stuart Krejci: Present, Patrick Nagle: Present, Chris Rappl: Present, Shane Sweet: Present, Carl Warford: Absent.

Six members of the community came and spoke to the City Council requesting that they consider amending municipal code to allow backyard chickens.

Rhonda Andresen, County Assessor, spoke to the process for setting property valuation assessments

City Administrator Harrell spoke to an upcoming meeting for the Nebraska Department of Roads regarding the expansion of Hwy 77 between Wahoo and Fremont.

City Council Member Krejci motioned, and City Council Member Ideus seconded to approve the consent agenda which included acceptance of excused absence of Carl Warford, approval of the June 23, 2026, minutes of the City Council, approval of membership with SENDD for 2026-2027, approval of claims from SENDD for general administration of CDBG25PP012 (DTR) - Invoices 1-5 for a total of \$2,193.33, and approval of the following claims:

BEN – Benefits 7/3/26 \$18,757.74, Benefits 7/17/26 \$53,832.29,
BLD - Heartland Office Cleaners \$1,040.00, Jackson Services \$26.39,
COM – Reditech \$5,293.99,
EDU – Benchmark \$1,145.50, City of Hickman \$1,088.77, Ne Law Enforce Train \$75.00, ES OPCO USA \$5,020.00, Wonderful Life Project \$133.23, Wynn, Joseph \$38.00,
EQU – Hometown Leasing \$83.00,
LIB – Ingram \$295.76, Midlands Business Journal \$84.00, Midwest Tape \$446.83,
MED – Airgas \$31.93, BoundTree \$1,623.28, One Billing Solutions \$5,131.88, Sykes \$1,326.00,
MEM – SENDD - \$3,570.00,
MISC - Black Dragon \$500.00, Boom Brothers \$500.00, KaBoomers \$500.00, Lincolnshire Investments \$1,250.00, Wahoo Area Econ Dev \$7,500.00, Wahoo Parks and Rec \$70,000.00,
PAY – Payroll 7/3/26 \$150,808.87, Payroll 7/17/26 \$138,562.86
POS – Revolving Fun \$691.65,
PRO - Bromm Lindahl \$2,250.00, Cline Williams \$96.00, Hake Catering \$1,578.58, JEO \$5,310.00, One Call Concepts \$74.60,
STR - City of David City \$500.00, National Concrete Cutting \$1,853.85, Otte Oil & Propane \$361.80, Pavers \$1,905.62, Wahoo Concrete \$207.50,
SUB – Caselle \$1,508.52, Revize Software Systems \$1,855.00,
SUP – Amazon \$657.76, Bomgaars \$71.92, First Edition Printing \$289.02, Simons \$262.27,
TAX – NE Dept of Revenue \$377.00,
UNI - Great Plains Uniforms \$399.48, Rivalry \$166.00,

UTL - AT&T \$230.82, Butler Public Power \$45.71, Verizon \$690.63, Wahoo Utilities \$5,568.00,
Waste Connections \$262.82,
VEH – Wahoo Auto Parts \$110.63

Roll call vote Krejci, yes; Ideus, yes; Sweet, yes; Warford, absent and not voting; Rappl, yes; Nagle, yes.
Motion carried.

The City Council convened as the Board of Equalization.

A hearing on the proposed assessments for improvements in the Wilmer Ridge Subdivision was opened at 7:46pm. City Administrator Harrell spoke to the calculation of the assessments for both Wilmer Ridge and North Highlands Phase II subdivisions.

City Council Member Krejci motioned, and City Council Member Sweet seconded to close the hearing at 7:51pm. Roll call vote Krejci, yes; Sweet, yes; Warford, absent and not voting; Ideus, yes; Rappl, yes; Nagle, yes. Motion carried.

City Council Member Krejci motioned, and City Council Member Ideus seconded to approve Resolution No 2026-17 levying special assessments against the properties within Wilmer Ridge Subdivision and set a 6% interest rate to be applied to unpaid principal balances.

RESOLUTION NO. 2026-17

RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2022-01, WATER IMPROVEMENT DISTRICT NO. 2022-01, SANITARY SEWER EXTENSION DISTRICT NO. 2022-01, AND STORM SEWER DISTRICT NO. 2022-01.

WHEREAS, Notice has been supplied as provided by law concerning the levy of special assessments in Street Improvement District No. 2022-01, Water Improvement District No. 2022-01, Sanitary Sewer Extension District No. 2022-01, and Storm Sewer District No. 2022-01 with a copy of said Notice has been mailed to all owners of property in said Districts as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said Districts proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT FURTHER RESOLVED, that the special assessments are adjusted as follows:

No Adjustments

BE IT FURTHER RESOLVED, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, special assessments in Street Improvement District No. 2022-01, Water Improvement District No. 2022-01, Sanitary Sewer Extension No. 2022-01, and Storm Sewer District No.

2022-01 shall bear interest thereafter at the rate of 1% plus average borrowing rate for a total of (6.00%) per centum per annum from the date of this resolution until delinquent. Such assessments shall become delinquent as follows: One tenth of the total amount shall become delinquent fifty days after such levy; one tenth in one year; one tenth in two years; one tenth in three years; one tenth in four years; one tenth in five years; one tenth in six years; one tenth in seven years; one tenth in eight years and one tenth in nine years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at any time at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedules be filed by the City Clerk/Treasurer and with the County Treasurer and the County Clerk of Saunders County, Nebraska as provided by law for entry on the proper tax rolls and that the City Treasurer shall account for all monies received on these assessments.

PASSED this 14th day of July, 2026.

ATTEST:

Gerald D. Johnson, Mayor

Christina Fasel, City Clerk

Roll call vote Krejci, yes; Ideus, yes; Sweet, yes; Warford, absent and not voting; Rappl, yes; Nagle, yes. Motion carried.

A hearing on the proposed assessments for improvements in the North Highlands Phase II Subdivision was opened at 7:55pm.

City Council Member Rappl motioned, and City Council Member Krejci seconded to close the hearing at 7:57pm. Roll call vote Rappl, yes; Krejci, yes; Nagle, yes; Warford, absent and not voting; Ideus, yes; Sweet, yes. Motion carried.

City Council Member Krejci motioned, and City Council Member Ideus seconded to approve Resolution No 2026-18 levying special assessments against the properties within North Highlands Phase II Subdivision and set a 6% interest rate to be applied to unpaid principal balances.

RESOLUTION NO. 2026-18

RESOLUTION MAKING ASSESSMENTS IN STREET IMPROVEMENT DISTRICT NO. 2023-01, SANITARY SEWER EXTENSION DISTRICT NO. 2023-01, AND STORM SEWER DISTRICT NO. 2023-01.

WHEREAS, Notice has been supplied as provided by law concerning the levy of special assessments in Street Improvement District No. 2023-01, Sanitary Sewer Extension District No. 2023-01, and Storm Sewer District No. 2023-01 with a copy of said Notice has been mailed to all owners of property in said Districts as provided by law, and

WHEREAS, a hearing has been conducted as provided by law relative to the levy of special assessments in said Districts proposed to be levied against said lots and parcels of ground on account of the construction of the improvements hereinbefore described; and

BE IT FURTHER RESOLVED, that the special assessments are adjusted as follows:

No Adjustments

BE IT FURTHER RESOLVED, that the said assessments against said lots, parts of lots and parcels of land are hereby declared to be in proportion to the special benefits conferred upon said property by said improvements and not in excess of such benefits or of the cost of the improvements;

BE IT FURTHER RESOLVED, that all special assessments above provided for shall become due in fifty (50) days after the date of the passage of this resolution and may be paid within that time without interest, but if not so paid, special assessments in Street Improvement District No. 2023-01, Sanitary Sewer Extension No. 2023-01, and Storm Sewer District No. 2023-01 shall bear interest thereafter at the rate of 1% plus average borrowing rate for a total of (6.00%) per centum per annum from the date of this resolution until delinquent. Such assessments shall become delinquent as follows: One tenth of the total amount shall become delinquent fifty days after such levy; one tenth in one year; one tenth in two years; one tenth in three years; one tenth in four years; one tenth in five years; one tenth in six years; one tenth in seven years; one tenth in eight years and one tenth in nine years.

Delinquent installments shall bear interest at the rate provided by law until paid and shall be collected in the usual manner for the collection of taxes. Installments may be prepaid at any time at the option of the property owner as provided by law.

AND BE IT FURTHER RESOLVED, that a certified copy of said assessment schedules be filed by the City Clerk/Treasurer and with the County Treasurer and the County Clerk of Saunders County, Nebraska as provided by law for entry on the proper tax rolls and that the City Treasurer shall account for all monies received on these assessments.

PASSED this 14th day of July, 2026.

ATTEST:

Gerald D. Johnson, Mayor

Christina Fasel, City Clerk

Roll call vote Krejci, yes; Sweet, yes; Warford, absent and not voting; Ideus, yes; Rappl, yes; Nagle, yes.
Motion carried.

The Council returned to regular session at 7:58pm.

City Council Member Rappl motioned, and City Council Member Krejci seconded accept the new pumper truck and authorized final payment. Roll call vote Rappl, yes; Krejci, yes; Nagle, yes; Warford, absent and not voting; Ideus, yes; Sweet, yes. Motion carried.

City Council Member Krejci motioned, and City Council Member Nagle seconded to adopt the changes to NE Statutes affecting micro-TIF. Roll call vote Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes. Motion carried.

City Council Member Krejci motioned, and City Council Member Nagle seconded to approve the third and final reading of Ordinance No 2504 regarding the annexation of Krumel Industrial Subdivision.

ORDINANCE NO. 2504

AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO ANNEX THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT:

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH P.M., SAUNDERS COUNTY, NEBRASKA, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, KRUMEL INDUSTRIAL SUBDIVISION; THENCE S04°14'09"E (ASSUMED BEARING) O THE EAST LINE OF SAID KRUMEL INDUSTRIAL SUBDIVISION, A DISTANCE OF 1777.24 FEET TO THE SOUTH LINE OF A TRACT OF LAND DESCRIBED IN GENERAL BOOK 413, PAGE 880; THENCE N88°15'57"E ON SAID SOUTH LINE, A DISTANCE OF 400.38 FEET; THENCE S04°14'09"E, A DISTANCE OF 537.87 FEET TO THE NORTH RIGHT OF WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S88°17'27"W ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1063.24 FEET TO A POINT OF CURVATURE; THENCE WESTERLY CONTINUING ON SAID NORTH RIGHT OF WAY LINE, ON A 2095.80 FOOT RADIUS CURVE TO THE LEFT, AN ARC DISTANCE OF 217.89 FEET, THE CHORD OF SAID CURVE BEARS S85°25'54"W, A DISTANCE OF 217.79 FEET TO THE WEST LINE OF SAID NORTHWEST QUARTER, THENCE S85°45'51"W, PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 33.00 FEET TO THE WEST RIGHT OF WAY LINE OF COUNTY ROAD 16; THENCE N04°14'09"W ON SAID WEST RIGHT OF WAY LINE, PARALLEL WITH AND 33.00 FEET DISTANT FROM SAID WEST LINE, A DISTANCE OF 765.15 FEET; THENCE N85°45'51"E, PERPENDICULAR TO SAID WEST LINE, A DISTANCE OF 33.00 FEET TO SAID WEST LINE; THENCE NORTHERLY ON THE EASTERLY RIGHT OF WAY LINE OF OLD HIGHWAY 77, THE FOLLOWING 5 COURSES: N85°45'51"E, 33.00 FEET; N01°01'23"E, 72.27 FEET; N00°23'23"W, 452.92 FEET; N04°14'09"W, 500.00 FEET; N01°36'05"E, 417.67 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 77 AND NEBRASKA HIGHWAY 92 AS DESCRIBED IN INSTRUMENT NO. 2023-07188; THENCE N62°52'08"E ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 157.00 FEET; THENCE N67°08'02"E CONTINUING ON SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 187.45 FEET; THENCE N89°14'03"E ON SAID SOUTHERLY RIGHT OF WAY LINE AS DESCRIBED IN GENERAL BOOK 494, PAGE 425, A DISTANCE OF 354.93 FEET; THENCE SOUTHWESTERLY CONTINUING ON SAID SOUTHERLY RIGHT OF WAY LINE ON A 1055.22 FOOT RADIUS, NON-TANGENT CURVE TO THE LEFT, AN ARC DISTANCE OF 46.19 FEET, THE CHORD OF SAID CURVE BEARS

S65°10'24"W, A DISTANCE OF 46.19 FEET; THENCE N86°05'31"E CONTINUING ON SAID SOUTHERLY RIGHT OF WAY LINE AS DESCRIBED IN GENERAL BOOK 297, PAGE 317, A DISTANCE OF 134.22 FEET TO THE POINT OF BEGINNING, CONTAINING 49.47 ACRES, MORE OR LESS

TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, AND BY SAID ANNEXATION, TO MAKE SAID ABOVE-DESCRIBED REAL ESTATE A PART OF THE CORPORATE LIMITS OF THE CITY OF WAHOO, NEBRASKA; THAT AN ACCURATE MAP OR PLAT OF THE ABOVE DESCRIBED REAL ESTATE BE RECORDED IN THE OFFICES OF THE SAUNDERS COUNTY REGISTER OF DEEDS AND SAUNDERS COUNTY ASSESSOR; THAT THE INHABITANTS OF THE ABOVE-DESCRIBED REAL ESTATE RECEIVE SUBSTANTIALLY THE SAME BENEFITS AS OTHER INHABITANTS OF THE CITY OF WAHOO, NEBRASKA, AND THAT GOVERNMENTAL AND PROPRIETARY PLANS FOR THE FURNISHING OF SAID BENEFITS BE ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, NOT LATER THAN ONE YEAR AFTER THE DATE OF ANNEXATION OF THE ABOVE DESCRIBED REAL ESTATE; THAT ALL INHABITANTS OF THE ABOVE DESCRIBED REAL ESTATE SHALL BE SUBJECT TO THE ORDINANCES AND REGULATIONS OF THE CITY OF WAHOO, NEBRASKA, UPON THE EFFECTIVE DATE OF THIS ORDINANCE; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE WAHOO MUNICIPAL CODE.

Roll call vote Krejci, yes; Nagle, yes; Sweet, yes; Warford, yes; Ideus, yes; Rappl, yes. Motion carried.

City Council Member Ideus motioned, and City Council Member Sweet seconded to approve a contract with Revize for the development of a new website for the City of Wahoo. Roll call vote Ideus, yes; Sweet, yes; Warford, yes; Rappl, yes; Krejci, yes; Nagle, yes. Motion carried.

City Council Member Sweet motioned, and City Council Member Krejci seconded to approve Resolution No 2026-19 declaring property as surplus.

RESOLUTION NO. 2026-19

WHEREAS, the City of Wahoo, Saunders County, Nebraska, is the owner of the following described personal property, to wit:

2009 Spartan Motors Inc Fire Truck – VIN 1S9508339S936150

and,

WHEREAS, the City of Wahoo, Nebraska, does not have a present need to retain ownership of said above described personal property, and,

WHEREAS, the City of Wahoo, Nebraska, deems it in the best interests of the citizens of the City of Wahoo, Nebraska, that said personal property be disposed of, as set forth herein,

WHEREAS, the City of Wahoo, Nebraska, has determined that the fair market value of the above described personal property is more than \$5,000.00

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the above described personal property be sold by either sealed bid and/or public sale on a date, time, as advertised in a Notice of Sale of Personal Property posted in three public places in the City of Wahoo, Nebraska, immediately after the passage of said Resolution and not later than seven (7) days prior to the sale of said items, as shall be evidenced by a Notice of Posting of the City of Wahoo Clerk, and,

2. That pursuant to Neb. Rev. Stat. §17-503.01, confirmation of the sale of said personal property by an ordinance is not required.

3. That the City of Wahoo, Nebraska, through the Clerk of the City of Wahoo, Nebraska, shall provide a bill of sale and/or certificate of title to the above personal property indicating that said personal property is being sold "as is" without warranty as to fitness or merchantability for any purpose and that buyer thereof assumes all risks from the utilization of said personal property upon buyer's possession of said items of personal property.

4. That buyer shall receive possession of the above-described items of personal property upon payment in full of the purchase price for each item.

PASSED AND APPROVED this 14th day of July 2026

CITY OF WAHOO, NEBRASKA

By: _____
Gerald Johnson, Its Mayor

ATTEST:

Christina Fasel, Clerk

Roll call vote Sweet, yes; Krejci, yes; Ideus, yes; Warford, yes; Rappl, yes; Nagle, yes. Motion carried.

Discussion was held regarding an amendment to on-street parking permit process.

The meeting was adjourned at 8:46pm

Approved:

Christina Fasel, City Clerk

Gerald D. Johnson, Mayor

GL Account and Title	Vendor Name	Description	Invoice Number	Invoice Date	Net Invoice Amount	Amount Paid
GENERAL FUND						
101-01-142.600 DUE FROM OTHER FUNDS						
101-01-142.600 DUE FROM OTHER FUNDS	Wahoo Utilities	Transfer of grant money received from US Treasury - PHMSA	72426	07/24/2026	266,573.82	.00
Total 101-01-142.600 DUE FROM OTHER FUNDS:					266,573.82	.00
101-01-550.315 GAS & DIESEL - REIMBURSEABLE						
101-01-550.315 GAS & DIESEL - REIMBURSEABLE	Breunig Supply Co.	2129 gal gas @ 4.197	2378	07/24/2026	8,935.41	.00
101-01-550.315 GAS & DIESEL - REIMBURSEABLE	Breunig Supply Co.	619 gal diesel @ 4.44	2378	07/24/2026	2,748.36	.00
Total 101-01-550.315 GAS & DIESEL - REIMBURSEABLE:					11,683.77	.00
101-01-550.330 PRINTING & PUBLICATION						
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	minutes 6/9/26	3767CEE7-026	06/16/2026	66.71	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	minutes 6/23/26	3767CEE7-026	06/25/2026	58.79	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	renewal of Liquor License - Fariner	3767CEE7-026	07/16/2026	14.70	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	renewal of Liquor License - Beckman	3767CEE7-026	07/16/2026	14.70	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	renewal of Liquor License - Wahoo Locker	3767CEE7-026	07/16/2026	14.70	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	renewal of Liquor License - Titles	3767CEE7-026	07/16/2026	14.70	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	PH - CC Rezone 15th and O	3767CEE7-026	07/16/2026	17.52	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	PH - single family dweling	3767CEE7-026	07/16/2026	10.74	.00
101-01-550.330 PRINTING & PUBLICATION	Lincoln Journal Star	minutes 7/14/26	3767CEE7-026	07/17/2026	80.27	.00
Total 101-01-550.330 PRINTING & PUBLICATION:					292.83	.00
101-01-550.390 MEMBERSHIP & CERTIF. DUES						
101-01-550.390 MEMBERSHIP & CERTIF. DUES	Three Rivers Clerk's Assoc	2025-26 annual dues for Christina Fasel	2026	07/16/2026	10.00	.00
Total 101-01-550.390 MEMBERSHIP & CERTIF. DUES:					10.00	.00
101-01-550.410 EDUCATION & TRAINING EXPENSE						
101-01-550.410 EDUCATION & TRAINING EXPENSE	Wonderful Life Project	training	45	07/19/2026	146.90	.00
101-01-550.410 EDUCATION & TRAINING EXPENSE	Wonderful Life Project	training	46	07/19/2026	83.33	.00
Total 101-01-550.410 EDUCATION & TRAINING EXPENSE:					230.23	.00
Total GENERAL FUND:					278,790.65	.00
POLICE FUND						
102-01-550.410 EDUCATION & TRAINING EXPENSE						
102-01-550.410 EDUCATION & TRAINING EXPENSE	Complete Tactical Consulta	TAP Officer Training Platform License - 15 users	1603	06/01/2026	1,000.00	.00
102-01-550.410 EDUCATION & TRAINING EXPENSE	Garcia, Stefani	mileage reimbursement grant fund training	71726	07/17/2026	48.58	.00
Total 102-01-550.410 EDUCATION & TRAINING EXPENSE:					1,048.58	.00
Total POLICE FUND:					1,048.58	.00

GL Account and Title	Vendor Name	Description	Invoice Number	Invoice Date	Net Invoice Amount	Amount Paid
STREET FUND						
103-01-546.110 SALARIES & WAGES						
103-01-546.110 SALARIES & WAGES	Wahoo Utilities	GIS wage reimbursement	71726	07/17/2026	456.82	.00
Total 103-01-546.110 SALARIES & WAGES:					456.82	.00
103-01-546.215 EMPLOYEE BENEFITS						
103-01-546.215 EMPLOYEE BENEFITS	Wahoo Utilities	GIS benefits reimbursement	71726	07/17/2026	58.33	.00
Total 103-01-546.215 EMPLOYEE BENEFITS:					58.33	.00
103-01-550.000 RENTS-LAND/BLDG./EQUIP.						
103-01-550.000 RENTS-LAND/BLDG./EQUIP.	Wahoo Public Bldg & Grnd	Rent of Building @331 W A St	2026	04/10/2026	31,710.00	.00
Total 103-01-550.000 RENTS-LAND/BLDG./EQUIP.:					31,710.00	.00
103-01-550.310 MATERIALS & SUPPLIES						
103-01-550.310 MATERIALS & SUPPLIES	Bomgaars	painting material screen	27440227	06/23/2026	7.99	.00
103-01-550.310 MATERIALS & SUPPLIES	Bomgaars	water, sprayer	27440674	06/24/2026	12.98	.00
103-01-550.310 MATERIALS & SUPPLIES	Bomgaars	water	27443569	07/01/2026	2.99	.00
103-01-550.310 MATERIALS & SUPPLIES	Bomgaars	water	27443570	07/01/2026	2.99	.00
103-01-550.310 MATERIALS & SUPPLIES	Bomgaars	spray paint, truck bed coating, wheel	27444146	07/02/2026	162.41	.00
103-01-550.310 MATERIALS & SUPPLIES	Logan Contractors Supply,	concrete cure	H20278	07/14/2026	240.00	.00
Total 103-01-550.310 MATERIALS & SUPPLIES:					429.36	.00
103-01-550.360 UTILITIES-ELEC./TELE./GARBAGE						
103-01-550.360 UTILITIES-ELEC./TELE./GARBAGE	Charter Communications	Acct #156543701 Street Dept internet	156543701071	07/14/2026	150.00	.00
Total 103-01-550.360 UTILITIES-ELEC./TELE./GARBAGE:					150.00	.00
103-01-550.480 ALCOHOL/DRUG TESTING EXPENSE						
103-01-550.480 ALCOHOL/DRUG TESTING EXPENSE	HireRight LLC	drug test - Reynolds	P1321000	04/30/2026	45.35	.00
Total 103-01-550.480 ALCOHOL/DRUG TESTING EXPENSE:					45.35	.00
103-01-550.510 ASPHALT/GRAVEL/CONCRETE						
103-01-550.510 ASPHALT/GRAVEL/CONCRETE	Pavers Inc.	6.42 ton hot mix asphalt Downtown wahoo asphalt patching	112507	06/29/2026	513.60	.00
103-01-550.510 ASPHALT/GRAVEL/CONCRETE	Pavers Inc.	7.75 tons hot mix asphalt downtown wahoo asphalt patching	112522	07/06/2026	620.00	.00
Total 103-01-550.510 ASPHALT/GRAVEL/CONCRETE:					1,133.60	.00
103-01-550.530 PAVEMENT MARKING						
103-01-550.530 PAVEMENT MARKING	Sherwin-Williams Co.	paint	5789-7	06/30/2026	2,705.93	.00
103-01-550.530 PAVEMENT MARKING	Straight-Line Striping Inc.	line striping	7626	07/06/2026	10,952.25	.00
Total 103-01-550.530 PAVEMENT MARKING:					13,658.18	.00

GL Account and Title	Vendor Name	Description	Invoice Number	Invoice Date	Net Invoice Amount	Amount Paid
Total STREET FUND:					47,641.64	.00
CEMETERY FUND						
104-01-550.310 MATERIALS & SUPPLIES						
104-01-550.310 MATERIALS & SUPPLIES	Bomgaars	water, wasp spray	27442762	06/29/2026	17.96	.00
104-01-550.310 MATERIALS & SUPPLIES	Bomgaars	water	27448571	07/13/2026	5.98	.00
104-01-550.310 MATERIALS & SUPPLIES	Wahoo Vets Club	purchase of 2 flags for the Wahoo cemeteries	52026	05/20/2026	90.00	.00
Total 104-01-550.310 MATERIALS & SUPPLIES:					113.94	.00
104-01-550.360 UTILITIES-ELEC./TELE./GARBAGE						
104-01-550.360 UTILITIES-ELEC./TELE./GARBAGE	Omaha Public Power Distri	Cemetery electrical service charge	72426	07/13/2026	46.26	.00
Total 104-01-550.360 UTILITIES-ELEC./TELE./GARBAGE:					46.26	.00
104-01-550.380 TOOLS						
104-01-550.380 TOOLS	Bomgaars	hose reel cart	27448571	07/13/2026	99.99	.00
Total 104-01-550.380 TOOLS:					99.99	.00
104-01-554.620 LAND MAINTENANCE						
104-01-554.620 LAND MAINTENANCE	Bomgaars	weed spray	10401554620	07/15/2026	239.96	.00
104-01-554.620 LAND MAINTENANCE	Bomgaars	round-up weed spray	27440225	06/23/2026	319.97	.00
Total 104-01-554.620 LAND MAINTENANCE:					559.93	.00
Total CEMETERY FUND:					820.12	.00
FIRE FUND						
106-01-554.630 BUILDING MAINTENANCE						
106-01-554.630 BUILDING MAINTENANCE	Jackson Services, Inc.	Fire Hall mop, towels, mats	5870271	07/21/2026	137.76	.00
Total 106-01-554.630 BUILDING MAINTENANCE:					137.76	.00
106-01-554.640 CAR/TRUCK MAINTENANCE						
106-01-554.640 CAR/TRUCK MAINTENANCE	Bomgaars	stainless bolts	27446786	07/08/2026	51.18	.00
Total 106-01-554.640 CAR/TRUCK MAINTENANCE:					51.18	.00
106-01-940.710 VEHICLES						
106-01-940.710 VEHICLES	Rosenbauer	Pumper Truck final payment	88720-1	07/02/2026	536,272.00	.00
Total 106-01-940.710 VEHICLES:					536,272.00	.00
Total FIRE FUND:					536,460.94	.00
LIBRARY FUND						
108-01-550.310 MATERIALS & SUPPLIES						
108-01-550.310 MATERIALS & SUPPLIES	Eakes Office Solutions	towels, trash bags	9367859-0	07/16/2026	181.26	.00
108-01-550.310 MATERIALS & SUPPLIES	Simons Home Store	canned air, soap	A343282	07/16/2026	14.98	.00

GL Account and Title	Vendor Name	Description	Invoice Number	Invoice Date	Net Invoice Amount	Amount Paid
Total 108-01-550.310 MATERIALS & SUPPLIES:					196.24	.00
108-01-550.360 UTILITIES-ELEC./TELE./GARBAGE						
108-01-550.360 UTILITIES-ELEC./TELE./GARBAGE	Charter Communications	Acct # 116378301 Library Internet	116378301070	07/01/2026	124.98	.00
Total 108-01-550.360 UTILITIES-ELEC./TELE./GARBAGE:					124.98	.00
108-01-550.560 BOOKS						
108-01-550.560 BOOKS	Ingram	books	97768452	07/09/2026	25.53	.00
108-01-550.560 BOOKS	Ingram	books	97830246	07/12/2026	59.70	.00
108-01-550.560 BOOKS	Ingram	books	97954802	07/17/2026	19.67	.00
108-01-550.560 BOOKS	Ingram	books	97954803	07/17/2026	190.27	.00
108-01-550.560 BOOKS	Ingram	books	97983524	07/20/2026	48.68	.00
Total 108-01-550.560 BOOKS:					343.85	.00
108-01-550.570 PERIODICALS						
108-01-550.570 PERIODICALS	WT.Cox Information Servic	periodical subscription service - various magazines	3167156	07/20/2026	245.21	.00
Total 108-01-550.570 PERIODICALS:					245.21	.00
108-01-554.630 BUILDING MAINTENANCE						
108-01-554.630 BUILDING MAINTENANCE	Jackson Services, Inc.	Library Mats	5864820	07/14/2026	26.39	.00
Total 108-01-554.630 BUILDING MAINTENANCE:					26.39	.00
Total LIBRARY FUND:					936.67	.00
FEDERAL GRANT FUND (HSG REHAB)						
109-01-550.900 GRANT/LOAN EXPENSE						
109-01-550.900 GRANT/LOAN EXPENSE	Southeast Nebraska Devel	General admin for CDBG grant project	B25PP012GA-	12/31/2025	490.00	.00
109-01-550.900 GRANT/LOAN EXPENSE	Southeast Nebraska Devel	General admin for CDBG grant project	B25PP012GA-	01/31/2026	1,015.00	.00
109-01-550.900 GRANT/LOAN EXPENSE	Southeast Nebraska Devel	General admin for CDBG grant project	B25PP012GA-	02/28/2026	245.00	.00
109-01-550.900 GRANT/LOAN EXPENSE	Southeast Nebraska Devel	General admin for CDBG grant project	B25PP012GA-	03/31/2026	303.33	.00
109-01-550.900 GRANT/LOAN EXPENSE	Southeast Nebraska Devel	General admin for CDBG grant project	B25PP012GA-	05/31/2026	140.00	.00
Total 109-01-550.900 GRANT/LOAN EXPENSE:					2,193.33	.00
Total FEDERAL GRANT FUND (HSG REHAB):					2,193.33	.00
BUILDING & ZONING FUND						
115-01-550.980 OCCUPANCY CERT DEP REFUND						
115-01-550.980 OCCUPANCY CERT DEP REFUND	On Center Construction	refund occupancy 731 W 24th Circle B-75-25	B-75-25	10/24/2025	500.00	.00
Total 115-01-550.980 OCCUPANCY CERT DEP REFUND:					500.00	.00
Total BUILDING & ZONING FUND:					500.00	.00
EMS						
121-01-550.355 MEDICAL SUPPLIES						
121-01-550.355 MEDICAL SUPPLIES	BoundTree Medical LLC	Medical supplies	86284527	07/20/2026	160.80	.00

GL Account and Title	Vendor Name	Description	Invoice Number	Invoice Date	Net Invoice Amount	Amount Paid
121-01-550.355 MEDICAL SUPPLIES	BoundTree Medical LLC	Medical supplies	86284528	07/20/2026	215.99	.00
121-01-550.355 MEDICAL SUPPLIES	BoundTree Medical LLC	Medical supplies	86288114	07/22/2026	49.29	.00
Total 121-01-550.355 MEDICAL SUPPLIES:					426.08	.00
Total EMS:					426.08	.00
CHESTNUT STREET PROJECT						
122-01-130.010 OPERATING - INVESTMENTS						
122-01-130.010 OPERATING - INVESTMENTS	First Bank of Nebraska	Chestnut Street Revenues - CD	72426	07/24/2026	173,810.96	173,810.96
Total 122-01-130.010 OPERATING - INVESTMENTS:					173,810.96	173,810.96
Total CHESTNUT STREET PROJECT:					173,810.96	173,810.96
Grand Totals:					1,042,628.97	173,810.96

Dated: _____

Mayor: _____

City Council: _____

City Recorder: _____

**CITY OF WAHOO
APPLICATION FOR CHANGE OF ZONING**

Applicant's Name Ronald R. Giesselmann
Applicant's Address 2419 N. Main St. Fremont, NE. 68025
Phone Number(s): 402-721-1185
Address or location of property to be rezoned Area of County Roads 15+00'

Legal description of property to be rezoned See attachment.

Area of property (Sq Ft or Acres) 6.43 acres

Current use of property crop farm

Proposed use of property residential

Present zoning agriculture Requested zoning residential

Current zoning and use of adjoining properties:

North: agriculture South: agriculture

East: agriculture West: agriculture

Designated use of property on Future Land Use Map and Wahoo Comprehensive plan: Residential

Applicant must furnish a survey plat of property proposed to be rezoned, and site plan showing existing and proposed structures, easements, water courses, curb cutbacks, etc.

Under the provisions of the City of Wahoo Zoning Regulations, the undersigned hereby applies for a change of zoning. This application authorizes representatives of the City of Wahoo to enter the above property for purposes of inspection, examination, and investigation related to this application, and posting of signs as required by Zoning Regulations.

Date: 6.14.26 Signed: Ron Giesselmann
Address: 2415 N. Main St. Owner or authorized agent
Fremont, NE. 68025
Phone: 402-721-1185

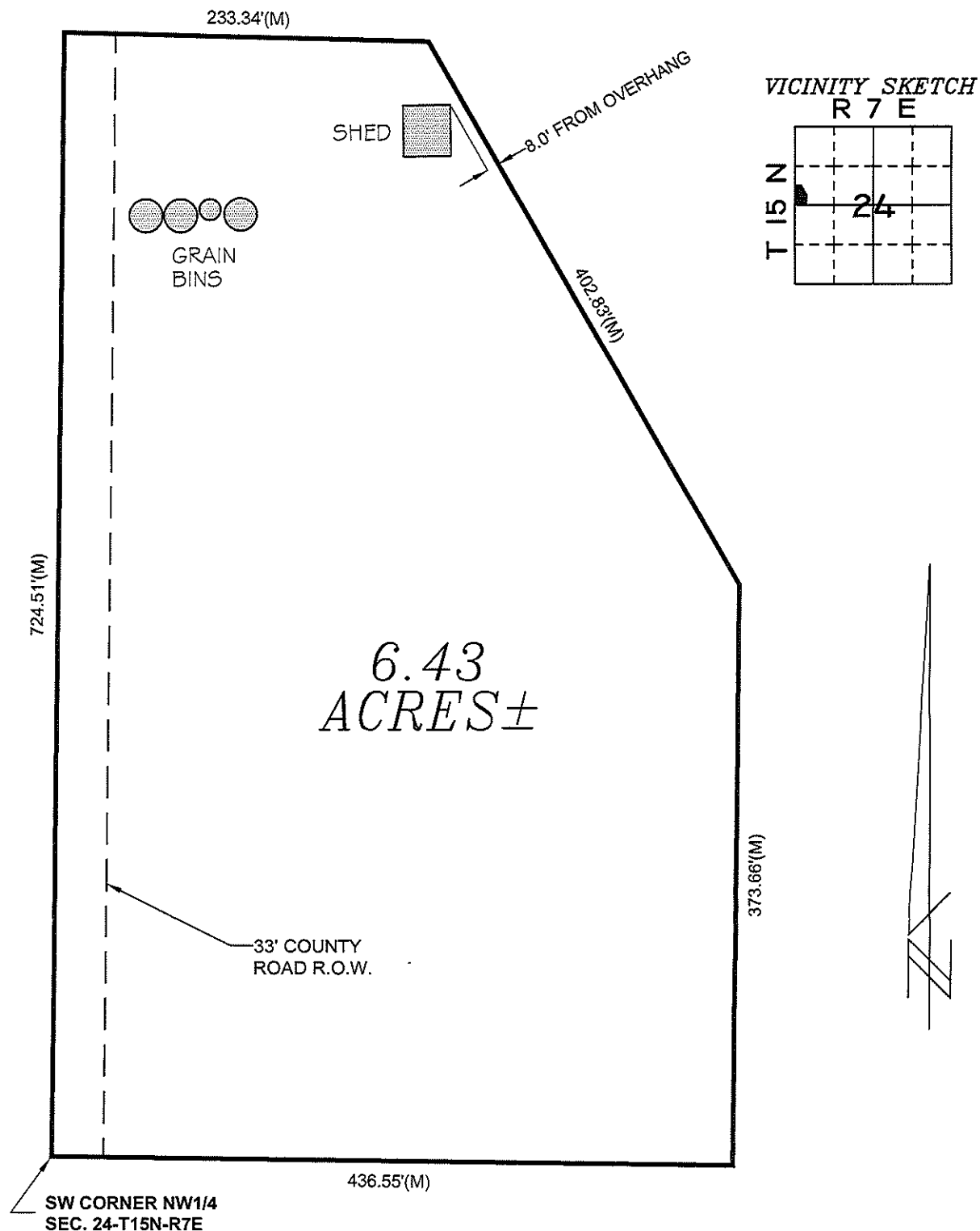
FEE: \$ _____ Receipt # _____

Publication fees will be billed to applicant

Date of Hearing (Planning Commission) _____, 20____. Approved _____ Denied _____

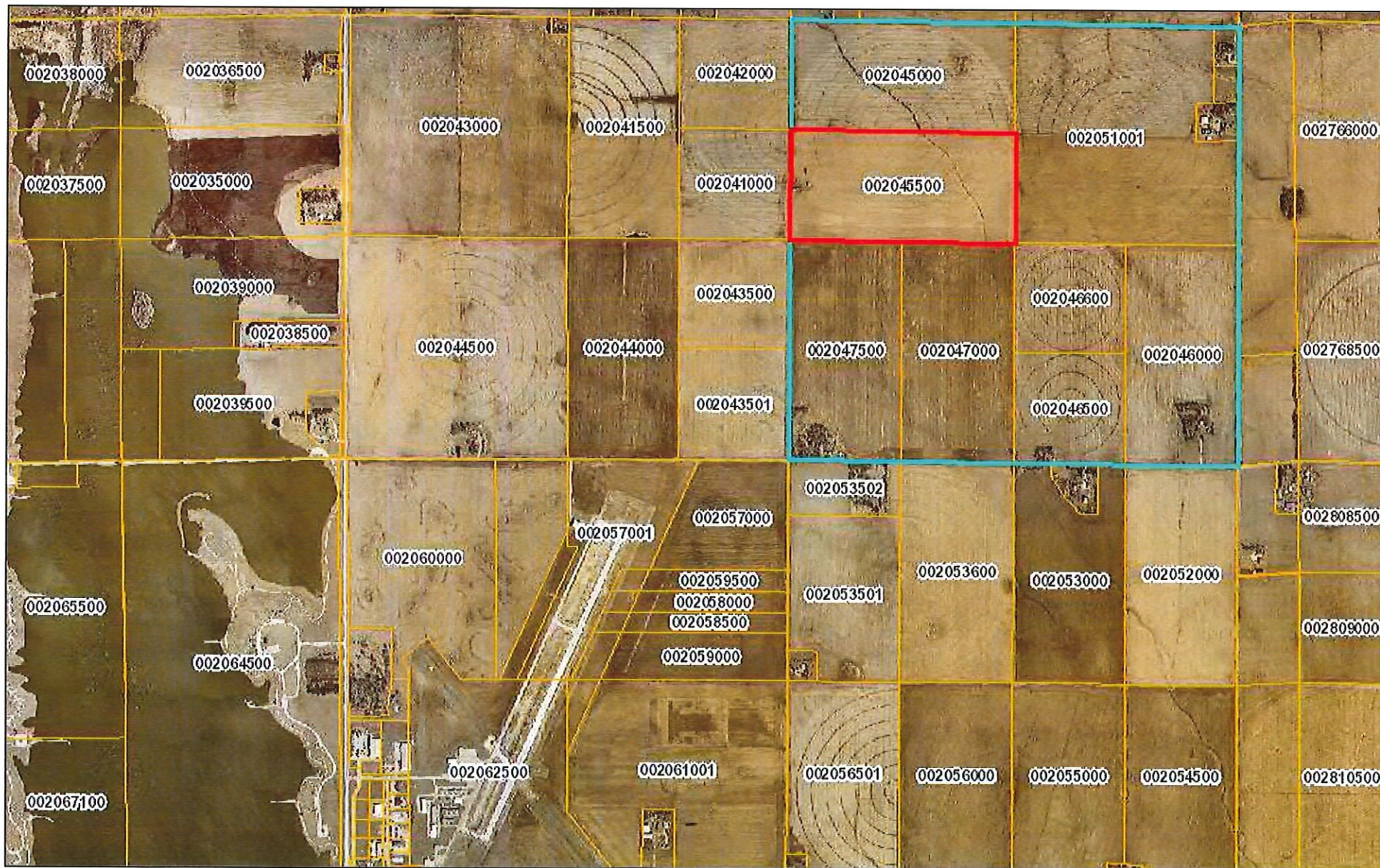
Date of Hearing (City Council) _____, 20____. Approved _____ Denied _____

Zoning Administrator



LEGAL DESCRIPTION:

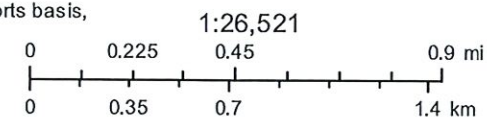
THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 24, THENCE N00°36'08"E, (ASSUMED BEARING), ON THE WEST LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 724.51 FEET; THENCE S88°33'34"E, A DISTANCE OF 233.34 FEET; THENCE S29°41'48"E, A DISTANCE OF 402.83 FEET; THENCE S00°36'08"W, A DISTANCE OF 373.66 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE N89°20'58"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 436.55 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 6.43 ACRES MORE OR



June 29, 2026
21:22 PM

DISCLAIMER: This map is not intended for conveyances, nor is it a legal survey. The information is presented on a best-efforts basis, and should not be relied upon for making financial, survey, legal or other commitments.

- Parcels
- Sections



ORDINANCE NO. 2505

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, NEBRASKA, BY CHANGING THE PRESENT ZONING OF THE FOLLOWING DESCRIBED REAL ESTATE, TO WIT:

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 24, THENCE N00°36'08"E, (ASSUMED BEARING), ON THE WEST LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 724.51 FEET; THENCE S88°33'34"E, A DISTANCE OF 233.34 FEET; THENCE S29°41'48"E, A DISTANCE OF 402.83 FEET; THENCE S00°36'08"W, A DISTANCE OF 373.66 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE N89°20'58"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 436.55 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 6.43 ACRES MORE OR LESS

FROM TA – TRASITIONAL AGRICULTURAL TO LLR – LARGE LOT RESIDENTIAL DISTRICT; THAT THE WAHOO COMPREHENSIVE PLAN, ADOPTED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS OF JULY 23, 2010, AS IT PERTAINS TO THE AREA TO BE REZONED, AS AFORENOTED, SHOWS THE FUTURE LAND USE TO BE LOW DENSITY RESIDENTIAL; TO AUTHORIZE THE MAYOR AND THE CLERK OF THE CITY OF WAHOO, NEBRASKA, TO AMEND THE COMPREHENSIVE PLAN AND THE OFFICIAL ZONING MAP OF THE CITY OF WAHOO, PURSUANT TO THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM AND THE EFFECTIVE DATE THEREOF; AND TO PROVIDE THAT THIS ORDINANCE SHALL NOT BE MADE A PART OF THE MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, Ronald Giesselmann, on behalf of the property owner, Masonic-Eastern Star Home for Childeren, is the owner of the above described real estate, commonly known as 216 W 3rd, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, pursuant to Ordinance No. 1886, have adopted zoning for the City of Wahoo, Nebraska, and for that area beyond the corporate limits of the City of Wahoo, but within one mile thereof, said Ordinance known as the Wahoo Zoning Ordinance, and,

WHEREAS, said Wahoo Zoning Ordinance does provide for the Official Zoning Map of the City of Wahoo, Nebraska, and,

WHEREAS, said Wahoo Zoning Ordinance does provide for various zoning districts within the City of Wahoo, Nebraska, and within one mile of the corporate limits of the City of Wahoo, Nebraska, and,

WHEREAS, said Official Zoning Map does indicate that the above described real estate is zoned TA – TRANSITIONAL AGRICULTURAL District, and,

WHEREAS, the owner of said real estate, as above noted, has requested, in writing, that the Mayor and Council of the City of Wahoo, Nebraska, amend the Official Zoning Map of the City of Wahoo, to indicate that the above described real estate be zoned LLR – LARGE LOT RESIDENTIAL, and,

WHEREAS, said written request for zoning change was submitted to the City of Wahoo Planning Commission, and,

WHEREAS, said Planning Commission did submit in writing its recommendation as to said zoning changes, and,

WHEREAS, a notice of said change of zoning, said notice being not less than 18 inches in height and 24 inches in width with a white or yellow background and black letters not less than 1 ½ inches in height, was posted upon the above described real estate such that it was easily visible from the street nearest said real estate, said notice having been posted at least ten (10) days prior to the date of this hearing, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska have held a public hearing on said request for change of zoning,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

Section 1. That the findings herein above made should be, and they hereby are made a part of this Ordinance as wholly as if set out at length herein.

Section 2. That the Official Zoning Map of the City of Wahoo, Nebraska, be amended, as to the following described real estate, to wit:

THAT PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 15 NORTH, RANGE 7 EAST OF THE SIXTH PRINCIPAL MERIDIAN, SAUNDERS COUNTY, NEBRASKA, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 24, THENCE N00°36'08"E, (ASSUMED BEARING), ON THE WEST LINE OF THE NORTHWEST QUARTER, A DISTANCE OF 724.51 FEET; THENCE S88°33'34"E, A DISTANCE OF 233.34 FEET; THENCE S29°41'48"E, A DISTANCE OF 402.83 FEET; THENCE S00°36'08"W, A DISTANCE OF 373.66 FEET TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE N89°20'58"W, ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, A DISTANCE OF 436.55 FEET TO THE POINT OF BEGINNING; CONTAINING A COMPUTED AREA OF 6.43 ACRES MORE OR LESS

from TA – TRANSITIONAL AGRICULTURAL TO LLR – LARGE LOT RESIDENTIAL

Section 4. That the Mayor of the City of Wahoo, Nebraska, and the Clerk of the City of Wahoo, Nebraska, be authorized to amend the Official Zoning Map of the City of Wahoo, Nebraska, pursuant to this Ordinance.

Section 5. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 6. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 7. That this Ordinance shall be published within the first fifteen days after its passage and approval in pamphlet form within the City of Wahoo, Nebraska, and shall be effective on the fifteenth day from and after its passage, approval, and publication according to law.

Section 8. That this Ordinance shall not be made a part of the Municipal Code of the City of Wahoo, Nebraska.

PASSED AND APPROVED this 28 day of July 2026.

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, City Clerk

(SEAL)

ORDINANCE NO. 2506

AN ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, TO AMEND ORDINANCE NO. 1886, KNOWN, AND CITED, AS THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, ADOPTED JANUARY 27, 2005, BY THE AMENDMENT OF SECTION 2.03 DEFINITIONS– 2.03.160 DWELLING, SINGLE FAMILY; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL, IN PAMPHLET FORM, IN THE CITY OF WAHOO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE ZONING ORDINANCE OF THE CITY OF WAHOO, NEBRASKA, AND THAT THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, on January 27, 2005, the Mayor and Council of the City of Wahoo, Nebraska, did adopt Ordinance No. 1886, known and cited as the Zoning Ordinance of the City of Wahoo, Nebraska, and,

WHEREAS, the Wahoo Planning Commission did hold a public hearing upon said proposed changes and has submitted, in writing, its recommendations to the Mayor and Council of the City of Wahoo, and,

WHEREAS, it is in the best interests of the citizens of the City of Wahoo, Nebraska, that language to amend the Section 2.03 Definitions, specifically subsection– 2.03.160 pertaining to Dwelling, Single Family in the Zoning ordinance of the City of Wahoo, Nebraska, as set forth herein, and,

WHEREAS, notice of said proposed changes was given by publication in the Wahoo Newspaper, a newspaper of general circulation in Wahoo, at least one time ten days prior to the hearing upon said changes,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the findings hereinabove should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

2. That Section 2.03 Definitions – 2.03.160 Dwelling, single family shall be amended to add the following language and that sections of said ordinance may be renumbered to accomplish such amendment:

DWELLING, SINGLE FAMILY a building having accommodation for or occupied exclusively by one family which meet all the following standards:

1. The home shall have no less than 900 square feet of floor area, above grade, for single story construction; a minimum of 50 percent of the total square foot area must be habitable.
2. The home shall have no less than an 18-foot exterior width;
3. The roof shall be pitched with a minimum vertical rise of two and one-half inches for each 12 inches of horizontal run;
4. The exterior material shall be of a color, material and scale comparable with those existing in residential site-built, single-family construction; and shall not include vertical metal wall panels
5. The home shall have a non-reflective roof material that is or simulates asphalt or wood shingles, tile, or rock. Said roof may be finished in metal provided it is non-reflective and meets standards established for residential or commercial use;
6. The home shall be placed on a continuous permanent foundation and have wheels, axles, transporting lights, and removable towing apparatus removed, and
7. The home shall meet and maintain the same standards that are uniformly applied to all single-family dwellings in the zoning district.
8. Permanent foundation: Base on which building rests to be constructed from either poured concrete or laid masonry block or brick on a footing to be placed a minimum of 42 inches below the final ground level.

3. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

4. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

5. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval in pamphlet form within the City of Wahoo, Nebraska, and shall be effective on the fifteenth (15th) day from and after its passage, approval, and publication according to law.

6. That the provisions of this Ordinance shall become and be made a part of the Zoning Ordinance of the City of Wahoo, Nebraska, and that the Sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this 28 day of July 2026.

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, Its Clerk
(SEAL)

AGENDA REQUEST WORKSHEET

Date of request: July 14th 2026

Date of Council Meeting for item to be on agenda: July 28th 2026

Item requested by: Diana Haynes

Agenda item: Change to ordinance number 2305 to allow the possession of backyard chickens
(hens), by wahoo residents.

Explanation: We the citizens of Wahoo are requesting an amendment be made to the above
mentioned ordinance to allow chickens to be raise by wahoo residents. Attached you will find a drafted
amendment change, that includes potential restrictions, fines, requirements, and permitting .
needs for any resident interested in house said animal.

Contact person – include address, email address, etc.: Diana Haynes
dhaynes42@liberty.edu

Items to be included in Council packet? (Yes or no and what are they) _____

Proposal to legalize chickens

Chicken education information with scholarly sources to support

Copy of Omaha's policy on chickens, Lincoln's Policy on chickens

Proposal to Legalize Backyard Chickens in Wahoo

Submitted by: Diana Haynes

Date: July 14th, 2026

Introduction

As part of our ongoing efforts to promote sustainability, self-sufficiency, and a more resilient community, I propose the legalization of backyard chickens within Wahoo, Nebraska. This proposal outlines the numerous benefits of allowing residents to raise chickens on their properties, including positive environmental, economic, and social impacts. I am requesting that the city council review the current ordinance and amend it to allow for the responsible and regulated keeping of backyard chickens.

Background

In many urban areas across the nation, from small rural communities to large cities like New York, Los Angeles, and Denver, including nearby cities such as Omaha, Lincoln, Ceresco, Mead, Malcolm, and Swedberg, backyard chickens have become a common and accepted practice. These cities have implemented responsible regulations that promote public health, animal welfare, and neighborly cooperation. Allowing chickens in urban environments can empower residents to engage in more sustainable and local food production, reduce food waste, and foster stronger community ties.

Benefits of Backyard Chickens

1. Environmental Benefits

- **Waste Reduction:** Chickens can help reduce food waste by consuming food scraps. This helps divert waste from landfills and supports natural pest control by consuming ticks and mosquitoes.
- **Natural Fertilizer:** Chicken manure can be composted and used as fertilizer for gardens, reducing the need for chemical fertilizers and promoting healthier soil.

2. Economic Benefits

- **Egg Production:** Families can reduce their grocery bills by producing their own eggs. Fresh, locally produced eggs are often more nutritious and have a smaller carbon footprint.
- **Local Economy Boost:** As more residents engage in small-scale agriculture, it can lead to local businesses offering feed, supplies, and equipment, thus boosting the local economy.
- **There is no evidence that small, well-managed backyard flocks reduce property values. In fact, they can make neighborhoods more desirable for gardeners and families. (University of TN, Raising backyard chicken).**

3. Educational Value

- **Raising chickens can serve as an educational opportunity for children and adults alike. It teaches responsibility, animal care, and sustainable living practices. It also connects urban residents to the origins of their food.**

4. Health Benefits

- Backyard chickens provide access to fresh, hormone-free eggs. Additionally, chickens can contribute to the overall well-being of families by offering an outdoor activity that encourages exercise and fresh air.

5. Community Connection

- Backyard chickens foster a sense of community by encouraging neighbors to share or barter eggs, learn from each other, and collaborate on sustainable practices.

Proposed Guidelines and Regulations

To ensure that the practice of raising backyard chickens is safe, sanitary, and respectful of all residents, I propose the following regulations:

1. **Limit on Number of Chickens:** Allow a maximum of 2 hens per person, with a max of 10 hens per property. Roosters should be prohibited due to their potential to create noise disturbances.
2. **Coop Requirements:** Chickens should be housed in a secure, well-maintained coop that is odor-free and complies with city safety standards. The coop should be adequately ventilated, provide at least 4 sq. ft. of space per bird for the chickens to move around, and be placed at least 100 feet from property lines.
3. **Health and Welfare:** Chickens should be properly cared for with adequate food and water, kept in a closed and covered area to prevent attracting wild animals or vermin, and receive routine veterinary care. If an animal dies, methods of disposal should be done in accordance with recommendations of the Nebraska State Veterinarian, the Nebraska Department of Agriculture, or the Cooperative Extension Service.
4. **Waste Management:** Provision must be made for the short-term (no more than 7 days) storage and removal of manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All manure not used for composting or fertilizing shall be removed. In addition, the coop, pen, run, exercise yard, and surrounding area must be kept free from trash and accumulated manure, food, feathers, and related debris, and be removed within 7 days.
5. **Noise and Nuisance Mitigation:** To prevent disturbances, chickens should be kept in a manner that minimizes noise. Regular inspections can be conducted to ensure that noise, smell, and pests are properly managed.
6. **Permit and Registration System:** Residents who wish to raise chickens would need to apply for a permit through the city, paying a nominal fee of \$5 per bird to cover inspections and administrative costs.
7. **Penalty and Loss of Permit:** A permit to keep domesticated animals may be suspended or revoked by the City where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this division, article or any other applicable provision of this code, state law or city ordinance, rule or regulation. Penalties for violations of said codes should be no less than \$250 and no more than \$1,000 per violation, with a maximum of 3 violations before a permit revocation is assessed for a minimum of 3 years.

Conclusion

By legalizing backyard chickens, Wahoo can take an important step toward becoming a more sustainable, resilient, and self-sufficient community. The benefits of backyard chickens are vast, from providing access to fresh eggs to reducing waste and fostering environmental responsibility. I respectfully ask the city council to consider this proposal and initiate the necessary steps to amend the current laws, allowing residents to responsibly and safely raise chickens in their backyards.

Thank you for your consideration.

Sincerely,

Diana Haynes

402-710-2218

Chicken Education Information

Eggs, Education, and Community: Why a Small Town in Saunders County Should Welcome Backyard Chickens

The debate over whether residents should be allowed to raise backyard chickens within a small town in Saunders County's city limits has sparked considerable discussion among community members and city officials alike. On one side, many residents advocate for food independence, the reduced cost of fresh eggs, educational opportunities for children, and the freedom to embrace rural living. On the other hand, city officials and some residents express concerns about potential noise, odors, and public health risks. As this small town continues to grow and evolve, it is crucial to consider how small-scale chicken keeping could benefit the community without compromising the town's values. The prevention of raising chickens within the city limits restricts opportunities for sustainable living, agricultural education, and community engagement. There are currently several other communities that are like this small town that allow chickens and do not have a lot of issues. By revising the current city ordinance, which bans chickens, to allow regulated, small-scale chicken keeping, residents could promote food independence, reduce egg costs, teach children responsibility through 4-H projects, and contribute to environmentally friendly practices. A thoughtful, well-researched approach that addresses concerns about noise, odor, and predator attraction will allow the town to update and modernize its policies while maintaining its rural character and promoting greater community unity.

Problem Statement

Within this small town's city limits, there is a complete restriction on not allowing backyard chickens, which hinders residents' ability to achieve food independence. Many families have a desire to raise chickens to access fresh eggs, particularly considering rising food costs, and this would provide a sustainable and nutritious food source. For example, according to a recent study done by World Population Review, the average cost of a dozen eggs in Nebraska in 2024 is \$4.25, which is an inflation of 104% from 2022 to 2024, straining many households' grocery budgets due to inflation (World Population Review). The ability to raise chickens would allow families to manage their food expenses more effectively. As a result, prohibiting chickens forces residents to rely on store-bought food, which is often more expensive, less sustainable, and not as nutritious. According to an article by Science Diet, chickens are among the most affordable livestock to own and raise; families may even sell or exchange the chickens or their eggs for other goods (Wong et al.). Allowing backyard chickens would give families the means to enhance their food security, reduce grocery costs, and support a more self-sufficient lifestyle. Revising the current ordinance to permit chickens is essential to empowering residents in their pursuit of food sustainability.

Preventing the raising of chickens within the city limits deprives children of valuable educational opportunities in agriculture and animal farming. Without access to chickens, the town's youth are denied these important life lessons through taking care of animals that are especially significant in rural communities, where agricultural knowledge remains a valuable asset. Restricting backyard chicken's limits children's growth in agricultural education and denies them opportunities to develop a deeper understanding of food production and self-reliance. Revising the current ordinance would provide children with access to essential learning experiences that advance personal development, promote community engagement through 4-H, and prepare them as the next generation of agricultural leaders. Frank Cox, with the MSU Extension, stated, "In a 4-H poultry project, youth have an opportunity to learn about many facets of poultry science, including poultry management, housing, nutrition, and products, as well as potentially compete in breeding classes and showmanship" (Cox, Michigan State University Extension). Hands-on experiences, such as raising chickens, teaching responsibility and providing youth with critical skills related to animal care and agricultural practices.

The restriction on raising chickens within the city limits prevents residents from fully embracing a rural lifestyle and exercising personal freedom in urban farming. Many residents view raising chickens as a natural part of rural living, contributing to self-sufficiency and sustainability. According to interviews with community members such as Molly R, the current ordinance preventing residents within the city limits from having backyard chickens limits the freedom to practice urban farming, which aligns with their values and their preferred lifestyle (MR Resident 1). Residents feel constrained by the current regulations, as they are unable to engage in practices that reflect their rural culture and desire for independence, which is why they chose to live in a rural area. This restriction not only restricts their ability to live in accordance with their values but also dampens the spirit of rural living that defines small-town life. Allowing backyard chickens would respect residents' personal freedoms and align with the community's rural character,

improving the quality of life for many. Updating the ordinance would be a significant step toward preserving the town's rural identity while promoting individual choice.

Solutions

Modify the Ordinance to Specify What Will Be Allowed and Not Allowed

A key solution to address the restriction on raising chickens in the small town is to modify the current ordinance, providing clarity on what is allowed. Specifically, the ordinance should permit only hens, as they are quieter than roosters and less likely to disturb neighbors. According to Katie Krejci, while hens do make noise, the noise is typically short clucks and not very loud. They typically only make noise when they sense a predator, finish laying an egg, are looking for food or snack, or if they are going through a broody period (Krejci). This revision would respond directly to residents' concerns, as all current proposals have agreed that roosters are not necessary and are louder than hens. Hens alone will meet the community's needs for egg production without causing noise complaints.

Revising the ordinance to allow a limited number of hens would offer residents the opportunity to produce fresh eggs, contributing to food security and sustainability which is a benefit considering the rising cost of groceries. According to Molly R, who has proposed changes to the town council, residents suggest allowing a minimum of three hens and a maximum of ten hens to keep a healthier flock. This aligns with research from My Pet Chicken, which states that chickens thrive in flocks of three or more. Should one hen die, the remaining two will still have companionship, ensuring a healthier environment for the flock (My Pet Chicken). By giving a maximum number of hens allowed, it will allow there to be better control ensuring the coops stay clean and safe for those around.

Additionally, the ordinance would include specific requirements for space and care. For example, coops must be 25 feet away from property line, coops should be at least 3 square feet per chicken, with a chicken run of 5 square feet per chicken. A minimum of one laying box per every four hens would also be required to promote healthy egg production. Coops will need to be kept clean on a regular basis to ensure the chickens are being kept clean and safe and there will not be a smell coming from the coops. These are all things that would be taught during the education courses that would be offered to any residents wanting chickens and even those who may not want chickens but want to know what the rules are for caring for them properly.

To ensure these regulations are followed, the town can implement a permitting system, similar to those used successfully in nearby cities like Wahoo, Valley, and Omaha. These permits would regulate the number of hens, enforce proper coop management, and allow for periodic inspections. The ordinances from these surrounding cities are publicly available for town officials to review, providing a proven model to follow. Additionally, permit fees could offset the cost of inspections by city officials, ensuring that the system is both sustainable and cost-effective.

Implement Strict Sanitation Standards for Chicken Owners

To ensure the health and safety of the community, the town could implement strict sanitation standards for chicken owners, requiring regular cleaning of coops and proper waste disposal. With the implementation of the above permit system, inspections ensure compliance with these health regulations, like practices used in other cities like Omaha, Nebraska. The town would assign the inspection to the town maintenance workers and the town clerk would handle the permitting. Educational workshops or informational pamphlets could also be distributed to new chicken owners to promote proper coop management and minimize health risks. Town resident, Kristin S. spoke with Brett Kriefels, the head of the poultry and urban development program with Nebraska Extension, and he has offered to provide his presentation, "City Chickens 101," to educate and encourage families about responsible chicken-raising practices, what all should be inside of the coops such as flooring in the runs and coops and how to properly clean their coops (KS Resident 2). These educational resources would play a critical role in supporting families and ensuring the health standards of the town are met.

Require Predator-Proof Chicken Coops

To mitigate the risk of attracting predators to residential areas, the town could require predator-proof chicken coops as part of the revised ordinance. Raising Chickens for eggs, states, "There is an endless variety of coop designs with just as much range in cost" (Wieland and Nolden). Coops need to be designed with secure fencing, two-step locks, which means it takes two steps to unlock the latches (fig.1), raised foundations, and covered runs to prevent wild animals from accessing the chickens and their food. Kathy from The Chicken Chick mentions in her article on predator-proofing that while chicken wire might keep chickens in, it won't keep predators out. Therefore, residents

should use ¼-inch hardware cloth and dig a foot-deep trench around the coop, burying it to prevent predators from digging in (Mormino). Brett Kriefels could provide helpful information regarding this matter, and the town could distribute educational materials to residents that advise on best practices for avoiding the attraction of predators. Additional information that residents could receive includes not leaving food outside, ensuring proper coverage for the coop and run, identifying the types of predators in our area, and other deterrents. The town could also monitor the situation based on inspections as well as potential complaints and adjust regulations as necessary to ensure the safety of both residents and their animals. By implementing these preventive measures, the small town in Saunders County can support residents in raising chickens while minimizing risks to the community.

Benefits of Change

Allowing residents to raise backyard chickens in the small town offers significant benefits that go beyond individual households. These advantages not only improve food security but also provide educational opportunities for local youth and strengthen community resilience.

Enhanced Food Security and Nutrition

One of the most critical benefits of permitting chickens is the potential to increase food security for residents. Backyard chickens offer a sustainable source of fresh eggs, reducing families' dependence on store-bought products. This is particularly important as food prices, especially for staples like eggs, continue to rise, fall, and then rise again. Fresh eggs from backyard chickens also have more nutrition than store-bought eggs. In an article by Piedmont Health, they state that Penn State's College of Agricultural Sciences looked at conventionally raised eggs and pasture-raised hens and found that the eggs that come from pasture-raised farms have twice the amount of vitamin E, long-chain omega-3 fats, and more than double the amount of omega-3 fatty acids (Piedmont Healthcare). When a person buys chicken eggs at the store they can be on the shelves for few weeks, while people with access to eggs straight from their backyard will have fresher eggs. If residents have an oversupply of eggs, they can offer those extra eggs to neighbors that might not have chickens. By allowing residents to produce their own food, the small town can help adopt a more self-sufficient community.

Educational Opportunities for Local Youth

Beyond supporting food security, raising chickens provides invaluable educational opportunities for the town's youth, developing hands-on learning and a sense of community involvement. Programs like 4-H enable children to gain practical agricultural knowledge, develop a deeper connection to nature, and build essential life skills. Alyssa Powell, in the Journal of Agricultural Education, states that "involvement with the 4-H program during youth has been empirically shown to have positive effects on participants and to influence their life perspectives and career development. The activities offered within 4-H allow individuals to build relationships with peers and mentors, develop life and leadership skills, and create a positive self-concept" (Powell et al.). Without access to chickens, the town's children miss out on these lifelong lessons, which are especially valuable in rural communities where agriculture plays a significant role.

Raising chickens also teaches children essential life skills, such as responsibility, empathy, and the basics of animal care, developing their understanding of agriculture and food production. Additionally, engaging in these activities often inspires further involvement in programs like 4-H, which enhance leadership, teamwork, and problem-solving abilities, shaping individuals that are ready to contribute to their communities. By revising the current ordinance, the small town can unlock these educational benefits for its youth, enabling them to grow through vital, hands-on experiences that could shape the next generation of agricultural leaders.

Strengthened Community Resilience Against Predators

Allowing backyard chickens also encourages the development of predator management strategies, which can strengthen the entire community. The main predators in the area that would be of concern are foxes, coyotes, raccoons, and hawks. As residents take responsibility for protecting their chickens, they contribute to a collective effort to manage local wildlife and deter predators. This shared responsibility adopts a sense of community cooperation and encourages neighbors to work together, sharing knowledge and resources. Additionally, involvement in 4-H projects that focus on agriculture and animal care can improve the community's engagement, as both children and adults learn to manage and protect their flocks of chickens.

Concerns / Obstacles

While allowing backyard chickens in the small town presents several benefits, there are legitimate concerns that could discourage city officials and residents from supporting this proposal. By addressing these concerns thoughtfully and offering solutions, the community can see ways to overcome the potential obstacles.

A major concern regarding backyard chickens is public opposition fueled by misinformation. Some residents fear noise, odors, health risks, and the possibility of attracting pests or predators like coyotes. In a discussion with a City Council Member, he acknowledged that these concerns, while understandable, often stem from a lack of knowledge about backyard chicken keeping (Smith). People unfamiliar with raising chickens may assume they will disrupt daily life, increase taxes, or lower property values. However, these fears can be eased through education and community outreach, not just for potential chicken owners but for all residents. Workshops could teach residents how to manage noise, odor, and chicken care. Success stories from nearby towns like Valley and Omaha demonstrate that well-regulated chicken ownership rarely causes significant issues. The City of Omaha's Animal Ordinances, which cover permitting, enforcement, sheltering, and sanitation, serves as a nearby resource for the town to model its regulations (City of Omaha Nebraska). With proper guidelines and education from town officials, the small town can implement a chicken-friendly policy without negative consequences.

Concerns about the financial burden of enforcing chicken regulations and managing complaints are valid but can be relieved through a permit system. Many towns with existing chicken ordinances require residents to obtain permits from their city office administration which will generate revenue to cover enforcement and inspection costs. These permits are mandatory upon applying to raise chickens and renewed annually. Town officials can discuss the amount of time needed for both the initial inspection as well as yearly inspections to come up with a fair priced fee that will cover the paid time to inspect and document the inspection. If violations are found by town maintenance or administration during inspections or in response to complaints, the owner must resolve the situation and pay for follow-up inspections. Clear regulations, such as limits on the number of chickens per household and coop maintenance standards, can reduce complaints and minimize enforcement needs. In cases of multiple violations, the ordinance could mandate that the chickens be rehomed, and the owner could lose the right to future permits. Ms. S spoke with several residents interested in owning backyard chickens, and all agreed that permitting would be necessary and that they would be more than willing to adopt a permitting system (KS resident 2). The small town can adopt a similar approach and manage costs while promoting responsible chicken ownership.

Conclusion

As the small town in Saunders County looks to the future, it is important to adopt policies that embrace sustainable living, food security, educational growth, and the rural lifestyle, while addressing concerns from all residents. By allowing backyard chickens within city limits through carefully planned regulations, the town can allow its residents to achieve greater food independence, provide educational opportunities for youth, and strengthen community connections. Sustainable Development Code discusses that having chickens that lay eggs can result in excess eggs, allowing the neighbors to share their food sources with other neighbors. Implementing a permit system and educational programs can address concerns about noise, cleanliness, predators, and enforcement costs effectively. If the town chooses not to move forward, it might cause the town to miss out on these valuable benefits. However, by moving forward with this proposal, the town can foster a more self-sufficient, united, and strong community. Acting now will help retain long-standing residents, preventing them from relocating to other communities that support rural living and its culture. Let's line up the town's policies with its evolving values and ensure a brighter, more sustainable future for the town.



City of Omaha
John W. Ewing, Jr., Mayor

Law Department

Omaha/Douglas Civic Center
1819 Farnam Street, Suite 804
Omaha, Nebraska 68183-0804
(402) 444-5115

Matthew M. Kuhse
City Attorney

Honorable President

and Members of the City Council

Neb. Rev. Stat. § 14-102 (3) broadly grants cities of the metropolitan class the power by ordinance to provide all needful rules and regulations for the protection and preservation of health. The various sections within Chapter 6 ("Animals"), Article X ("Livestock") of the Omaha Municipal Code presently express the manner in which the City of Omaha exercises this regulatory authority in relation to animals. If approved, the attached Ordinance will update and strengthen the manner in which the City of Omaha does so by: setting a limit upon the number of chickens a property owner may have at ten (10); declaring that keeping or harboring any male chicken (commonly known as a rooster) is unlawful; allowing current permit holders up to five (5) years to bring the number of chickens kept or harbored to the allowed number or below it; exempting Douglas County residents who live on properties larger than two (2) acres or properties zoned as agricultural from needing a use-permit or special permission in order to keep, maintain, or harbor fowl; and instructing the Health Officer to recommend for approval by the Board of Health a fee schedule relating to livestock- and fowl permit fees, to request that the Board of Commissioners of the County of Douglas, Nebraska promulgate such fee schedule, and collect the approved fees.

The attached, proposed Ordinances will not result in the expenditure of City of Omaha funds.

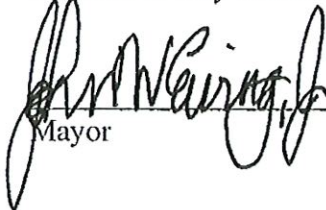
Respectfully submitted,

Referred to City Council for Consideration:


Tim Dolan
Assistant City Attorney

Date

10/20/2025


Mayor

Date

10/20/25

ORDINANCE NO. _____

AN ORDINANCE to amend Sections 6-263, 6-263.1, 6-263.2, 6-263.3, 6-263.4, 6-263.5, 6-266, 6-270, 6-272, 6-273, 6-274, and 6-275 of the Omaha Municipal Code to help ensure that the most up-to-date regulations concerning wildlife are codified, that the Douglas County Health Department has the necessary authority to promulgate rules and regulations for chickens and other fowl in order to protect and promote the public health and safety, and to provide the effective date hereof.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OMAHA:

Section 1. That Chapter 6 ("ANIMALS"), Article X ("LIVESTOCK"), Division 1, Sections 6-263, 6-263.1, 6-263.2, 6-263.3, 6-263.4, 6-263.5, 6-266, 6-270, 6-272, 6-273, 6-274, and 6-275 of the Omaha Municipal Code are hereby amended as follows:

Sec. 6-263. - Poultry to be enclosed Fowl.

It shall be unlawful for any person to allow poultry, chickens, hens, turkeys, ducks, geese, or other like fowl to be at large within the city, except in enclosed places on private property. "Fowl" is used to refer to waterfowl, such as ducks, swans, and geese; game fowl, such as turkey or pheasant; or domesticated barnyard birds like chickens, and poultry of all kinds, whether herein specifically enumerated or not.

It shall be unlawful for any person to allow fowl to be at large within the city, except in enclosed places on private property. The maximum number of fowl is 10 but will be determined by the health department based on health problems arising from overcrowding and impact on the environment, pest infestation, and predators. Where it is healthy to combine more than one species in a flock, adequate available space will be determined by requiring a minimum of 4 square feet per bird. If permitted, pen, structure, or run shall be done in accordance with the specifications as set out by the health department.

Sec. 6-263.1 – Chickens

Only female chickens are allowed. It shall be unlawful for any person to keep or harbor any male chicken, commonly referred to as a rooster. There is no restriction on chicken breeds.

The property on which the chicken(s) reside(s) must be a single-family residence. A tenant must obtain the landlord's written permission to install a coop or pen.

Sec. 6-263.2 – Other Fowl

Other fowl means male or female fowl whether specifically enumerated or not in Sec. 6-263. The property on which the fowl reside must be a single-family residence. A tenant must obtain the landlord's written permission to install a coop or pen.

Sec. 6.263.3 – Permits issued prior to the adoption of ordinance.

Valid permit holders receiving a permit before the adoption of this ordinance are allowed the number of animals specified on that permit for 5 years or until December 31, 2030.

Sec. 6.263.4 – Feed and Water.

Fowl must always have access to clean feed and clean water that is unavailable to rodents and predators.

Sec. 6.263.5 – Waste Storage and Removal

Provision must be made for the short-term (no more than 7 days) storage and removal of manure. All stored manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All manure not used for composting or fertilizing shall be removed. In addition, the coop, pen, run, exercise yard and surrounding area must be kept free from trash and accumulated manure, food, feathers, and related debris and removed within 7 days.

Section 2. That Chapter 6 ("ANIMALS"), Article X ("LIVESTOCK"), Division 2, Sections 6-266, 6-270, 6-272, 6-273, 6-274, and 6-275 of the Omaha Municipal Code are hereby amended as follows:

Sec. 6-266. Required for keeping of livestock and/or poultry fowl.

It shall be unlawful for any person to keep, maintain or harbor any horses, goats, sheep, swine, except mini-pigs as defined in article XI of this chapter, cattle or poultry fowl within as set out in this section within this city without first obtaining a permit to do so from the health department. Douglas County residents who live on a property of more than 2 acres or zoned agriculture can keep fowl as an accessory use- permit or special permission is not required. If the property is less than 2 acres, the owner/operator must obtain a special permit from the Douglas County Health Department to keep backyard fowl on the property. Large fowl (ostrich, peacock, emu, and the like) are not allowed.

Sec. 6-270. Denial, suspension, or revocation of permit.

A permit issued under the provisions of this division may be revoked by the health department for the violation by the permittee of any provision of this division or any other applicable provision of this code, state law or city ordinance, rule or regulation.

As used herein, the "Health Officer" shall mean the Director of the Douglas County Health Department or such person's designee. The Health Officer shall deny a permit if the applicant has not demonstrated compliance with all provisions of this article.

A permit to keep domesticated animals may be suspended or revoked by the Health Officer where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of this division, article or any other applicable provision of this code, state law or city ordinance, rule or regulation.

Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.

Sec. 6-272 – Dead Animal Removal.

If an animal dies, methods of disposal should be done in accordance with recommendations of the Nebraska State Veterinarian, the Nebraska Department of Agriculture, or Cooperative Extension Service.

Sec. 6-273 – Fees.

The Health Officer shall recommend livestock fees and fowl fees to the Board of Health for approval. For any fees the Board of Health approves, the Health Officer shall submit a request to the Board of Commissioners of Douglas County, Nebraska asking that entity to promulgate any livestock fees and fowl fees that the Board of Health has approved, and the Health Officer shall collect the approved fees.

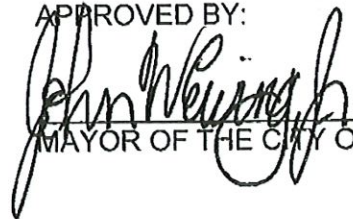
Sec. 6-274 - Adoption of rules and regulations.

The Douglas County Health Department is hereby authorized to promulgate rules and regulations for chickens and other fowl based on the protection and promotion of public health and safety.

Section 3. This Ordinance shall be in full force and take effect fifteen days from and after its passage.

INTRODUCED BY COUNCILMEMBER

APPROVED BY:

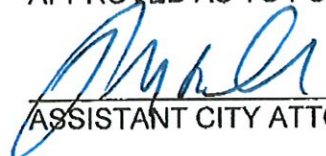
 10/20/25
MAYOR OF THE CITY OF OMAHA DATE

PASSED _____

ATTEST:

CITY CLERK OF THE CITY OF OMAHA DATE

APPROVED AS TO FORM:

 10/20/2025
ASSISTANT CITY ATTORNEY DATE

ORDINANCE NO. 16712

16712

1 AN ORDINANCE amending Chapter 6.04 of the Lincoln Municipal Code by
2 amending Section 6.04.010 of the Lincoln Municipal Code to harmonize the definition of
3 small animal, large animal, and fowl; amending Section 6.04.040 of the Lincoln Municipal
4 Code to change the number of small animals and fowl allowed to be kept or requiring a
5 permit; adding a new section numbered 6.04.045 to exclude certain animals from minimum
6 and maximum calculations; amending Section 6.04.060 of the Lincoln Municipal Code to
7 provide an exemption for federally licensed wildlife rescue organizations; and repealing
8 Sections 6.04.010, 6.04.040 and 6.04.060 of the Lincoln Municipal Code as hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 6.04.010 of the Lincoln Municipal Code be amended
11 to read as follows:

12 **6.04.010 Definitions.** For the purpose of this title, the following words shall have
13 the following meanings:

14 **Animal** shall mean any vertebrate member of the animal kingdom excluding man.

15 **Board of Health** shall mean the Lincoln-Lancaster County Board of Health.

16 **Department** shall mean the Lincoln-Lancaster County Health Department.

17 **Director** shall mean the Director of the Lincoln-Lancaster County Health Department
18 or such Director's duly authorized representative.

19 **Domesticated** shall mean a tame animal that is subject to the dominion and control of
20 an owner and accustomed to living in or near human habitation without requiring extraordi-
21 nary restraint or unreasonably disturbing such human habitation.

1 **Dwelling** shall mean any building or portion thereof which is designed and used for
2 residential purposes. An attached garage shall be deemed to be part of a dwelling.

3 **Fowl** shall ~~include any and all~~ mean chickens, ducks, geese, turkeys, pigeons,
4 pheasants, quail, partridge, guineas, or other domesticated or wild fowl, ~~domesticated and~~
5 ~~wild, of whatever sex over the age of six months, but excluding fowl kept within a dwelling~~
6 ~~and not a pet shop.~~

7 **Groom shop** shall mean any commercial retail establishment or business or part thereof
8 where cleaning, shampooing, caring, and grooming are provided for animals except the term
9 shall not include livestock auctions, veterinarians, boarding kennels, or animal shelters.

10 **Hobby breeder** shall mean any person who breeds and raises pet animals at his or her
11 place of residence; provided that (1) such breeding activity is incidental to keeping pet animals
12 for personal enjoyment, and (2) the premises are not a dog or cat kennel regulated by the
13 Lincoln Municipal Code. At least one parent of the pet animal must be kept upon the
14 residence or premises.

15 **Keep or harbor** shall mean to have charge, custody, or control of an animal or fowl,
16 or permitting the same to habitually remain or be lodged or fed within the house, store, yard,
17 enclosure, or place of the owner or occupant of the premises.

18 **Large animal** shall ~~include any and all~~ mean cattle, horses, mules, sheep, or goats,
19 beasts of burden, or any other domesticated or wild animal ~~of similar or larger size, excluding~~
20 ~~dogs, cats, and unusual animals, and excluding any large animals six months of age and under~~
21 ~~if at least one parent of such animal is lawfully kept upon the premises~~ weighing more than
22 twenty pounds except pet animals, unusual animals, or fowl.

23 **Own** shall mean to own, keep, harbor, or have charge, custody, or control of an
24 animal or fowl.

1 **Owner** shall mean any person, firm, organization, association, or corporation owning,
2 possessing, keeping, harboring, or having charge, custody or control of any animal or fowl.

3 **Pet animal** shall mean dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana,
4 and turtles, ~~or any other species of wild or domestic animals~~ Pet animal shall also include
5 any domesticated animal that a person owns or that is sold or offered for sale generally for
6 the purpose of being kept indoors as household pets, except unusual animals.

7 **Pet animal dealership** shall mean places or premises where pet animals are kept for
8 wholesale or retail sale, including breeding facilities, ~~other than a~~ except hobby breeders.

9 **Pet shop** shall mean any business establishment or premises or part thereof maintained
10 for the purpose of a pet animal dealership, but shall not include hobby breeder, groom shop,
11 veterinarians, boarding kennels, and animal shelters.

12 **Premises** shall include any building, lot, yard, or portion thereof, facilities and
13 appurtenances thereto, grounds, area, or place used as or held out for use as a pet shop.

14 **Retail sale** shall mean the business of selling pet animals directly to consumers or the
15 public.

16 **Run at large** shall include any animal that is not under the actual control of its owner.
17 An animal shall not be considered under the actual control of its owner unless on a leash,
18 cord, ^{or} chain which is securely fastened or picketed in a manner sufficient to keep the animal
19 on the premises where picketed, or on a leash, cord, or chain of six feet or less in length
20 physically held by the owner or confined within a receptacle, enclosed vehicle, fenced
21 enclosure or shelter or within the real property limits of the owner and in the owner's
22 presence and under direct and effective voice control.

23 **Small animal** shall mean include rabbits and any other animal, including rabbits, ~~not~~
24 ~~within the definition of large animal of whatever sex over the age of six months, but exclud-~~

1 ~~ing dogs, cats, ferrets, rodents kept as pets within a dwelling, and unusual animals weighing~~
2 ~~twenty pounds or less, except pet animals, unusual animals or fowl.~~

3 Unusual animal shall mean any poisonous or potentially dangerous animal not
4 normally considered domesticated and shall include animals prohibited by the City of Lincoln,
5 State of Nebraska, or federal requirements, and also:

6 (1) Class mammalia; order carnivora, family felidae (such as lions, tigers,
7 jaguars, leopards, and cougars) except commonly accepted domesticated cats and hybrids
8 involving same; family canidae (such as wolves, coyotes, and fox) except domesticated dogs
9 and hybrids involving same; family mustelidae (such as weasels, martins, fishers, skunks,
10 wolverines, mink, and badgers) except ferrets; family procyonidae (such as raccoon); family
11 ursidae (such as bears); order primata (such as monkeys and chimpanzees); and order
12 chiroptera (such as bats).

13 (2) Poisonous reptiles, cobras and their allies (elapidae, hydrophiidae); vipers
14 and their allies (crotiladae, viperidae); boonslang and kirtland's tree snake; and gila monster
15 (heleodermatidae).

16 Wholesale shall mean the business of buying for resale or selling pet animals to
17 persons other than retail sales; or contracting in any manner for the sale of pet animals as a
18 broker, commission merchant, or other persons who take possession of such pet animals
19 during the course of such business.

20 Section 2. That Section 6.04.040 of the Lincoln Municipal Code be amended
21 to read as follows:

22 **6.04.040 Pigeons, Small Animal, and Fowl Permit Requirements.**

23 ~~It shall be unlawful to keep the below number of small animals or fowl within the~~
24 ~~limits of the city without first having procured a permit therefor and without adhering to the~~

requirements in the following table:

(a) It shall be unlawful for any person to keep or harbor small animals or fowl, without a permit, in numbers equal to or greater than the minimum provided in Table 6.04.040.

(b) It shall be unlawful for any person to keep or harbor small animals or fowl as follows:

(1) In numbers greater than the maximum provided in Table 6.04.040;

(2) Within pens, enclosures or shelters closer than fifty feet to a neighboring residence; or

(3) Within pens, enclosures or shelters closer than five feet to a neighboring property line.

TABLE 6.04.040

<u>Property Size</u>	<u>Minimum and Maximum Number of Small Animals or Fowl</u>	<u>Exercise/Shelter Area (Square Feet)</u>	<u>Minimum Distance of Pens, Enclosures or Shelters to Neighboring Residences (Ft.)</u>	<u>Minimum Distance of Pens, Enclosures or Shelters to Neighboring Property Line (Ft.)</u>
1 acre or less	<u>Rabbits or Other Small Animals</u> 3 - 10 <u>3 - 20</u>	2-5 3 times number of small animals	50	5
	<u>Bantam, miniatures or other fowl weighing less than 3 lbs.</u> 7 - 250 <u>7 - 30</u>	1 2 times number of fowl	50	5
	<u>Chickens, ducks or other fowl weighing 3 - 5 lbs.</u> 3 - 36 <u>3 - 20</u>	2 3 times number of fowl	50	5
	<u>Pigeons</u> <u>14 - 200</u>	<u>1 times number of pigeons</u>		

	<u>Turkey, geese, or other fowl weighing 5 - 20 lbs. 2 - 10 2 - 5</u>	<u>5 7 times number of fowl</u>	50	5
For each additional 2 1 acres	2 times the number per each category	Same as above	50	5

Section 3. That Chapter 6.04 of the Lincoln Municipal Code be amended by adding a new section numbered 6.04.045 to read as follows:

6.04.045 Calculating Minimums and Maximums; Exclusions.

In calculating the minimum and maximum numbers of animals for purposes of Sections 6.04.030 and 6.04.040, such numbers shall not include:

- (a) Large animals under the age of 180 days if the animal's biological parent is lawfully kept upon the premises.
- (b) Small animals under the age of sixty days or kept within a dwelling.
- (c) Fowl under the age of thirty days or kept within a dwelling.

Section 4. That Section 6.04.060 of the Lincoln Municipal Code be amended to read as follows:

6.04.060 Exemptions.

- (a) The provisions of Sections 6.04.030 and 6.04.040 shall not apply to:
 - (1) Commercial establishments killing and processing animals under federal inspection,
 - (2) Animal research facilities,
 - (3) Farmsteads of twenty acres or more as defined by the ordinances of the City of Lincoln relating to dairies,
 - (4) Animal shelters,

1 (5) Animal hospitals operated by veterinarians duly licensed under the laws of the
2 State of Nebraska,

3 (6) Public zoos,

4 (7) Owners of raptors licensed under the laws of the State of Nebraska,

5 (8) Wildlife rescue organizations licensed by the federal government or State of
6 Nebraska, or and

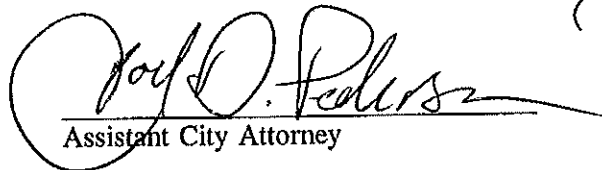
7 (9) Educational institutions created by law or incorporated for that purpose, ~~and~~
8 ~~educational projects for children, so long as approved as such and periodically inspected by the~~
9 ~~Vocational Agriculture Teacher of School District No. 1 of the City of Lincoln and the County Agent~~
10 ~~of Lancaster County.~~

11 Section 5. That Sections 6.04.010, 6.04.040 and 6.04.060 of the Lincoln Municipal
12 Code as hitherto existing be and the same are hereby repealed.

13 Section 6. That this ordinance shall take effect and be in force from and after its
14 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:


Assistant City Attorney

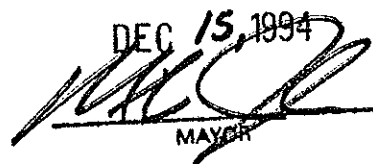
AYES: Donaldson, Haar, Seng,
Shoecraft, Wilson, Young;
NAYS: None;
ABSENT: Johnson.

Staff Review Completed:


Administrative Assistant

PASSED
DEC. 12, 1994
BY CITY COUNCIL

APPROVED

DEC 15, 1994

MAYOR

GENERAL
FACT SHEET

94-201

BILL NUMBER

BRIEF TITLE	APPROVAL DEADLINE	REASON
Revisions to Chapter 6.04		

Animal Control Regulations - Generally

DETAILS	POSITIONS/RECOMMENDATIONS
Reason for Legislation The proposed revisions incorporate language changes recommended by the City Law Department clarifying definitions and reducing the number of fowl and small animals a person may have. The maximum amounts will allow the current permit holders to retain their permits, but will not allow a very large expansion in numbers.	Sponsor Programs, Departments, or Groups Affected Animal Control Division of the Health Department
	Applicants/Proponents Applicant Animal Control Division of Health Dept. City Department Law Dept. Other
Discussion (Including Relationship to other Council Actions) The proposed ordinance revisions will do the following: 1. reduce the number of small animals (rabbits) and fowl kept outside a dwelling. 2. increase the square footage required for fowl and small animals based on USDA recommendations. 3. clarify definitions. 4. Exempts Wildlife Rescue from the permit requirement. The Animal Control Advisory Committee approved the revisions on August 3, 1993. The Board of Health approved the proposed revisions on November 9, 1993.	Opponents Groups or Individuals None Identified Basis of Opposition
	Staff Recommendation ☒ For ☐ Against Reason Against
	Board or Commission Recommendation BY Board of Health 11/9/93 ☒ For ☐ Against ☐ No Action Taken ☐ For with revisions or conditions (See Details column for conditions)
	CITY COUNCIL ACTIONS (FOR COUNCIL USE ONLY) ☐ PASS ☐ PASS (AS AMENDED) ☐ COUNCIL SUB. ☐ WITHOUT RECOMMENDATION ☐ HOLD ☐ DO NOT PASS

DETAILS

POLICY / PROGRAM IMPACT

POLICY OR
PROGRAM
CHANGE

☒ NO ☐ YES

OPERATIONAL
IMPACT
ASSESSMENT

Ordinance clarifies questions that
have occurred, thus the revisions
will make it more effective.

FINANCES

COST AND
REVENUE
PROJECTIONS

COST of total project \$ _____

COST of this ordinance/resolution \$ _____

RELATED annual operating cost \$ -0-

INCREASED REVENUE
EXPECTED / YEAR \$ -0-

SOURCE OF
FUNDS

CITY

\$ _____ %

\$ _____ %

\$ _____ %

\$ _____ %

NON CITY

\$ _____ %

\$ _____ %

\$ _____ %

\$ _____ %

BENEFIT COST /

Average Assessment

☐ Front Foot
☐ Square Foot

\$ _____

\$ _____

\$ _____

(Use This Space For Further Discussion, If Necessary)

APPLICABLE DATES:

FACT SHEET PREPARED BY: M. Jane Ford (by Jim Weverka)

REVIEWED BY:

REFERENCE NUMBERS:

CITY of LINCOLN

Request for:

☒ Ordinance

☐ Resolution

(Do Not Write in this Space)

Bill Control No.

Date

94-201

11/18/94

Docketing Date:

11/28/94

(To Be Entered By City Clerk)

Before using this form, see Administrative Regulation 1-1 Procedures for handling ordinance requests

DATE 1/18/1994	REQUEST MADE BY: M. Jane Ford	DEPARTMENT Health
DESIRED DOCKET DATE	IF EMERGENCY, GIVE REASON (See Art. 5, Sec. 2 of Charter)	
Emergency Measure Required: ☐ Yes ☐ No		

REASONS OR JUSTIFICATION FOR PROPOSED LEGISLATION:

The proposed revisions incorporate language changes recommended by the City Law Department, staff, and the Animal Control Advisory Committee. The changes are directed toward fowl requirements for a permit and are most restrictive in that the maximum number has been reduced. The maximum amounts will allow the current permit holders to retain their permits, but not allow a very large expansion in numbers. The definition changes are those recommended by Joel Pederson primarily to be more understandable and clear. The revised table clarifies which type of fowl require certain square footage of space. The square footage requirement is from USDA information.

RECEIVED
 CITY OF LINCOLN
 CLERK OF COURSE
 11/28/94

REQUESTER	☐ DOES ☐ DOES NOT	WISH TO REVIEW AND APPROVE THIS ORDINANCE PRIOR TO ITS INTRODUCTION	DATE 11/19/94	DIRECTOR'S SIGNATURE <i>M. J. Ford</i>
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TO BE USED BY THE FINANCE DEPARTMENT

BUDGET REVIEW	DATE	ACCOUNT NUMBER AND APPROPRIATE BALANCES CHECK	DATE	FUND AVAILABILITY APPROVED	DATE
			DIRECTOR OF FINANCE SIGNATURE		

DISTRIBUTION

White -- City Clerk
 Green -- Admin. Dir.
 Canary -- City Atty.
 Pink -- Finance Dept.
 Goldenrod -- Department

TO BE USED BY THE MAYOR'S OFFICE

EMERGENCY MEASURE IS REQUIRED
"IN FACT"? ☐ YES ☐ NO

DATE

ADMINISTRATIVE DIRECTOR'S SIGNATURE

ORDINANCE NO. 16712

AN ORDINANCE Amending Sec. 6.04.010 of the LMC to harmonize the definition of small animal, large animal, & fowl; amending Sec. 6.04.040 to change the number of small animals & fowl allowed to be kept or requiring a permit; & amending Sec. 6.04.060 to provide an exemption for federally licensed wildlife ~~research organizations~~.

Read First Time NOV 28 1994
Read Second Time DEC 05 1994

Read Third Time DEC 12 1994

Passed DEC 12 1994

Published in Journal-Star
on Fri, Dec 23, 1994

CERTIFICATE

State of Nebraska)
County of Lancaster) SS

I, the undersigned, City Clerk of the City of Lincoln, Nebraska, do hereby certify that the within ordinance is the original Ordinance No. 16712 as passed by the City Council of said City, as indicated above, and as approved by the Mayor of said City and as the same appears of record in my office and is now in my charge remaining as City Clerk aforesaid.

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of the City of Lincoln, Nebraska this 28th day of DECEMBER, 1994.

Lawrence M. McLaughlin
City Clerk of Lincoln, Nebraska

12/12/94 - Council Proceedings:
SHOECRAFT Moved to pass the ordinance as read.
Seconded by Wilson and carried by the following vote: AYES: Donaldson, Haar, Seng, Shoecraft, Wilson, Young; NAYS: None; ABSENT: Johnson.

April 18, 2025

TO: Mayor & Council

FROM: Melissa Harrell, City Administrator 

RE: Chickens/Ducks

Earlier this year there were two citizens, on separate occasions, that approached the City Council about the City of Wahoo allowing chickens within City Limits. I previously prepared a report explaining how chickens are currently regulated (and prohibited) through our municipal code and zoning regulations. I have included this in the attachments to this document. You requested information on what other communities are doing with regards to chickens: Are they allowed, if so how are they regulated, what is the licensing process, etc.

Information was gathered from 29 communities across the state (ranging in population from 27,602 to 296). Of those, 8 did not allow chickens (Prague, Yutan, Aurora, Wayne, La Vista, Papillion, and Fremont). Of those communities that do allow chickens, the regulations were gathered from the following communities for further review: Blair, Gretna, Hickman, Nebraska City, Norfolk, Seward, Valley, and Waverly. This data was gathered from the NE City Managers Association listserv, through direct contact with some, with supplemental information gathered from city websites. A summary sheet of the data collected is attached as well as all permits/regulations from the communities review in greater depth. I am confident this information provides us with sufficient data to answer your questions. Below is a summary of my findings from those communities that do allow and regulate chickens:

What fowl is included in the regulations?

Most communities only allow chickens. Some specified hens, hen bantams. Some specifically excluded ducks. Norfolk specifically allows ducks.

What is the maximum number of chickens allowed?

- Blair – 6
- Gretna – 4 (on lot of 1 acre or less), 10 (on lot of more than 1 acre)
- Hickman – 4 (on lot of 1 acre or less), 6 (on lot of more than 1 acre)
- NE City – 4 on any one zoning lot
- Norfolk – 4 (chickens or ducks in any combination) with each being less than 5 lbs.
- Seward – 10 on any one lot. Excludes chickens under age of 30 days
- Valley – 6 on any one lot
- Waverly – 3 (on lot of 1 acre or less), 4 (on lot of more than 1 acre)

Is a permit/license required?

Across the board any community allowing chickens requires a permit or license.

How often is it issued?

Generally, permits were annual permits, renewed during the month of December, with a calendar year expiration date, giving folks one month to complete the renewal process. Blair renews them on the anniversary of the application

How much is the permit/license?

Fees range from \$10 to \$50 per year.

Is the permit transferable?

No community allows the permit to be transferable or assignable. Norfolk goes on to state "in the event a new tenant leases property for which a permit was previously issued to a prior tenant, the new tenant is required to obtain his/her own permit in order to keep chickens on the leased property" making it very clear that a new tenant must re-apply.

What is required as part of the permit application?

We were not able to get all application forms, but generally the applicant must be the property owner, and if not the property owner, then the property owner must provide signature that they are aware the tenant is applying for a permit to keep chickens. Three communities (Blair, Gretna, Waverly) required there to be a statement of how the offal, manure and waste material accumulating from the chickens will be sanitarily disposed of as part of the application. Gretna and Waverly required the applicant to agree to removal of this material at least once every seven (7) days. Blair and Hickman required a plot plan with dimensions to all buildings and property lines be submitted as part of the application. Seward requires a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety and welfare of the citizens of Seward

Is an inspection of the facility/coop required? Who is that done by?

Blair was the only community requiring an inspection prior to the issuance or renewal of the permit. It stated that City personnel shall investigate the facts presented. No permit (new or renewal) can be issued until all requirements have been satisfied.

Who handles the enforcement of the licensing?

Communities placed responsibility for enforcement of licensing to a Police Officer, Code Enforcement Officer, Building Inspector, Health Official or Zoning Official.

What is the penalty for violation of the regulations?

Communities referred to their standard penalties section for a violation of municipal code. In most communities this is a misdemeanor, with a fine of up to \$500 per offense. A new

offense occurs every 24 hours. Two communities (Blair and Norfolk) specifically stated that the chicken permit would be revoked.

Is permission required from the abutting property owners or property owners in the area? Is 100% concurrence required from the abutting property owners?

Four of the seven communities studied in depth require abutting (or further) property owner and resident approval. However, in the overall survey many communities do not have that requirement.

- Blair – applicant must give notice of the pending permit to all located within 100' of any part of the covered enclosure and fenced pen area and evidence of this must be provided (either by signature or certified return receipt mail). If any of those notified object within 10 days of the date of the notice, the permit will not be issued. All must agree or the permit will not be issued.
- Norfolk – applicant must distribute neighbor consent forms provided by the City and they must all be submitted (both for and against) with the application – within 200' of property boundaries. Their regulations provide specific diagrams of where the consent forms must be collected from, and if the diagrams don't address a layout, the zoning official makes that determination. 75% of the property owners (not tenants) must approve, but there must be 100% approval of those properties abutting the applicant's property
- Seward – applicant must provide proof that there are no objections from property owners or residents within 75' in all directions of property lines. No objections allowed, but permits can be issued at the discretion of the City Administrator with appeal to the City Council
- Waverly – applicant must provide evidence that the applicant has notified all property owners or residents within 150' of the property lines of the property on which the chickens will be located. Their code states: "The City may consider resident objections in deciding whether to issue a permit under this Section."

What are the requirements of residency?

All communities studied only allowed chickens on property of a single-family dwelling. Several communities specifically stated chickens were not allowed at a duplex, condos or multi-family dwellings.

Requirements of the facility (coop, fenced area or run, food storage):

- No community allows roosters or crowing hens.
- No communities allow chickens to roam or be out of their enclosed coop or fenced area.
- All but one community prohibits slaughter of any chicken. Norfolk does not allow the slaughter of chickens outside or at any place where the neighbor or the general public can see.
- Structure requirements – includes coop or fenced in area
 - Chickens must have covered enclosure

- Coop must have a minimum amount of square feet per chicken – ranges from 3 to 4 sq ft (two list 3 cubic feet per occupant chicken)
- Flooring in coop - approximately half of the communities studied in depth require “flooring must be waterproof, hard-surfaced, non-porous material”
- Maximum size of enclosure (coop) varied:
 - Blair – max of 120 square feet, 12’ tall
 - Gretna – on lots 1 acre or less – less than 8’ tall and less than 32 sq ft; on lots greater than 1 acre – less than 10’ tall and less than 80 sq ft
 - NE City – max of 120 square feet, 7’ tall
 - Norfolk – max of 90 square feet, 7’ tall
 - Seward – max of 120 square feet
- Enclosure must be constructed to keep rats, mice, or other rodents from being harbored around or under the structure. Blair regulations were more detailed than others stating the coop must have a roof and door, must have openings for windows and vents and they must be covered with predator and bird proof wire of less than 1” openings, and that the coop must be constructed of uniform materials and not scrap wood, waste board, sheet metal or similar material.
- Fenced in area or run must have a minimum amount of square feet per chicken – ranges from 8-10 sq ft (two listed 5 cubic feet per occupant chicken)
- All stated the fenced areas or runs must be made of sturdy wire fencing, with a top, with solid connections (especially to the ground) to prevent escape of the birds or entry by predators.
- All stated the facilities must be maintained in a clean and sanitary condition. Several stated no odors or noise can extend beyond the boundaries of the permitted tract of land, but some communities used more forceful language than others. Norfolk stated the structures must require easy access for cleaning. Several communities stated the offal, manure and waste accumulation must be removed at least every 7 days.

Where are chicken facilities (coop and run) allowed to be located?

All communities required these to be located in the rear yard. This is determined by extending the rear face of the residence to the side yards. All required the facilities to be located a minimum distance from property lines and any residential structures on adjacent property.

- Blair – 10’ from property lines, 40’ from any residential structure on adjacent property
- Gretna - at least 30’ from any dwelling, front yard or side yard, street, public sidewalk, public building, park or recreation area
- Hickman - at least 5’ from rear property line, 6’ from side yard property line and at least 20’ away from any neighboring residence; cannot be located in any utility easement and must be distances (as described in regulations) away from electric utility transformer boxes and pedestals.

- NE City – 10' from property lines, 40' from any residential structure on adjacent property
- Norfolk – 10' from property lines, 40' from any residential structure on adjacent property; no chicken coop shall be located closer than 10' to any other structure on the permitted lot for fire safety purposes
- Seward - 10' from property lines, 40' from any residential structure on adjacent property
- Valley - At least 30' from any dwelling, street, public sidewalk, public building and park or recreational area. Facility may be located within 30 feet of an alley
- Waverly – At least 30' from any dwelling, sidewalk, street, alley, road, public building, park or recreation area

Regulations regarding food storage:

All communities stated that food storage must be contained to avoid rodents gaining access.

Other regulations:

- Blair – chickens must be enclosed during non-daylight hours;
- Hickman – dead chickens must be double bagged and placed in the garbage
- Norfolk – All electrical installations shall meet or exceed National Electrical Code requirements. No temporary wiring (extension cords) shall be permitted.

Are there any regulations regarding selling eggs?

- NE City – eggs produced by licensed chickens may be sold by the license holder, subject to compliance with the zoning ordinance of NE City pertaining to home occupations and home-based businesses
- Seward – eggs produced by permitted chickens may be sold by permit holder

Chicken Regulations Survey - April 2025

<u>Town</u>	<u>Population</u>	<u>Chickens?</u>	<u>Number</u>	<u>Permission of adjacent property owners?</u>	<u>Prohibition of roosters?</u>
Ashland	3367	Yes			
Aurora	4704	No			
Beatrice	12261	Yes	No limit	No	Yes
Blair	7967	Yes	6	100'	Yes
Central City	3039	Yes	15	No	No
Columbus	24028	Yes	5	No	No
Crete	7488	Yes			
Elm Creek	979	Yes	10	No	Yes
Falls City	4045	Yes	No limit	No	Yes
Fremont	27602	No			
Gibbon	1878	Yes	No limit	No	No
Gretna	9054	Yes	4/10	No	No
Hickman	2607	Yes	4/6	No	Yes
La Vista	16346	No			
Lexington	10348	Yes	No limit	No	No
Nebraska City	7414	Yes	4	No	Yes
Norfolk	25868	Yes	4	200'	No
North Platte	23390	Yes	No limit	No	No
Ogallala	4878	Yes	6	No	No
Papillion	23791	No			
Pierce	1845	No			
Prague	296	No			
Schuyler	6529	No			
Seward	7672	Yes	10	75'	Yes
Superior	1825	Yes	6	No	No
Valley	3236	Yes	6	No	Yes
Waverly	4458	Yes	3/4	150'	Yes
Wayne	6165	No			
Yutan	1425	No			

Saunders County communities
Bold Regulations fully reviewed

Article 2. Animals and Fowls

Sec. 6-201 ANIMALS; RUNNING AT LARGE. It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another. (Neb. Rev. Stat. §16-235) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

Sec. 6-202 LIVESTOCK; BANNED FROM MUNICIPALITY. It shall be unlawful for any person, corporation, firm, or other entity, in the capacity of owner occupant, lessee, mortgagee, or agent thereof, to keep or maintain within the corporate limits of Blair, Nebraska, any horse, mule, sheep, cow, goat, swine, or other livestock except such livestock as are within the said corporate limits temporarily for exhibition purposes and are kept in sanitary and enclosed areas at least one hundred fifty (150') feet from any habitable structure owned by any person or business. (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2260 05/20/2014) (Amended by Ordinance 2401 07/28/2020)

6-202.1 FOWL, CONTROLLED WITHIN MUNICIPALITY; PERMIT PROCESS.

- A. Except as permitted by subsection E of this section, it shall be unlawful for any person, corporation, firm, or other entity, in the capacity of owner occupant, lessee, mortgagee, or agent thereof, to keep or maintain, within the corporate limits of Blair, Nebraska, any chickens, ducks, geese, turkeys, pheasants, quail, ostrich, or other fowl except such fowl as are within the said corporate limits temporarily for exhibition purposes and are kept in sanitary and enclosed areas at least one hundred fifty (150') feet from any habitable structure owned by any person or business.
- B. The keeping or maintain of such fowl as described in subsection A above shall be considered to be a specific nuisance and may be abated in accordance with the provisions of the Blair Municipal Code.
- C. In addition to abatement as identified in subsection B above, the Mayor and City Council shall be authorized to maintain an action for abatement of such activity in Court in Washington County, Nebraska, against the owner, occupant, lessee, mortgagee, or agent thereof, who is deemed to be in violation of subsection A of this section.
- D. Furthermore, any owner, occupant, lessee, mortgagee, or agent thereof, who shall violate or refuse to comply with the provisions of subsection A of this section, or the enforcement thereof, shall be fined as per the City's Violations Bureau for every offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
- E. Notwithstanding the above provisions of this section, the raising of hen chickens within the municipality may be permitted, subject to compliance with the following conditions:

1. Any person desiring to keep hen chickens in the corporate limits of the City of Blair shall obtain a permit from the City of Blair prior to acquiring the hen chickens. Application shall be made at City Hall and the fee for the permit shall be as determined by the City Council in APPENDIX – PERMIT, LICENSE AND APPLICATION FEES. The application shall be in writing on a form to be furnished by the City of Blair for that purpose.
2. The minimum property requirements to qualify for a permit shall include:
 - a. The applicant must be owner occupant, lessee or mortgagee of the property where the hen chickens will be kept;
 - b. The use of the property where the hen chickens will be kept must be a single-family dwelling. No permit will be issued for duplexes, condominiums, or multi-family dwellings;
 - c. Hen chickens shall not be kept on a vacant or uninhabited property.
3. The application for such permit shall be made pursuant to the procedures and requirements that are applicable at the time the person applies for a new permit, which shall include:
 - a. Name and mailing address of the applicant;
 - b. Mailing address where hen chickens are to be kept;
 - c. Signature of the property owner (if not the applicant) agreeing to the application;
 - d. Statement of the method and frequency in which offal, manure and waste material accumulating from such hen chickens will be sanitarily disposed of;
 - e. An attached plot plan of the property upon which the hen chickens will be kept, as well as all adjacent properties, showing dimensions of the property upon which the hen chickens will be kept, the location and dimensions of the covered enclosure and fenced pen area, the distance of any part of the covered enclosure and fenced pen area from residence buildings on all properties, and the distance of any part of the covered enclosure and fenced pen area from the property lot lines upon which the hen chickens will be kept.
4. Any applicant for such permit, shall, prior to the issuance or renewal of a permit by the City of Blair, give notice of the pendency of said application to all owners of property adjacent to the property upon which the hen chickens will be kept, as well as to other owners of residences within one hundred feet (100') of any part of the covered enclosure and fenced pen area. The applicant shall furnish proof of said notice to the City Clerk. The notice required by this section shall be in writing and in a form as provided by the City of Blair, and may be served personally with proof by signature or by certified return receipt mail. If any owner of property adjacent to the property upon which the hen chickens will be kept or any owner of a residence within one hundred feet (100') of any part of the covered enclosure and fenced pen area objects within ten (10) days of the date of

notification to the issuance of a permit for the keeping of hen chickens, such permit will not be issued.

5. Prior to the issuance or renewal of any permit for the keeping of hen chickens, the City of Blair shall have a proper investigation completed by City personnel of the facts set forth in the application for the permit and determine whether said application conforms to the requirements of this section and whether the property conforms to the requirements of this section and other ordinances of the City with respect to zoning and building regulations, sanitation, and location of the covered enclosure and fenced pen area. No permit shall be issued by the City of Blair until all requirements of this section have been satisfied.
6. Permits expire and become invalid one (1) year after date of issuance. A person who wishes to continue keeping hen chickens shall have satisfied the requirements of subsection 3-5 and obtained a new permit on or before the expiration date of the previous permit. No permit shall be assignable or transferable.
7. A person who keeps or houses hen chickens shall comply with all of the following requirements:
 - a. No more than six (6) hen chickens may be kept on any one (1) property or lots joined by a contiguous parcel agreement;
 - b. No person shall keep any rooster;
 - c. No person shall slaughter any hen chickens within view of the general public;
 - d. The hen chickens shall be provided with a covered enclosure and fenced pen area which meets all of the requirements of subsection 7. The hen chickens shall be kept in the covered enclosure or the fenced pen area at all times. Hen chickens shall be secured within the covered enclosure during non-daylight hours;
 - e. A person shall not keep hen chickens in any location on the property other than 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 converge with an imaginary line established by the rear of the dwelling and extending to the side lot lines;
 - f. No part of the covered enclosure or fenced pen area shall be located closer than ten feet (10') to any property line of an adjacent property;
 - g. No part of the covered enclosure or fenced pen area shall be located closer than forty feet (40') to any residential structure on an adjacent property;
 - h. All covered enclosures for the keeping of hen chickens shall meet the following requirements:
 - i. Contain at least four (4) square feet of floor area per hen chicken. No covered enclosure shall exceed one hundred-twenty (120) square feet in size or exceed twelve feet (12') in height. Covered enclosures shall be constructed and repaired so as to prevent rats, mice, or other

rodents from being harbored underneath, within, or within the walls of the enclosure.

- ii. Enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked during non-daylight hours. Openings for windows and vents must be covered with predator and bird proof wire of less than one (1") inch openings.
- iii. The building materials used shall be uniform for each element of the structure, such that the walls are made of the same material, the roof has the same shingles or other covering, and any windows or openings are constructed using the same materials. The use of scrap wood, waste board, sheet metal, or similar materials is prohibited. All elements shall be well maintained and are subject to the Property Maintenance Code adopted by the City of Blair;
- i. All fenced pen areas shall provide at least ten (10) square feet of open floor or ground area per hen chicken and shall consist of sturdy wire fencing. The top of the fenced pen area must be covered with wire, aviary netting, or solid roofing so as to not allow hen chickens to escape or predators to enter;
- j. All storage containers for feed and other items associated with the keeping of hen 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 them;
- k. Odors from hen chickens, hen chicken manure or other hen chicken related substances shall not be perceptible beyond the boundaries of the permitted tract of land;
- l. Noise from hen chickens shall not be loud enough beyond the boundaries of the permitted tract of land at the property boundaries to disturb persons of reasonable sensitivity;
- m. Hen chickens shall not roam outside of the covered enclosure and fenced pen area.

F. The City may revoke any permit granted under this section due to any violation(s) of this section. Fees associated with permits which are revoked are not refundable.

G. A person who has been issued a permit shall allow the inspection of the property, covered enclosure and fenced pen area, during reasonable hours, upon written or verbal request by any Police Officer or Code Enforcement Officer of the City. (Penalties refer to Sections 6-401 and 6-402.)

(Amended by Ordinance No. 2260 5/13/2014) (Amended by Ordinance 2401 07/28/2020)

Sec. 6-203 ANIMALS; WILD. No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions. (Neb. Rev. Stat. §16-235) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

Sec. 6-204 ANIMALS; CRUELTY.

- (1) A person commits cruelty to animals including a domesticated living creature and a wild living creature previously captured if, except as otherwise authorized by law, he or she intentionally or recklessly:
 - (a) Subjects any animal to cruel mistreatment meaning every act or omission which causes, or unreasonably permits the continuation of, unnecessary or unjustifiable pain or suffering;
 - (b) Subjects any animal in his or custody to cruel neglect meaning failure to provide food, water, protection from the elements, opportunity to exercise, or other care normal, usual, and proper for an animal's health and well-being; and
 - (c) Abandons any animal meaning the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
 - (d) Kill or injures any animal belonging to another.
- (2) Cruelty to animals is a Class II misdemeanor.
- (3) Nothing in this section shall be construed to amend or in any manner change the authority of the Municipal Policemen acting within their power and duty. (Neb. Rev. Stat. §28-1012)

Sec. 6-205 OTHER ANIMALS; RABIES SUSPECTED. Any animal (other than a dog or cat which is covered in §6-117 et. seq.), suspected of being afflicted with rabies or any which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, suspected animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or it shall be disposed of in accordance with the provisions herein. If the owner of the said animal has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days, at which time said animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, said animal may be released from confinement, only after payment of all impoundment fees during the period of confinement. (Neb. Rev. Stat. §71-4406) (Amended Ordinance 2209 10/25/2011)

Sec. 6-206 ANIMALS; ENCLOSURES. All pens, cages, sheds, yards, or any other area or enclosure for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

Sec. 6-207 FOWLS; COCK FIGHTING. It shall be unlawful for any person, by agreement or otherwise, to set game cocks, game roosters, or game fowls of any kind to fighting, or by any gesture or word to encourage the same to do so. (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

Sec. 6-208 BABY POULTRY. No person shall display, give away, distribute or sell natural colored or artificially colored baby poultry as pets or novelties. This Section shall not be construed to prohibit the display or sale of baby poultry when such poultry is provided with proper brooder facilities by hatcheries or businesses engaged in the business of selling the same

commercially.

Sec. 6-209 ANIMALS; IMPOUNDING. It shall be the duty of the Municipal Police or its authorized agent to capture, secure, and remove in a humane manner to the Municipal Animal Shelter or to a designated animal shelter located within or out of the City limits any dog or other animal violating any of the provisions of this Article. The dog or other animal or animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog or other animal shall be kept and maintained at the pound for not less than forty-eight (48) hours unless reclaimed earlier by the owner. A list of impounded dogs or other animals, including any significant marks or identifications, shall be maintained at the Police Station. Any dog or other animal may be reclaimed by its owner during the period of impoundment by payment to ten (\$10.00) dollars for a general impoundment fee. If the dog or other animal is not claimed at the end of forty-eight (48) hours, the Municipal Police or its authorized agent may dispose of the dog or other animal or destroy the dog or other animal in any humane manner within the discretion of the Municipal Police or its authorized agent; Provided, that if, in the judgment of the Municipal Police or its authorized agent, a suitable place can be found for any such animal, the said animal shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements, if any, provided in this Article. The Municipality, or its authorized agent, shall acquire legal title to any dog or other animal impounded in the Animal Shelter after forty-eight (48) hours. All dogs or other animals destroyed shall be disposed of in a summary and humane manner. (Ord. No. 1163, 1/13/76)

(END OF SECTION)

B. Primary or secondary schools, colleges or universities from using unusual animals or livestock for research or teaching;

C. Wildlife rescue organizations with appropriate permits from the Nebraska Game and Parks Commission from rehabilitation or sheltering unusual animals;

D. Individuals authorized by the State of Nebraska from sheltering animals belonging to a public zoo that require rehabilitation; or

E. Individuals from owning or possessing chickens, provided such ownership and possession complies with Section 3-303 of this article and all applicable zoning and building regulations.

SECTION 3-303: CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS

A. It shall be unlawful for any person to permit or allow any chicken to run or fly at large within the corporate limits of the City.

B. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.

C. It shall be unlawful for any person to own, keep, harbor, or have under his/her/its care, custody or control any chicken without a valid permit issued by the City. The fee for such permit shall be established by the City. No permit shall be assignable or transferable either as to permittee, location or chickens.

D. The requirements for the issuance of a permit by the City to own, keep, harbor, or have custody or control over a chicken are:

1. No more than four (4) chickens shall be permitted on any lot of one (1) acre or less. No more than ten (10) chickens shall be permitted on any lot of more than one (1) acre.
2. The chickens must be housed in a chicken facility and run approved by the City, such chicken facility and run to be maintained in compliance with all of the City's requirements as a condition of the permit. The requirements for the chicken facility and run include:
 - a. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
 - b. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
 - c. The chicken facility and run shall prevent chickens from roaming at large;
 - d. The run shall be constructed to include metal wire fencing anchored to the ground and a fully-enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the

- public;
 - e. The chicken facility shall be constructed of durable material and the flooring of any chicken facility shall be of a waterproof hard-surfaced non-porous material;
 - f. The chicken facility shall provide not less than three (3) square feet per occupant chicken, and the run shall provide not more than eight (8) square feet per occupant chicken;
 - g. On lots less than one acre in size, the chicken facility shall not exceed an overall height of (8) feet and overall size of (32) square feet; on lots more than one acre in size, the chicken facility shall not exceed an overall height of (10) feet and an overall size of (80) square feet;
 - h. The chicken facility and run shall be located so as to be at least thirty (30) feet from any dwelling, front yard or side yard, street, public sidewalk, public building, park or recreation area; and
 - i. The chicken facility and run shall comply with all applicable city building and zoning codes and must be consistent with the requirements of any land use regulation.
3. Offal, manure and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method in which offal, manure and waste material accumulating from the chickens will be sanitarily disposed of at least once every seven (7) days;
 4. All grain, feed and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
 5. The permit application shall be accompanied by adequate evidence, as determined by the City, that the applicant has notified all abutting property owners and residents of the property lines of the property on which the chickens will be located, of the application. The City may consider resident objections in deciding whether to issue a permit under this section.

E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited.

(Am. by Ord. No. 999, 4/19/11)

SECTION 3-304: VIOLATION; PENALTY

Except as otherwise provided herein, any person upon whom a duty is placed by the provisions of this article and who shall fail, neglect, or refuse to perform such duty or who shall violate any of the provisions of this article shall be deemed guilty of a Class II misdemeanor as defined by Section 3-801 of this code. If such violation may be and is disposed of pursuant to a waiver of appearance and plea of "guilty," the fine shall be not more than \$500.00 dollars. Each day that such violation continues shall be deemed a separate offense.



City of Hickman
 114 Locust Street, P.O. Box 127
 Hickman, NE 68372-0127
 Phone 402.792.2212 - Fax 402.792.2210
 www.hickman.ne.gov

CHICKEN APPLICATION PERMIT # _____

☐ Initial Permit

☐ Permit Renewal

☐ Permit Modification

Property Owner: _____ Phone: _____

Address: _____ Zoning District: _____

Proposed Number of Chickens: _____ Property Square Footage: _____

Proposed Coop Cubic Feet: _____ Proposed Run Cubic Feet: _____

City of Hickman residents interested in keeping chickens must complete the following application. A site plan with a drawing or diagram depicting the placement of the chicken coop and run enclosure must accompany the application. Permits must be renewed annually in the month of December with the City of Hickman for a permit commencing on January 1st. Permits expire and become invalid on December 31st of each year. See Hickman Municipal Code Chapter 3 Misdemeanors, Article 4 – Animals Generally, Section 3-403 entitled “POULTRY; CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS” (Ordinance No. 2020-07). See Section 3-701 and 3-702 for enforcement provisions and penalties associated with non-compliance.

Failure to comply with **ANY** of the items listed below is sufficient reason to deny an application or revoke a permit. Failure to maintain a valid permit will result in a Municipal Code Violation.

INITIAL TO SHOW AGREEMENT TO COMPLY WITH EACH STATEMENT:

_____ Applicant's property is within city limits and currently zoned R-2 Zoning District.

_____ No more than four (4) chickens on an applicant's property of one acre or less. No more than six (6) chickens on property greater than one acre.

_____ Applicant shall not keep roosters on permitted property.

_____ Applicant shall not slaughter any chickens on permitted property.

_____ Applicant provides a chicken facility (Coop) constructed of durable material and flooring shall be waterproof, hard-surface, non-porous material of not less than three (3) cubic feet per occupant chicken. Such Coop shall be constructed, anchored and repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the Coop.

_____ Coop shall be ventilated and in a clean and sanitary condition at all times.

_____ The chicken enclosure (Run) shall be not more than five (5) cubic feet per occupant chicken, fully covered, constructed of metal wire fencing, attached to the Coop and be anchored down.

_____ Chickens are not allowed to free range or otherwise be outside of the Coop and Run.

_____ Coop and Run setbacks are at minimum: five (5) feet from the rear property line, six (6) feet from the side property line and twenty (20) feet from any neighboring residence.

_____ Coop and Run shall not be placed in any utility easement and should give sufficient clearance distances from utility equipment. The large green transformer boxes have a ten feet (10') clearance from the lock side (decal side) and one foot a (1') clearance on the remaining three sides. The smaller pedestal requires a three feet (3') clearance from its lock side and side clearance of one foot (1'). If the Public Works department needs to access the transformer to shut off the power they use a ten foot pole and will remove any Run or Coop panels that are in the way, at the property owner's expense.

_____ Any dead chicks or chicken must be double bagged and placed in the garbage.

_____ Offal, manure and waste material accumulating from the chickens will be sanitarly disposed of at least once every seven (7) days.

_____ All food for immediate consumption shall be placed in a suitable feeding trough or similar container and all other food shall be stored in rat-proof containers at all times.

COMPLIANCE

The City of Hickman, Code Enforcement Officer, Chief Building Inspector, Health Official and/or Deputy Sheriff shall have authority to discern compliance with this Ordinance. These officials also have the authority to direct compliance of this Ordinance with regard to requiring certain facilities or activities by chicken owners to ensure that neighbors are not unreasonably subjected to noise, rodents, predators, or other violations of the provisions of this Ordinance.

By signing this application, I acknowledge the statements initialed by me and agree to adhere to Ordinance No. 2020-07 and I give the City of Hickman, Code Enforcement Officer, Chief Building Inspector, Health Official and/or Deputy Sheriff, the right to enter the property to inspect, observe, test, measure and investigate the enclosure, structure or property in connection with this permit application and any complaint received regarding it.

Applicant Signature: _____ Date: _____

Office Use Only

Permit Number: _____ Date of Approval: _____

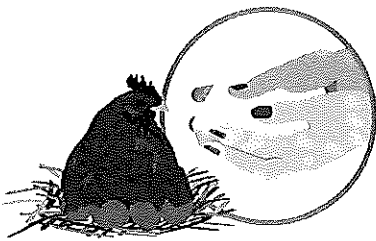
Permit Fee \$ _____ Date Received: _____ Receipt Number: _____

Approval Signature: _____ Date: _____

HEALTHY FAMILIES AND FLOCKS

Live poultry, such as chickens, ducks, geese, and turkeys, often carry harmful germs such as *Salmonella*. While it usually doesn't make the birds sick, *Salmonella* can cause serious illness when it is passed to people.

HANDWASHING PROTECTS YOU FROM GERMS



- Always wash your hands with soap and water right after touching live poultry or anything in the area where they live and roam.
- Adults should supervise handwashing for young children.
- Use hand sanitizer if soap and water are not readily available.

HANDLE BIRDS SAFELY



- Children younger than 5 years, adults older than 65 years, and people with weakened immune systems should not handle or touch chicks, ducklings, or other live poultry.
- Do not bring chicks, ducklings and other live poultry to schools, childcare centers, or nursing homes.
- Do not snuggle or kiss the birds, touch your mouth, or eat or drink around live poultry.

SAFELY CLEAN COOPS

- Clean any equipment used to care for live poultry outside, such as cages or feed or water containers.
- Set aside a pair of shoes to wear while taking care of poultry and keep those shoes outside of the house.



POULTRY BELONG OUTSIDE

- Do not let live poultry inside the house, especially in kitchens.
- Do not let live poultry in areas where food or drink is prepared, served, or stored.



U.S. Department of
Health and Human Services
Centers for Disease
Control and Prevention

Have a Backyard Flock? Don't Wing it.
Visit www.cdc.gov/features/salmonellapoultry
for more information

ORDINANCE NO. 2020-07

AN ORDINANCE TO AMEND SECTION §3-403; TO REPEAL THE ORIGINAL §3-403 OF THE MUNICIPAL CODE OF HICKMAN, NEBRASKA; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF AND ORDERING THE PUBLICATION OF THE ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MEMBERS OF THE GOVERNING BODY OF THE CITY OF HICKMAN, NEBRASKA:

Section 1. Section 3-403, of the Hickman Municipal Code shall be amended to read as follows:

SECTION 3-403: POULTRY; CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS

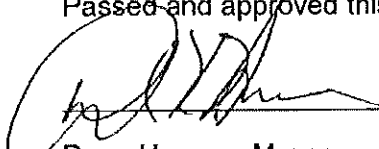
- A. It shall be unlawful for any person to keep or maintain within the corporate limits any turkeys, ducks, geese, or any other poultry not classified as chickens (*Gallus gallus domesticus*).
- B. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.
- C. It shall be unlawful for any person to own, keep, harbor, or have under their care, custody or control any chicken without a valid annual permit issued by the City. The keeping and harboring of chickens shall only be allowed within the R-2 Zoning District. The fee for an annual chicken permit shall be established by the City through the Master Fee Schedule. No permit shall be assignable or transferable either as to permittee, location or chickens.
- D. The requirements for the issuance of a permit by the City to own, keep, harbor, or have custody or control over a chicken are:
 - a. No more than four (4) chickens shall be permitted on any lot of one (1) acre or less. No more than six (6) chickens shall be permitted on any lot of more than one (1) acre.
 - b. The chickens must be housed in a chicken facility and run approved by the City, such chicken facility and run to be maintained in compliance with all of the City's requirements as a condition of the permit. The requirements for the chicken facility and run include:
 - i. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
 - ii. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
 - iii. The chicken facility and run shall prevent chickens from roaming at large;
 - iv. The run shall be attached to the coop and constructed to include metal wire fencing anchored to the ground and a fully-enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the public;
 - v. The chicken facility shall be constructed of durable material and the flooring of any chicken facility within the coop shall be of a waterproof hard-surface non-porous material (chicken run area shall not require hard-surface flooring);
 - vi. The chicken facility shall provide not less than three (3) cubic feet per occupant chicken, and the run shall provide not more than five (5) cubic feet per occupant chicken;

- vii. The chicken facility and run shall not be located in any front yard of a property and must be located so as to be at least five (5) feet from the rear property line, six (6) feet from the side property line and at least 20 feet from any neighboring residence; and,
- viii. The chicken facility and run shall comply with all applicable City building and zoning codes and must be consistent with the requirements of any land use regulation.
- c. Offal, manure and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method in which offal, manure and waste material accumulating from the chickens will be sanitarily disposed of at least once every seven (7) days;
- d. All grain, feed and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
- E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited.

Section 2. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting in pamphlet form as required by law.

Passed and approved this 9th day of June, 2020.


Doug Hanson, Mayor

ATTEST:


Kelly Delke, CMC, City Clerk



SEAL

NEBRASKA CITY BACKYARD CHICKENS LICENSE

NE City

LICENSE #: _____
(please leave blank)



DATE: _____

OWNER NAME _____

ADDRESS _____

PHONE NUMBER _____

In Full Payment of City License for Year Ending January 31,

FEE \$ 10.00

CITY CLERK

Sec. 7-8. Keeping of backyard chickens.

The keeping of hens and hen bantams in residential districts on property consisting of a single-family dwelling is allowed, subject to the following:

(1) Any person who keeps hens or bantams in the City of Nebraska City shall obtain a license from the city prior to acquiring the hens or bantams. Application shall be made to city hall, and the fee for the license shall be ten dollars (\$10.00).

(2) 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 hens or hen bantams shall have obtained a new license on or before January 1st. 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.

(3) A person who keeps or houses hens or bantams on his or her property shall comply with all of the following requirements:

a. **No more than four (4) hens and/or hen bantams may be kept on any one (1) zoning lot.** Hereinafter "hens" and "hen bantams" will be referenced collectively as "chickens."

b. The principal use of the property shall be a single-family dwelling, and the license applicant shall be the owner of the property.

c. **No person shall keep any rooster.**

d. No person shall slaughter any chickens.

e. **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.

f. 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.

g. No chicken enclosure shall be located closer than ten (10) feet to any property line of an adjacent property.

h. No chicken enclosure shall be located closer than forty (40) feet to any residential structure on another person's property.

i. 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.

j. All feed and other items associated with 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.

k. **Eggs produced by licensed chickens may be sold by the license holder, subject to compliance with the zoning ordinance of the City of Nebraska City, Nebraska, Section 515 Home occupations and home-based businesses.**

l. 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 city 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 1-8 of this Code. (Ord. No. 3022-18, § 2, 1-17-19)

Norfolk



Planning & Development
309 N. 5th Street
Norfolk, NE 68701
P402-844-2280 F402-844-2028
www.norfolkne.gov

BACKYARD CHICKEN & DUCK PERMIT APPLICATION FORM

Please review the Backyard Chicken & Duck Regulations (Sec. 27-295, 4-4, 4-6) prior to completing this form. There is a \$15 fee for this application. If you have questions, please call the Planning and Zoning Department at (402) 844-2280.

DATE _____ NAME _____

STREET ADDRESS _____

CITY/STATE/ZIP CODE _____

PHONE _____ EMAIL _____

NAME & ADDRESS OF OWNER (if tenant applying) _____

OWNER AUTHORIZATION SIGNATURE (if tenant applying) _____

Check all of the below boxes to show applicant has read/understood and submitted information as part of the application, as required:

- ☐ All required neighbor consent forms (both for and against) have been submitted
- ☐ Permit allows for a max. of 4 chickens or ducks or any combination thereof per premise
- ☐ Permit expires every Dec. 31st, and it is the responsibility of the permit holder to reapply for a permit each year prior to expiration, if they choose to continue having chickens/ducks
- ☐ A permit holder freely & voluntarily consents to a search & examination of a chicken coop & enclosure on the permittee's property upon demand of any police officer, code official or zoning official
- ☐ If any of the required code are not complied with, the city may revoke the permit and/or initiate prosecution of the permit holder and/or any other person violating the code
- ☐ Any chicken or duck found running at large on any public way or upon the property of another may be apprehended
- ☐ The permit is a personal privilege granted to the applicant at that specific location and is not subject to transfer

SIGNATURE _____

OFFICIAL USE ONLY

DATE RECEIVED _____ APPROVED BY _____

BACKYARD CHICKEN & DUCK NEIGHBOR CONSENT FORM

Permit Applicant Name: _____

Chicken/Duck Permit Address: _____

I (We) the property owner neighbor(s) [not tenant(s)] to above _____

Located at (address) _____

☐ Check box if you are an adjacent neighbor/property owner (property line touches the applicant property line)

Check one box below either giving consent or not giving consent for the applicant to have chickens/ducks in their backyard:

☐ DO consent to the above applicant at the listed specific location address to having a maximum of 4 chickens or ducks or any combination thereof

☐ DO NOT consent to the above applicant at the listed specific location address to having a maximum of 4 chickens or ducks or any combination thereof

Signature of Property Owner Neighbor (not tenant)

Signature of Property Owner Neighbor (not tenant)

Printed Name of Property Owner Neighbor

Printed Name of Property Owner Neighbor

Date

Date

Permit Applicant Return Completed forms to: Norfolk Planning & Develop. Dept.; 309 N 5th Street, Norfolk, NE

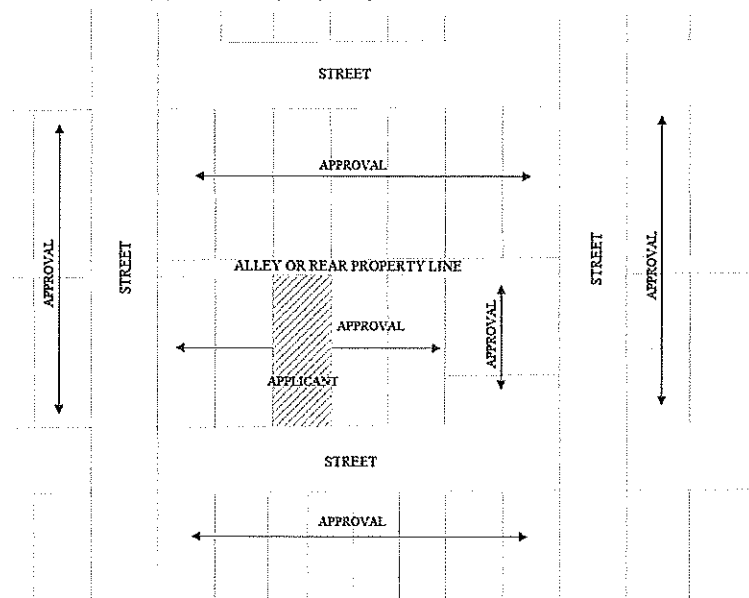
Sec. 27-295. Keeping of backyard chickens and ducks.

Norfolk

The keeping of hens, bantam hens or ducks in residential districts A, R-R, S-R, R-1, R-2, and R-3, only on property consisting of a detached single-family dwelling use, except when larger numbers permitted in A district or permitted under a conditional use permit, is allowed subject to the following:

(1) Permit:

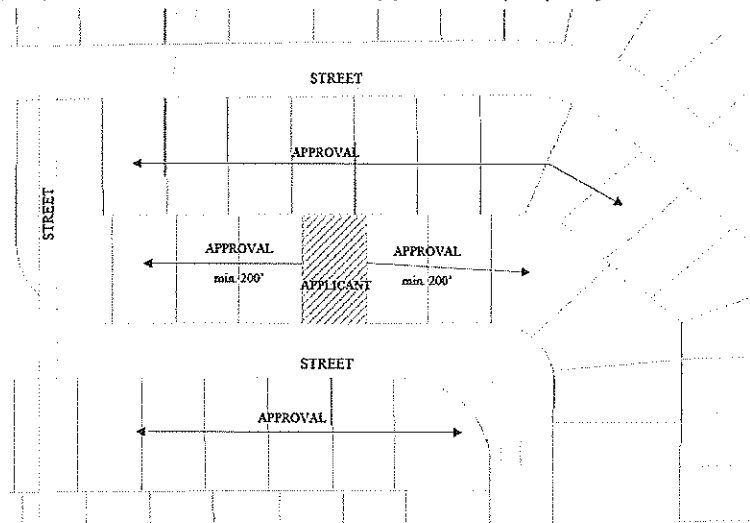
- a. Any person who keeps hens, bantam hens or ducks shall obtain a permit from the city through its Planning and Development Department, prior to acquiring the hens, bantams, or ducks. Application shall be made to the Planning and Development Department office and the fee for the permit shall be as set forth in Section 2-5 of this Code.
- b. Permits are valid for the calendar year and shall expire and become invalid on December 31 of the calendar year after the date of issuance unless the permit is issued after December 1 in which case the permit will expire on the second December 31 following the date of issuance; prorating the fee is not allowed. A permit holder who wishes to continue keeping hens, bantam hens or ducks shall obtain a new permit on or before January 1 of the upcoming year. Application for a new permit shall be pursuant to the administrative procedures and requirements that are applicable at the time the person applies for a new permit.
- c. As part of the permit application, the applicant shall collect written approval from a minimum of 75 percent of the property owners, not tenants, within the area described in this section or as otherwise requested by the zoning official if the lot layout does not follow the descriptions in this section. The approval requirements set forth in this section must include approval from all owners of property abutting the applicant's property. The applicant shall use the form, as provided by the city, for the written approvals.
- d. Areas for property owner approval:
 - (i) An applicant shall provide written approval from those adjacent and near neighboring property owners described as all properties on the block face, on the rear of the block face, on the block face across the street, and on the end face of each block to the sides as the proposed applicant's property; or



- (ii) If the lot layout of the neighborhood is not in a grid block pattern like described and depicted above, the applicant shall provide written approval from those adjacent and near neighboring property owners described as all properties a minimum of 200 feet from the

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applicant's property boundaries and directly across the street from and behind those properties 200 feet from the applicant's property boundaries.



- (2) Hereinafter "hens", "bantam hens", and "ducks" will be referenced collectively as "chickens".
- (3) Number and size:
 - a. No more than a total of four (4) chickens (hens, bantam hens, ducks or any combination of such animals) may be kept on any one (1) parcel as an accessory use to the one primary single-family detached structure.
 - b. Each chicken may be up to a maximum of five (5) lbs. in weight.
- (4) Use and ownership:
 - a. The principal use of the property shall be a detached single-family dwelling.
 - b. The permit applicant shall be the owner and resident of the property, or if a rental property then the tenant/lessee shall be the permit applicant with a written consent statement from the property owner.
- (5) Setbacks and placement:
 - a. A person shall not keep chickens in any location on the property other than in a chicken enclosure in the rear yard.
 - b. No chicken enclosure or coop shall be located closer than ten (10) feet to any property line of an adjacent property.
 - c. No chicken enclosure or coop shall be located closer than forty (40) feet to any residential structure on another person's property.
 - d. No chicken coop shall be located closer than ten (10) feet to any other structure on the permitted lot for fire safety purposes.
- (6) Coops and enclosures:
 - a. Chickens shall be provided with a covered, fenced, predator-proof coop and/or enclosure that is well-ventilated and designed to be easily accessed for cleaning.
 - b. Chickens must be kept in a chicken enclosure at all times.

- c. Chickens shall have access to an outdoor enclosure that is adequately fenced to contain the chickens on the property and to prevent predators from access to the chickens.
- d. Chicken coops shall contain at least four (4) square feet of floor area per chicken.
- e. Chicken enclosures shall provide at least ten (10) square feet of open area per chicken.
- f. No chicken coop and enclosure combined shall exceed ninety (90) square feet of floor area or exceed seven (7) feet in height.
- g. All chicken coops and enclosures shall be constructed and/or repaired to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the coop/enclosure.
- h. All electrical installations shall meet or exceed the applicable National Electrical Code requirements. No temporary wiring (i.e. extension cords, etc.) shall be permitted.

(7) Sanitation:

- a. Coops and enclosures must be kept in a sanitary condition and free from offensive odors to neighboring properties and prevent conditions that are unsanitary or unsafe. Coops and enclosures must be cleaned on a regular basis to prevent the accumulation of waste.
- b. All feed and other items associated with 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.

(8) Roosters and crowing hens:

- a. No person shall keep roosters or any hens which have developed the rooster-like quality of crowing or making crowing-like sounds

(9) Slaughtering:

- a. There shall be no slaughtering of chickens outdoors or where the process can be seen by neighbors or the general public.

(10) Running at large:

- a. Any chicken, permitted under this section, shall not be running at large on any of the public ways or upon the property of another.
- b. When a chicken is caught running at large, it shall be addressed pursuant to Sec. 4-6 of this Code.

(11) Search, Examination, Revocation:

- a. A person who has been issued a permit shall freely and voluntarily consent to a search and examination of a chicken coop and enclosure on the permittee's property upon demand by any police officer, code official or zoning official
- b. If any of the requirements contained in this section are not complied with, the city may revoke any permit granted under this section and/or initiate prosecution of the permit holder and/or any other person violating this Code.

(12) Permit Nontransferable:

- a. Any permit issued under this section shall be a personal privilege granted to the Applicant at the specific location named therein and shall not be subject to transfer. In the event a new tenant leases property for which a permit was previously issued to a prior tenant, the new

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tenant is required to obtain his/her/their own permit in order to keep chickens on the leased property.

Source: Ord. No. 4099, § 4, 7-17-95; Ord. No. 4603, § 1, 9-16-02; Ord. No. 5059, § 2, 4-20-09; Ord. No. 5563, §70, 8-20-18; Ord. No. 5799, §13, 9-6-22; Ord. No. 5825, §3, 4-3-23;

Chapter 213. Animals

Article III. Exotic Animals; Animal Control

§ 213-3.2. Permit required for certain animals; venomous snakes prohibited; notice requirements.

- A. It shall be unlawful for any person to keep, own or harbor any fowl, livestock, hoofed, exotic or wild animal within the City limits of the City of Seward unless a permit has been obtained. This section shall not apply to educational institutions, exhibitions sponsored by the Seward County Agricultural Society or veterinary clinics.
- B. Permits authorizing the keeping of fowl, livestock, hoofed, exotic or wild animals within the City limits shall be issued by the City Administrator in his sound discretion, with right of appeal to the City Council. The following criteria shall be considered by the City Administrator when issuing such permits:
 - (1) The applicant must comply with all City, state and federal statutes regarding the animal in question.
 - (2) The applicant must provide proof that there are no objections from property owners or residents living within 75 feet in all directions from the property lines of the applicant.
[Amended 5-15-2018 by Ord. No. 2018-13]
 - (3) The applicant must provide a description of the type of enclosure for confinement of the animal, and the same must be suitable for the type of animal and approved by the City Administrator.
 - (4) The applicant, after issuance of the permit, must continue to comply with all City, state and federal statutes or the permit can be revoked by the City Administrator, subject to right of appeal to the City Council.
 - (5) The applicant must provide a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety and welfare of the citizens of the City of Seward.
- C. No household or residence shall have more than three animals requiring a permit. This subsection shall not apply to chickens or small caged birds or aquatic or amphibious animals kept solely as pets.
[Amended 5-15-2018 by Ord. No. 2018-13]
- D. A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:
[Amended 5-15-2018 by Ord. No. 2018-13^[1]]
 - (1) No more than 10 chickens may be kept on any one lot. Any chickens under the age of 30 days are excluded from this number.
 - (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 within the City limits.
- (5) The chickens shall be provided with a covered enclosure. Such covered enclosure (or coop) shall contain at least four square feet of floor area per hen, and the fenced enclosure shall provide at least 10 square feet of open area per hen. No covered enclosure shall exceed 120 square feet of floor area.
- (6) A person shall not keep chickens in any location on the property other than 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 covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.
- (8) All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on another person's property.
- (9) All feed and other items associated with 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 them.
- (10) All chickens and other items associated with the keeping of chickens must be kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof.
- (11) The owner of any chickens shall not allow offal, manure, or waste material of such animal to accumulate or remain in the coop, enclosures, and shelter areas in which such animal or chickens reside or are confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment.
- (12) The owner of any chickens shall, in a sanitary manner, remove or dispose of all offal, manure, and waste material accumulating from such chickens at least once every seven days.
- (13) No person keeping or harboring any chickens shall permit such chickens to go loose or run at large. In the event that any chicken found running at large is creating a hazard to the safety of others or another person's property, such chicken shall be destroyed if it cannot be confined or captured. The City shall not be required to give notice to the owner of the chicken prior to its destruction.
- (14) The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance.
- (15) Eggs produced by permitted chickens may be sold by the permit holder.

[1] *Editor's Note: This ordinance also provided for the redesignation of former Subsections D and E as Subsections E and F, respectively.*

- E. No venomous snakes shall be permitted in the City of Seward.
- F. Upon issuance of a permit authorized under this section, the permit holder shall immediately post a notice provided by the City which states "Animal(s) Requiring City Permit Located on the Premises." Such notice shall be displayed in a conspicuous location visible to the public at the front entrance of the house.

§ 92.07 KEEPING OF CHICKENS; LICENSE REQUIREMENTS; RESTRICTIONS.

(A) It shall be unlawful for any person to own, keep or maintain within the corporate limits of the city any chicken without a valid license issued by the city pursuant to the following regulations:

- (1) Application shall be made to the City Clerk and shall be on a form furnished by the city;
- (2) The fee for such license shall be established by the city;
- (3) No license shall be assignable or transferable either as to licensee or location; and

(4) A license issued pursuant to this section may be administratively revoked for the violation by the licensee of any provision of this section or any other applicable provision of this code, state law or city ordinance, rule or regulation as determined by the City Police Department or the City Building Inspector.

(B) The requirements for the issuance of a license by the city to own, keep, harbor or have custody or control over chickens are as follows.

- (1) Chickens shall not be permitted on any multi-family lot.
- (2) No more than six chickens shall be permitted on any single-family lot.

(3) The chickens must be housed in a chicken facility maintained in compliance with all of the city's requirements as a condition of the license. The requirements for the chicken facility include:

- (a) Must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
- (b) Shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
- (c) Shall prevent chickens from roaming at large and prevent entry by predators and members of the general public;
- (d) Shall only be located in the rear yard of a lot, not in the front or side yards of a lot; and
- (e) Shall be located so as to be at least 30 feet from any dwelling, street, public sidewalk, public building and park or recreational area; provided, however, that the chicken facility may be located within 30 feet of an alley.

(C) It shall be unlawful for any person to permit or allow any chicken to run or fly at large within the corporate limits of the city.

(D) It shall be unlawful for any person to own, keep, harbor or have under his, her or its care, custody or control any cock or rooster chicken. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.

(E) Offal, manure and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety.

(F) The slaughtering or destruction of chickens within the corporate limits of the city shall be prohibited.

(Prior Code, § 2-506) (Ord. 739, passed 1-12-2021) Penalty, see § 92.99



CITY OF WAVERLY

14130 LANCASHIRE STREET, P.O. BOX 427
WAVERLY, NEBRASKA

CHICKEN PERMIT APPLICATION

LICENSE GOOD ONLY FOR CALENDAR YEAR IN WHICH ISSUED

THIS COPY SIGNED AND DATED BY THE CITY OF WAVERLY CONSTITUTES ISSUANCE OF A PERMIT PURSUANT TO THE PROVISIONS OF SECTION 94-11 OF THE WAVERLY MUNICIPAL CODE. SUCH PERMIT SHALL BE DISPLAYED AT PERMITTEE'S PLACE OF RESIDENCE.

DATE \$50.00 RECEIVED _____

NAME, ADDRESS AND PHONE NUMBER OF THE APPLICANT

LOCATION OF THE PREMISES FOR WHICH THE PERMIT IS SOUGHT INCLUDING LEGAL DESCRIPTION IF TEMPORARY STRUCTURE OR FACILITY

NUMBER OF CHICKENS TO BE KEPT AT THIS RESIDENCE: _____ IS LOT SIZE ONE ACRE OR LESS? _____

YES NO

_____ WILL THE CHICKEN FACILITY AND RUN BE KEPT IN GOOD REPAIR, CAPABLE OF BEING MAINTAINED IN A CLEAN AND SANITARY CONDITION, FREE OF VERMIN, OBNOXIOUS SMELLS, AND SUBSTANCES?

_____ WILL THE CHICKEN FACILITY AND RUN CONSTITUTE A NUISANCE OR DISTURB NEIGHBORING RESIDENTS DUE TO NOISE, ODOR OR THREATS TO PUBLIC HEALTH?

_____ WILL THE CHICKEN FACILITY AND RUN PREVENT CHICKENS FROM ROAMING AT LARGE?

_____ WILL THE RUN BE CONSTRUCTED OF METAL WIRE FENCING ANCHORED TO THE GROUND WITH A FULL-ENCLOSED ROOF OR SIMILAR ENCLOSURE TO PREVENT ESCAPE BY CHICKENS AND ENTRY BY PREDATORS AND GENERAL MEMBERS OF THE PUBLIC?

_____ WILL THE CHICKEN FACILITY BE CONSTRUCTED OF DURABLE MATERIAL WITH A WATERPROOF HARD-SURFACE NON-POROUS MATERIAL FLOORING?

_____ WILL THE CHICKEN FACILITY PROVIDE AT LEAST THREE (3) CUBIC FEET PER OCCUPANT CHICKEN?

_____ WILL THE RUN BE LESS THAN OR EQUAL TO FIVE (5) CUBIC FEET PER OCCUPANT CHICKEN?

_____ WILL THE CHICKEN FACILITY AND RUN BE AT LEAST THIRTY (30) FEET FROM ANY DWELLING, SIDEWALK, STREET, ALLEY, ROAD, PUBLIC BUILDING, PARK OR RECREATION AREA?

_____ WILL THE CHICKEN FACILITY AND RUN COMPLY WITH ALL APPLICABLE CITY BUILDING AND ZONING CODES?

Waverly

____ WILL THE CHICKEN FACILITY AND RUN BE CONSISTENT WITH THE LAND USE REGULATIONS?

____ ARE ALL THE GRAIN, FEED AND FEESTUFFS INTENDED FOR USE AS FOOD FOR CHICKENS BE KEPT IN TIGHTLY-FITTED CONTAINERS CONSTRUCTED TO KEEP OUT VERMIN AND WILD ANIMALS?

HOW WILL THE OFFAL, MANURE AND WASTE MATERIAL ACCUMULATING FROM THE CHICKENS BE SANITARILY DISPOSED OF AT LEAST ONCE EVERY SEVEN (7) DAYS?

____ HAS THE APPLICANT NOTIFIED ALL PROPERTY OWNERS AND RESIDENTS WITHIN 150 FEET OF THE PROPERTY LINES OF THE PROPERTY ON WHICH THE CHICKENS WILL BE LOCATED, OF THE APPLICATION?

THE CITY MAY CONSIDER RESIDENT OBJECTIONS IN DECIDING WHETHER TO ISSUE A PERMIT (INCLUDE A LETTER SIGNED BY ALL THE PROPERTY OWNERS AND RESIDENTS WITHIN 150 FEET OF THE PROPERTY LINES OF THE PROPERTY ON WHICH THE CHICKENS WILL BE LOCATED THAT THEY HAVE BEEN CONTACTED AND THAT THEY HAVE NO OBJECTIONS TO THE PROPOSED CHICKEN FACILITY AND RUN)

FOR	AGAINST	NEIGHBOR'S ADDRESS	PRINTED NAME(S)	SIGNATURE OF OWNER(S)
____	____	_____	_____	_____
____	____	_____	_____	_____
____	____	_____	_____	_____
____	____	_____	_____	_____
____	____	_____	_____	_____
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____	____	_____	_____	_____
____	____	_____	_____	_____
____	____	_____	_____	_____

SIGNATURE OF APPLICANT

DATE APPROVED

SIGNATURE, CITY OF WAVERLY OFFICIAL

Waverly

§ 94.11 CHICKENS; PERMIT REQUIREMENTS; RESTRICTIONS.

- A. It shall be unlawful for any person to permit or allow any chicken to run or fly at large within the corporate limits of the City.
- B. It shall be unlawful for any person to own, keep, harbor, or have under his or its care, custody or control any cock or rooster chicken two (2) months of age or older. The unlawful keeping or harboring of cocks or roosters is hereby declared to be a public nuisance.
- C. It shall be unlawful for any person to own, keep, harbor, or have under his or its care, custody or control any chicken without a valid annual permit issued by the City. The fee for an annual chicken permit shall be established by the City. No permit shall be assignable or transferable either as to permittee, location or chickens.
- D. The requirements for the issuance of a permit by the City to own, keep, harbor, or have custody or control over a chicken are:
 - a. No more than three (3) chickens shall be permitted on any lot of one (1) acre or less. No more than four (4) chickens shall be permitted on any lot of more than one (1) acre.
 - b. The chickens must be housed in a chicken facility and run approved by the City, such chicken facility and run to be maintained in compliance with all of the City's requirements as a condition of the permit. The requirements for the chicken facility and run include:
 - i. The chicken facility and run must be in good repair, capable of being maintained in a clean and sanitary condition, free of vermin, obnoxious smells and substances;
 - ii. The chicken facility and run shall not constitute a nuisance or disturb neighboring residents due to noise, odor or threats to public health;
 - iii. The chicken facility and run shall prevent chickens from roaming at large;
 - iv. The run shall be constructed to include metal wire fencing anchored to the ground and a fully enclosed roof or similar enclosure to prevent escape by chickens and entry by predators and general members of the public;
 - v. The chicken facility shall be constructed of durable material and the flooring of any chicken facility shall be of a waterproof hard-surface non-porous material;
 - vi. The chicken facility shall provide not less than three (3) cubic feet per occupant chicken, and the run shall provide not more than five (5) cubic feet per occupant chicken;
 - vii. The chicken facility and run shall be located so as to be at least thirty (30) feet from any dwelling, sidewalk, street, alley, road, public building, park or recreation area; and
 - viii. The chicken facility and run shall comply with all applicable City building and zoning codes and must be consistent with the requirements of any land use regulation.
 - c. Offal, manure and waste material shall not be permitted to accumulate nor be confined in any manner that is conducive to the breeding or attraction of flies, mosquitoes or other noxious insects or in any manner that endangers the public health or safety. All permit applicants must provide a statement of the method

- in which offal, manure and waste material accumulating from the chickens will be sanitarilly disposed of at least once every seven (7) days;
 - d. All grain, feed and feedstuffs intended for use as food for chickens shall be kept in tightly-fitted containers constructed to keep out vermin and wild animals; and
 - e. The permit application shall be accompanied by adequate evidence, as determined by the City, that the applicant has notified all property owners and residents within 150 feet of the property lines of the property on which the chickens will be located, of the application. The City may consider resident objections in deciding whether to issue a permit under this Section.
- E. The slaughtering or destruction of chickens within the corporate limits of the City shall be prohibited. *(Amended by Ord. 10-1, 3/15/10)*

§ 94.12 PENALTY FOR VIOLATION.

Except as otherwise provided in herein, any person upon whom a duty is placed by the provisions of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Article, shall be deemed guilty of a Class II Misdemeanor as defined by section 131.22 of this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be fifty dollars (\$50.00). Each day such violation continues shall be deemed a separate offense. *(Amended by Ord. 07-05, 5/7/07; Ord. 10-1, 3/15/10)*

SUMMARY DOCUMENT – CHICKENS

Currently the City of Wahoo regulations regarding chickens essentially defines chickens as an agricultural animal vs. a pet. Zoning regulations do not specifically list chickens but do use “poultry” as a general term as well as “fowl” in the calculation of the number of animals that can be placed on property that qualifies. In Wahoo Zoning regulations, the only location for agricultural animals, other than a commercial kennel, is on property zoned as large lot residential or agricultural. Zoning furthermore defines “Household Pet” as an animal which is “customarily kept for personal use or enjoyment within a home”. It does not specifically list what animals that may include.

In the Municipal Code, chickens are included in the definition of livestock, which is under the section pertaining to prohibited animals. Therefore, by definition a chicken is a prohibited animal. Furthermore, in Section 96.03 a Household Pet “*shall mean dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana, and turtles.*” It also states that Household Pet shall also include any “*domesticated animal that a person owns or that is sold or offered for sale generally for the purpose of being kept indoors as household pets, except as described as a prohibited animal*”. Since chickens are specifically listed as livestock and therefore prohibited, even a domesticated chicken is prohibited.

Therefore, the general overall decision to be made is whether a chicken is an agricultural animal and thus not a household animal. Or is a chicken a household animal and should then be considered a pet.

WAHOO ZONING REGULATIONS SECTIONS PERTAINING TO CHICKEN DISCUSSIONS

Mentions of “poultry” in Wahoo Zoning Regulations:

2.03.23 AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, residence of hired men, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

2.03.24 AGRICULTURE shall mean the growing of field crops, fruit, vegetables, nursery stock and other feed grains, truck gardening; forest and forest products; horticulture; raising and grazing of livestock and poultry; animal husbandry; dairy farms; animal kennels; furbearing animals; processing and selling of products produced on the premises, not including, confined feeding of livestock, or packing and rendering plants.

2.03.120 CONFINEMENT shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides,, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical

ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather. Also see "Feedlot, Commercial".

2.03.182 FARM an area containing at least 20 acres or more and produces \$1,000.00 or more per year in agricultural products and which is used for growing of the usual farm products such as vegetables, fruit, and grain, and the storage on the area, as well as for the raising thereon of the usual farm **poultry** and farm animals. The term farming includes the operating of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

2.03.302 OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or openfront buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or **poultry** are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.

Section 5.05 TA – Transitional Agricultural District 5.05.01 Intent: The Transitional Agricultural District is established for the purpose of preserving agricultural resources that are compatible with adjacent urban growth. It is not intended for commercial feedlot operations for livestock or **poultry**. Because the areas are not in the identified growth areas for the community, the district is designed to limit urban sprawl. Permitted and conditional uses in this district located within the Transportation Corridor Overlay District must adhere to Design Standards.

Mentions of "pet" in Wahoo Zoning Regulations:

ANIMALS, DOMESTIC see "Household **Pet**".

DOMESTIC ANIMALS see "Household **Pet**".

HOUSEHOLD **PET** shall mean an animal which is customarily kept for personal use or enjoyment within a home.

KENNEL, BOARDING AND TRAINING shall mean any lot or premises on which more than eight household **pets**, at least six months of age, are boarded, bred, or trained for a fee. This is further referenced as an Animal Shelter within Section 96.04 of the Municipal Code.

KENNEL, COMMERCIAL shall mean an establishment where more than eight household **pets** at least six months of age are groomed, bred, boarded, trained, or sold as a business. This is further referenced as an Animal Shelter within Section 96.04 of the Municipal Code.

Mentions of "fowl" in Wahoo Zoning Regulations:

ANIMAL UNIT (A.U.) are defined as follows: One (1) A.U.= One (1) Cow/Calf combination One (1) A.U.= One (1) Slaughter, Feeder Cattle; One (1) A.U.= One (1) Horses or Donkeys; One (1) A.U.= One (1) Mature Dairy Cattle; One (1) A.U.= One (1) Swine, Weaned Pigs, Sows with litters; One (1) A.U.= Five (5) Sheep; One (1) A.U.= Five (5) Goats; One (1) A.U.= Ten (10) Laying Hens or Broilers, or other

fowl; One (1) A.U.= Ten (10) Turkeys; One (1) A.U.= Ten (10) Domesticated Ducks and/or Geese. One (1) A.U.= One(1) Exotic Animals (Llama, Ostrich, Emu)

No mention of “chicken” in Wahoo Zoning Regulations

WAHOO MUNICIPAL CODE SECTIONS PERTAINING TO CHICKEN DISCUSSIONS

CHAPTER 96: ANIMALS

General Provisions

- 96.01 Owner defined
- 96.02 Prohibited animals
- 96.03 Household pets limited
- 96.04 Animal shelter
- 96.05 License for dogs and cats
- 96.06 License tags for dogs and cats
- 96.07 Wrongful licensing of dogs and cats
- 96.08 Running at large
- 96.09 Capture impossible
- 96.10 Liability of owner
- 96.11 Impounding
- 96.12 Impoundment and disposal of abandoned, cruelly neglected or mistreated animals
- 96.13 Citation for abandoned, cruelly neglected or mistreated animals
- 96.14 Rabies suspected; impoundment
- 96.15 Animal noise
- 96.16 Service animal
- 96.17 Offensive odors
- 96.18 Sanitary regulations
- 96.19 Irresponsible animal owner
- 96.99 Penalty

GENERAL PROVISIONS

§ 96.01 OWNER DEFINED.

Any person who shall keep, maintain, harbor or permit any animal to be for ten days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such animal and shall be deemed to be liable for all penalties herein prescribed. (Neb. RS 54-606, 71-4401) ('72 Code, § 6-104) (Am. Ord. 2305, passed 4-11-2019)

§ 96.02 PROHIBITED ANIMALS.

(A) Defined. Prohibited animals shall include all exotic, livestock, unusual and wild animals as more thoroughly described below:

(1) EXOTIC ANIMAL shall mean any animal that is native to a foreign country or of foreign origin or character, is not native to the United States or was introduced from abroad except domestic pets. This term specifically includes animals such as, but not limited to, elephants, camels, antelope, anteaters, kangaroo and water buffalo.

(2) LIVESTOCK shall mean swine, cattle, horses, mules, sheep, chickens, roosters, fowl, goats, llamas, or any other animal which is normally and historically kept and raised on farms in the United States and used or intended for use as food, fiber, or farm work except household pets. Provided, however, that livestock shall be permissible in areas where livestock animal units are permissible under the City of Wahoo's zoning regulations.

(3) UNUSUAL ANIMAL shall mean any exotic, wild, poisonous, or potentially dangerous animal not normally considered domesticated and shall include animals prohibited by the City of Wahoo, State of Nebraska, or federal requirements, and also:

(a) Class mammalia; order carnivora, family felidae (such as lions, tigers, jaguars, leopards, and cougars) and hybrids of the same except commonly accepted domesticated cats; family canidae (such as wolves, coyotes, and fox) and hybrids of the same except domesticated dogs; family mustelidae (such as weasels, martins, fishers, skunks, wolverines, mink, and badgers) except ferrets; family procyonidae (such as raccoon); family ursidae (such as bears); and order chiroptera (such as bats).

(b) Class reptilia;

1. All poisonous or venomous snakes, lizards, amphibians and other reptiles and shall include but not be limited to: cobras and their allies (elapidae, hydrophidae); vipers and their allies (crotalidae, viperidae); boomslang and kirtland's tree snake (clonophis); and gila monster (helodermatidae);

2. Order loricata (such as alligators, caymans, and crocodiles);

3. Green anaconda (eunectes murinus), Indian python (molurus molurus), reticulated python (python reticulatus), and African rock python (python sebae).

(4) WILD ANIMAL shall mean any animal within the boundaries of the United States which is now or historically has been found in the wild, or is in the wild state wherein it is living in its original, natural condition and is not domesticated.

(B) Own, keep or harbor prohibited animal. It shall be unlawful for any person or persons to own, keep, or harbor any prohibited animal within the corporate limits of the City of Wahoo. This section shall not apply to:

(1) A public zoo, circus, or carnival that maintains all legally required permits under applicable state or federal law, including applicable rules and regulations of the Nebraska Game and Parks Commission and federal wildlife agencies; or

(2) An animal shelter.

(C) Sell, give away, transfer or import prohibited animal. It shall be unlawful for any person to sell, give away, transfer, or import into the city any prohibited animal except for a public zoo doing business with another zoo.

(D) Impoundment. In the event that the city determines a prohibited animal is being owned, kept, or harbored by any person in violation of this title, the city may impound the animal, or order the owner to remove such animal from the city limits or to destroy it. If the city orders the owners to remove the prohibited animal, the city shall deliver a copy of the order in person or by certified mail. If the owner fails to remove such prohibited animal after the expiration of eleven days from receipt of notice, the city is hereby authorized to confiscate such animal and dispose of it in accordance with this title.

(E) Owner's cost. Any person or persons violating this section shall bear full cost and expenses incurred by the city in the recovery, care, medical treatment, boarding costs, impoundment cost, and disposal of said animals, including removal from a motor vehicle or trailer.

(Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

§ 96.03 HOUSEHOLD PETS LIMITED.

It shall be unlawful for any person to keep, maintain or harbor, within the corporate limits and the zoning jurisdiction of the municipality more than three of any single species of animal, or a combination of household pets exceeding eight, which are at least six months of age, unless specifically permitted by zoning regulation. A HOUSEHOLD PET shall mean dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana, and turtles. HOUSEHOLD PET shall also include any domesticated animal that a person owns or that is sold or offered for sale generally for the purpose of being kept indoors as household pets, except as described as a prohibited animal. A DOMESTICATED ANIMAL shall mean a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation. (Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

§ 96.04 ANIMAL SHELTER.

ANIMAL SHELTER shall mean any organization, whether privately held or governmentally run, for the purpose holding stray, lost, abandoned, surrendered animals or for providing temporary kenneling and finding permanent adoptive homes for animals. (Neb. RS 17-548) ('72 Code, § 6-110) (Am. Ord. 2305, passed 4-11-2019)

§ 96.05 LICENSE FOR DOGS AND CATS.

(A) Any person who shall own, keep, or harbor a dog or cat over the age of six months within the city shall within 30 days after acquisition of the dog or cat acquire a license for each such dog or cat annually by or before May 1 of each year. The tax shall be delinquent from and after May 31, and an additional delinquency fee as established by city resolution shall thereafter be assessed in addition to the annual license fee; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to May 1 of any year shall be liable for the payment of the dog or cat tax levied herein. The city may impose a higher licensing tax for animals which have not been either spayed or neutered at the time of licensing. Licenses shall be issued after vaccination verification by the City Clerk upon the payment of a license fee as established by city resolution for each dog or cat. The license shall not be transferable, and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat.

(B) The owner shall state at the time the application is made and upon printed forms provided for such purpose his or her name and address and the name, breed, color, and sex of each dog or cat owned and kept by the owner. A certificate that the dog or cat has had a rabies shot and distemper/parvo vaccinations effective for the ensuing year of the license, shall also be presented when the license is applied for. No license or tag shall be issued until the aforementioned certificates are shown.

('72 Code, § 6-101) (Am. Ord. 1242, passed 7-25-85; Am. Ord. 1346, passed 7-5-90; Am. Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

Statutory reference:

Authority, see Neb. RS 17-526 and 54-603

§ 96.06 LICENSE TAGS FOR DOGS AND CATS.

(A) Upon the payment of the license fee, the person designated by the licensing authority shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs or cats so

licensed and shall entitle the owner to keep or harbor the said animal until April 30 following such licensing.

(B) Dogs and cats must wear identification tags or collars at all times when off the premises of the owner. In the absence of a tag, the animal shall be regarded as a stray whenever off its owner's property.

(C) In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the person designated by the licensing authority shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the City Council for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the person designated by the licensing authority to issue tags of a suitable design that are different in appearance each year.

('72 Code, § 6-102) (Am. Ord. 2305, passed 4-11-2019)

Statutory reference:

Authority, see Neb. RS 17-526 and 54-603

§ 96.07 WRONGFUL LICENSING OF DOGS AND CATS.

It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag, or other city identification than that issued by the City Clerk for dogs and cats.

(Neb. RS 17-526, 54-603) ('72 Code, § 6-103) (Am. Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

§ 96.08 RUNNING AT LARGE.

It shall be unlawful for the owner of any animal (regardless of species) to allow such animal to run at large at any time within the corporate limits of the city. It shall be the duty of the city police to cause any animal found to be running at large within the city to be taken up and impounded.

RUNNING AT LARGE shall mean any animal found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint.

('72 Code, § 6-105) (Am. Ord. 1066, passed 3-11-76; Am. Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

Statutory reference:

Authority, see Neb. RS 17-526

Dog collars required, see Neb. RS 54-605

§ 96.09 CAPTURE IMPOSSIBLE.

The city police shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved.

(Neb. RS 54-605) ('72 Code, § 6-106) (Am. Ord. 2305, passed 4-11-2019)

§ 96.10 LIABILITY OF OWNER.

It shall be unlawful for any person to allow an animal owned, kept, or harbored by the owner, or under his or her charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such animal, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained.

('72 Code, § 6-108) (Am. Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

Statutory reference:

Statutory liability, see Neb. RS 54-601

Joint liability, see Neb. RS 54-602

§ 96.11 IMPOUNDING.

(A) It shall be the duty of the person designated by the licensing authority to capture, secure, and remove in a humane manner to any animal shelter or veterinarian any animal violating any of the provisions of this subchapter. Stray animals that are roaming at large, remaining on private property without consent of the owner or tenant, or remaining on or frequenting public property, are deemed to be the property of the city. If the stray animal cannot be captured by conventional means, every police or humane officer is authorized to use any means necessary to remove the animal. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the pound for a period of not less than five days unless reclaimed earlier by the owner. The day on which the animal was impounded shall count as one day and any part of any day during which the animal is impounded shall also count as a full day. Before an animal is released from impoundment, the items listed in division (B) below shall be met. Any unclaimed impounded animal, after being kept for no more than five days, will become the property of the city or of the Animal Shelter and shall be placed for adoption in a suitable home or humanely destroyed.

(B) Before releasing an animal from impoundment, except an impoundment due to rabies or suspect of rabies, the following items must be met:

(1) The animal must be current regarding its rabies vaccination and distemper/parvo vaccination. If the animal is not current regarding said vaccinations it shall be given the vaccinations at the owner's expense.

(2) If the animal is a dog or cat then it shall have a current license of the city as stated in §§ 96.05 and 96.06.

(3) The owner shall pay the animal shelter's or veterinarian's daily boarding fee.

(4) The owner shall pay to the city a general impoundment fee as set forth by resolution.

(5) The owner shall pay to the city a restitution fee as set forth by resolution to reimburse the cost of employing a humane officer, if so employed, at the time of impoundment.

('72 Code, § 6-109) (Am. Ord. 1804, passed 5-23-02; Am. Ord. 2305, passed 4-11-2019)

Statutory reference:

Pounds authorized, see Neb. RS 17-548

Pounds created by rabies control authorities, see Neb. RS 71-4408

§ 96.12 IMPOUNDMENT AND DISPOSAL OF ABANDONED, CRUELY NEGLECTED OR MISTREATED ANIMALS.

(A) Any animal found abandoned, cruelly neglected or mistreated or in such a condition as to constitute a direct threat to its life, safety or health may be impounded if seized pursuant to a search warrant or validly seized without a warrant. When a criminal complaint has been filed in connection with the impounded animal, that court shall have exclusive jurisdiction for the disposition of the animal and to determine any rights therein, including questions relating to the title, possession, control, and disposition of the animal. Within seven days after the animal has been impounded, either the City Attorney or the Saunders County Attorney shall file an application with the court for a hearing to determine disposition and the cost for the care of the animal. Notice of hearing shall be given to the owner or custodian from whom the animal was seized. Such notice shall be served by personal or residential service. If service cannot be made, then service may be

made by publication in the county where the animal was seized. The hearing may be held not more than ten business days after the date of application for hearing unless otherwise ordered by the court.

(B) The court may:

(1) Order immediate forfeiture of the animal to either the city or the local animal shelter and authorize the appropriate disposition of the animal;

(2) Order the owner or custodian of the animal to retake possession of the animal subject to management conditions; and/or

(3) Order the owner or custodian of the animal to retake possession following the posting of a bond or other security or to otherwise order reimbursement of all reasonable expenses for the care of the animal including veterinary and shelter care. Payment shall be subject to state statute.

(C) Nothing in this section shall prevent the humane destruction of a seized animal at any time as determined necessary by a licensed veterinarian or as authorized by court order.

(Neb. RS 28-1012 and 28-1012.01) (Ord. 2305, passed 4-11-2019)

§ 96.13 CITATION FOR ABANDONED, CRUELY NEGLECTED OR MISTREATED ANIMALS.

A law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or mistreated may issue a citation to the owner or custodian as prescribed by state statute. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

(Neb. RS 28-1012 and 28-1012.01) (Ord. 2305, passed 4-11-2019)

§ 96.14 RABIES SUSPECTED; IMPOUNDMENT.

Any animal suspected of being afflicted with rabies, or any animal not vaccinated in accordance with the provisions of this chapter which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Animal Shelter for a period of not less than ten days. If upon examination by a veterinarian, the animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of an unlicensed dog or cat, it shall be dispositioned of in accordance with the provisions herein. If the owner of the said animal has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, the animal may be released from confinement.

(Neb. RS 71-4406) ('72 Code, § 6-111) (Am. Ord. 2305, passed 4-11-2019)

§ 96.15 ANIMAL NOISE.

It shall be unlawful for any person to own, keep, or harbor any animal which by loud, continued, or frequent noise, barking, howling, or yelping or otherwise shall annoy or disturb any neighborhood, or person, or which habitually makes noise at or chases pedestrians, drivers, or vehicles while they are on any public sidewalks, streets, or alleys in the city. Upon the written complaint or telephone complaint of any affected person that any animal owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section, the city police shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such animal. Upon a second violation, within any 30-day period, the city police shall issue a citation to the owner of the animal for violation of this section. The provisions of this section shall not be construed to apply to the City Animal Shelter.

(Am. Ord. 1804, passed 5-23-02; Am. Ord. 2305, passed 4-11-2019)

§ 96.16 SERVICE ANIMAL.

(A) Service animal defined. SERVICE ANIMAL shall have the same meaning as in 28 C.F.R. 36.104, as amended.

(B) Exempt from license tax. Every service animal shall be licensed as required by the city code, but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of the required license tax.

(C) Misdemeanor; violence on a service animal. A person commits the offense of violence on a service animal when he or she intentionally injures, harasses, or threatens to injure or harass or attempts to intentionally injure, harass, or threaten an animal that he or she knows or has reason to believe is a service animal.

(Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

Statutory reference:

Statutory fee exemption, see Neb. RS 54-603

§ 96.17 OFFENSIVE ODORS.

It shall be unlawful for any person or persons to keep any household pet in any pen, shed, or yard within the city from which any deleterious or offensive odor shall be emitted; and the maintaining of any of the above-mentioned household pets in such condition shall of itself constitute a nuisance.

(Ord. 2305, passed 4-11-2019) Penalty, see § 96.99

§ 96.18 SANITARY REGULATIONS.

The owner of any household pet shall keep all pens, enclosures, and shelter structures wherein such animals are kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any household pet shall not allow offal, manure, and waste material of such animal to accumulate or remain in the pens, enclosures, and shelter areas, excluding pasture acreage, upon which such animal resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance. The owner of any household pet shall in a sanitary manner remove or dispose of all offal, manure, and waste material accumulating from such animal at least once every seven days.

(Ord. 2305, passed 4-11-2019)

§ 96.19 IRRESPONSIBLE ANIMAL OWNER.

(A) It shall be unlawful for any person who has been declared an irresponsible animal owner by the Chief of Police to own any animal, or to reside on premises with any animal owned by another person, for a period of 36 months from the issuance of such declaration.

(B) The Chief of Police may declare a person to be an irresponsible animal owner when any person has been convicted of three or more violations of this chapter within a thirty-six month period. Such declaration is also revocation of all existing licenses and permits issued to such person and shall prohibit any licenses or permits from being issued to such person for a period of thirty-six months.

(C) The city shall notify the person declared to be an irresponsible animal owner of the declaration in writing. Such notice shall be served either in person or by mailing such notice by certified mail. After eleven days from the date of such notice, the declaration shall be final and binding upon the city and upon the irresponsible animal owner unless within ten days after such

notice, the irresponsible animal owner requests, in writing, a review of the determination by the hearing officer pursuant to the city's then existing nuisance regulations.

(D) The person designated as an irresponsible animal owner shall have ten days from the date of the notice, or if appealed ten days from the final decision, to relinquish ownership to the city or Animal Shelter. If ownership is not relinquished, the city may impound any animal owned by the irresponsible animal owner, and dispose of such animal in accordance with this chapter. (Ord. 2305, passed 4-11-2019)

§ 96.99 PENALTY.

(A) Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense.

(B) In addition to the penalties for all violations herein provided, the court may order such person to reimburse the city, and/or a public or private agency for expenses incurred in the care, medical treatment, impoundment, and disposal of any animal involved in or connected with the incident for which the complaint was filed. A court may also enter an order requiring restitution to any person for damage or injury to such person or such person's property.

(C) Each day that a violation of any section in this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this chapter provided. (Ord. 2305, passed 4-11-2019; Am. Ord. 2362, passed 11-24-20)

28 C.F.R. 36.104

Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.



May 19, 2025

TO: Mayor and Council

FROM: General Committee of the Council

RE: Chickens

On Tuesday, May 13 at 6:00 p.m. prior to the regular meeting of the Council, the General Committee (Rappl, Nagle, and Sweet) met to review and discuss the information presented to the Council on chickens/ducks on April 18. All members of the committee were appreciative of the thorough research report that was presented.

Each member reviewed the direct contact they had received from citizens regarding chickens within the City of Wahoo, and all members indicated the contacts they had received were against chickens being allowed, except for one. In addition to the “not in my backyard” attitude the members said they had been hearing, there were also comments of concern regarding enforcement. All committee members agreed that adopting rules that would add to the workload of City staff, specifically regarding inspections and enforcement of any regulations adopted, was concerning. All members agreed that aside from social media, their understanding based on contact from constituents there was not enough interest/support for implementation of regulations allowing chickens to move forward. They all acknowledged the three members of the public who had been in attendance at Council meetings in support of chickens.

Some conversation was held about those properties that already have chickens, in violation of our current Municipal Code, and staff explained that when they became aware of violations, those would be handled at that time.

It is the General Committee’s recommendation to the Council that no amendment be made to change Municipal Code, thus supporting the current position that chickens/ducks are not allowed, unless expressly allowed by Zoning in agricultural and large-lot residential zoned property larger than 3 acres.

ORDINANCE NO. 2429

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO APPROVE AN ORDINANCE PERMITTING THE USE OF ALL-TERRAIN AND UTILITY-TYPE VEHICLES WITHIN THE CORPORATE LIMITS OF THE CITY OF WAHOO UNDER TERMS SPECIFICIED HEREIN; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL IN PAMPHLET FORM, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL NOT BECOME AND BE MADE A PART OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, a number of citizens of the City of Wahoo, Nebraska, have requested the City to adopt regulations expanding allowing the use of All-Terrain and Utility-Type Vehicles within the corporate limits of the City of Wahoo, Nebraska, and,

WHEREAS, Neb. Rev. Stat. § 60-6,356(7) gives cities the authority to adopt ordinances relating to use of All-Terrain Vehicles and Utility-Type Vehicles, and,

WHEREAS, the 109th Nebraska State Legislature underwent final reading and approval of LB 1005 which was amended into LB 972 by AM 2999, amending the language in Neb. Rev. Stat. 60-6,356(3)(A)(iii), and,

WHEREAS, Title VII: TRAFFIC Code; Chapter 70 GENERAL PROVISIONS; Section 70.03 currently provides a process from which an off-road designed vehicle shall be permitted to operate within the City of Wahoo, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, are willing to expand permit the use of All-Terrain and Utility-Type Vehicles within the corporate limits of the City of Wahoo to allow usage between the hours of sunset and sunrise, subject to certain conditions as contained herein, and,

WHEREAS, the Mayor and Council of the City of Wahoo, Nebraska, deem the adoption of this Ordinance to be in the best interests of the citizens of the City of Wahoo, Nebraska, and,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the findings herein above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

2. That Title VII: TRAFFIC Code; Chapter 70 GENERAL PROVISIONS; Section 70.03 shall be amended to read as follows:

(A) ATVs and UTVs; DEFINITIONS

(1) All-Terrain Vehicle (ATV) is defined pursuant to Neb. Rev. Stat. § 60-103 and means any motorized off-highway vehicle which: (a) is fifty inches (50") or less in width, (b) has a dry weight of twelve hundred (1,200) pounds or less, (c) travels on four (4) or more non-highway tires, and (d) is designed for operator use only with no passengers or is specially designed by the original manufacture for the operator and one (1) passenger. ATVs are declared to be motor vehicles subject to Nebraska Rules of the Road and traffic laws in addition to this Chapter.

(2) Utility-Type vehicle (UTV) is defined pursuant to Neb. Rev. Stat. § 60-135.01 and means any motorized off-highway device which (a) is seventy-four inches (74") in width or less, (b) is not more than one hundred eighty inches (180"), including the bumper, in length, (c) has a dry weight of two thousand (2,000) pounds or less, and (d) travels on four (4) or more non-highway tires. UTV does not include ATVs, golf car vehicles, or low-speed vehicles as the same are defined by Nebraska law. UTVs are declared to be motor vehicles subject to Nebraska Rules of the Road and traffic laws in addition to this Chapter.

(B) ATVs and UTVs; OPERATION AND EQUIPMENT

An ATV or UTV may be operated upon city streets and highways within the corporate limits of the City only if the operator and vehicle is in compliance with the following provisions in addition to the Nebraska Rules of the Road and City Codes:

1. Such ATV or UTV must be registered with City Hall as provided in this Chapter, unless the same is owned by the City itself.
2. An ATV or UTV shall not be operated at a speed faster than thirty (30) miles per hour or the posted speed limit, whichever is less. When in operation, the headlights and taillights of the vehicle shall be on.
3. Any person operating an ATV or UTV as authorized by this Code shall:
 - a. Have a valid Class O operator's license as provided for in Neb. Rev. Stat. § 60-4,126;
 - b. Have liability insurance coverage for the ATV or UTV while in operation upon

a street or highway and provide such insurance proof of coverage upon the demand of any peace officer requesting such proof within five (5) days of such request; such insurance shall be within the limits stated in Neb. Rev. Stat. § 60-509, as amended from time to time;

c. Only operate such ATV or UTV between sunrise and sunset unless the ATV or UTV is compliant with subsection (d) below.-

d. Only operate such ATV or UTV between sunset and sunrise within the corporate limits if:

(A) The headlight for the all-terrain vehicle or utility-type vehicle displays a white light and: (1) For multiple beam headlights, the upper beam sufficiently illuminates any person, vehicle, or substantial object at a distance of at least one hundred feet in front of the all-terrain vehicle or utility-type vehicle, and the lowermost beam sufficiently illuminates any person, vehicle, or substantial object at a distance of at least fifty feet in front of the all-terrain vehicle or utility-type vehicle; and (2) For single beam headlights, the headlight sufficiently illuminates any person, vehicle, or substantial object at a distance of at least one hundred feet in front of the all-terrain vehicle or utility-type vehicle, and the high intensity portion of the light does not project higher than the level of the center of the headlight; and

e. (B) The taillight for the all-terrain vehicle or utility-type vehicle displays a red light that is plainly visible from a distance of five hundred feet behind the all-terrain vehicle or utility-type vehicle.

~~d.e.~~ Only operate such ATV or UTV less than 30 MPH

e.f. Only have as many riders as the manufacturers intended.

4. Every ATV and UTV shall be equipped with:

- a. A braking system maintained in good operating condition;
- b. An adequate muffler system in good working condition and without a cutout, bypass or similar device, or any modifications to the muffler system which increases the volume of the noise of the exhaust system. No portion of the system shall be permitted to contact the ground when weighted by its operator;
- c. A United States Forest Service-qualified spark arrester;
- d. Headlights, taillights, and break lights;
- e. Equipped with a safety flag which extends no less than five (5) feet above the ground and is attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty

(30) square inches.

(C) ATVs and UTVs; Usage in Parades; Usage on Public Roads, Sidewalks and Trails.

ATVs and UTVs may be operated without complying with this section only: (1) during parades which have been authorized by the State or any department, board, commission, or political subdivision of the State, (2) if the operation is removing snow from driveways or sidewalks within 48 hours after cessation of a snow storm, or (3) on public trails and streets only if engaged by the public entity for snow removal.

(D) ATVs and UTVs; Controlled-Access Highways and Off-Limit Streets.

An ATV or UTV shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes,

Unless engaged by the City for municipal government purposes, it shall be unlawful to operate an ATV or UTV anywhere on. Provided, however, the crossing of said streets shall be permissible subject to the restrictions identified herein.

(E) ATV and UTV; Crossing Highways

For the purpose of this Article, the crossing of a highway shall be permitted only if:

1. The crossing is made at an angle of approximately ninety degrees (90°) perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;
2. The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;
3. The operator yields the right of way to all traffic which constitutes an immediate or potential hazard;
4. In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and,
5. Both headlights and taillights must be on when crossing is made.

(F) ATV and UTV; Registration.

Only ATVs or UTVs registered with City Hall or owned by the City shall be authorized for operation on streets or highways within the corporate limits of the City. A registration sticker shall be issued by City Hall upon the owner submitting the following:

1. Certification from the Wahoo Police Department stating that the ATV or UTV has been inspected and is in compliance with the equipment requirements identified by City Code.
2. Proof of liability insurance coverage for the vehicle specifically listing the vehicle

as referenced by year, make, model, and serial number; and,

3. A one hundred dollar (\$100.00) annual fee for registration of the vehicle.

The registration sticker shall entitle the vehicle to be operated on the streets and highways of the City as provided by Code during the calendar year of issuance. The annual fee will not be prorated and is not transferrable. No refunds shall be allowed for any reason. Registration will expire on December 31 of each year.

A reflecting, self-destructing sticker with an assigned number will be provided to the registering owner upon registration of such vehicle at City Hall. This registration sticker shall be affixed on the vehicle's lower driver's side windshield if equipped, or if the vehicle is not equipped with a windshield, then the sticker shall be affixed on the driver's side front of such vehicle. A duplicate sticker at a cost of twenty-five dollars (\$25.00) may be issued by City Hall in the event of a lost or destroyed registration sticker.

(G) ATV and UTV; Dealer Registration.

A dealer of ATVs or UTVs located within the City shall make application to City Hall for a dealer registration sticker, in lieu of registering each ATV and UTV which the dealer owns, to be used solely for the purposes of transporting, testing, demonstrating, or use in the daily use and conduct of business of the dealer.

A dealer registration sticker shall be issued upon the dealer submitting the following:

1. Certification from the dealer stating that ATVs and UTVs to be operated in accordance with the dealer registration sticker comply with the equipment requirements identified by City Code;
2. Proof of liability insurance coverage for the fleet of ATVs and UTVs to be operated pursuant to this Section;
3. A three hundred dollar (\$300.00) annual fee is paid for the dealer registration sticker.

Displaying the dealer registration sticker entitles the vehicle to be operated as provided by City Code on the streets and highways of the City during the calendar year of issuance of the dealer registration sticker for uses described in this Section. The annual fee shall not be prorated and no refunds will be allowed for any reason. A dealer registration sticker may be allowed to be placed on a placard or other item so as to allow for its transferability from vehicle to vehicle and shall be displayed upon the vehicle during its operation. A duplicated dealer registration sticker at a cost of twenty-five (\$25.00) may be issued by City Hall in the event of a lost or destroyed dealer registration sticker.

(H) ATV and UTV; Accident; Report Required.

If an accident involving an ATV or UTV results an injury to any person resulting in the

examination or treatment of the injured person by a physician, or results in the death of any person, then the operator of each ATV or UTV involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. § 60-699.

(I) ATV and UTV; Penalty; Impoundment.

Any person who violates any provision of this Article or violates the provisions defined by Chapter 39 or Chapter 60 of the Revised Statutes of Nebraska while operating an ATV or UTV shall be subject to the penalties under the provisions of Chapter 39 and Chapter 60 of the Revised Statutes of Nebraska and additionally all City-issued registrations for all of the operator's and the owner's ATVs and UTVs shall be revoked as follows:

1. For the operator's first offense, the operator shall be fined two hundred dollars (\$200.00);
2. For the operator's second offense occurring within two (2) years of the first offense, the operator shall be fined four hundred dollars (\$400.00)
3. For the operator's third offense occurring within two (2) years of the first offense, the operator shall be fined four hundred dollars (\$400.00), impoundment of vehicle, and all City-issued registrations of both the operator and the owner shall be revoked for a period of two (2) years from the date of offense.
4. For the operator's fifth offense occurring within five (5) years of the first offense, all City-issued registrations of both the operator and the owner shall be revoked for a period of ten (10) years from the date of offense.

3. That the Mayor and the appropriate department, whether one or more of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Ordinance, to include, but not be limited to, the filing of a certified copy of this Ordinance with the Saunders County Register of Deeds.

4. That should any section, paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Mayor and Council of the City of Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

5. That all Ordinances or parts of Ordinances passed and approved prior to the passage, approval and publication of this Ordinance and in conflict herewith, are hereby repealed.

6. That this Ordinance shall be published within the first fifteen days after its passage and approval, in pamphlet form, and shall be in full force and be effective on June 1, 2023, from and after its passage and approval, and publication, as provided herein.

7. That it is the intention of the Council and Mayor of the City of Wahoo, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Wahoo Municipal Code of the City of Wahoo, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this 25th day of April 2023.

CITY OF WAHOO, NEBRASKA

BY:

Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, Its Clerk
(SEAL)

1st reading: ~~July 28, 2026~~ March 14, 2023

2nd reading: March 28, 2023

3rd reading: April 25, 2023

ORDINANCE NO. 2508

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO AMEND TITLE VII: TRAFFIC CODE, CHAPTER 70. GENERAL PROVISIONS, SECTION 70.04 OFF STREET PARKING, OF THE WAHOO MUNICIPAL CODE, AND IN PARTICULAR, THE PORTION THEREOF PERTAINING TO DOWN TOWN PARKING; TO PROVIDE THAT THE MAYOR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, ARE AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, OR PROVISION OR PORTION OF THIS ORDINANCE FOUND UNCONSTITUTIONAL OR INVALID; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN (15) DAYS AFTER ITS PASSAGE AND APPROVAL, IN PAMPHLET FORM, IN THE CITY OF WAHOO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW, AND AS PROVIDED HEREIN; AND THAT IT IS THE INTENTION OF THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AND IT IS HEREBY ORDAINED, THAT THE PROVISIONS OF THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF WAHOO MUNICIPAL CODE, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, on January 24, 2002, the Mayor and Council of the City of Wahoo, Nebraska, did adopt the Wahoo Municipal Code, and,

WHEREAS, Title VII: TRAFFIC CODE, CHAPTER 70. GENERAL PROVISIONS, Section 70.04 Off Street Parking, sets forth the statute for on-street parking, Nebraska, and,

WHEREAS, it is in the best interest of the citizens of the City of Wahoo, Nebraska, that the portion of said Section pertaining to on-street parking be amended by expanding the limits of permitted on-street parking.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, AS FOLLOWS:

1. That the findings hereinabove should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

2. That Title VII: TRAFFIC CODE, CHAPTER 70. GENERAL PROVISIONS, Section 70.04 Off Street Parking be amended as follows:

§ 70.04 OFF STREET PARKING.

(A) VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracts.

(B) All residents of the city, during the hours specified herein, shall provide facilities on the real estate upon which they reside, to include that portion of the street adjacent thereto between the curb lines and the adjacent property lines, denoted as SIDEWALK SPACE, and as defined in § 95.030, for parking of vehicles which they own and/or operate and/or control, without parking said vehicle on a sidewalk in violation of Neb. RS 60-6,166(1)(a)(ii).

(C) No person shall park any vehicle on the traveled portion of streets in the city, between the hours of midnight and 5:00 a.m., Sunday through Saturday, inclusive, except for the following areas in which parking shall be prohibited between the hours as indicated, Sunday through Saturday, inclusive:

- (1) Between 2:00 a.m. and 6:00 a.m.:
 - (a) Broadway Street from the intersection of 4th Street to the intersection of 7th Street;
 - (b) Linden Avenue from the intersection of 4th Street to the intersection of 7th Street;
 - (c) 4th Street from the intersection of Beech Street to the intersection of Maple Street;
 - (d) 5th Street from the intersection of Beech Street to the intersection of Chestnut Street;
 - (e) South side of 5th Street from the intersection of Chestnut Street to the intersection of Walnut Street;
 - (f) 6th Street from the intersection of Beech Street to the intersection of Maple Street;
 - (g) 7th Street from the intersection of Linden Avenue to the intersection of Broadway Street.
- (2) Between midnight and 6:00 a.m.:
 - (a) 4th Street from the intersection of Orange Street to the intersection of Beech Street;
 - (b) Beech Street from the intersection of 4th Street to the intersection of 5th Street;
 - (c) Elm Street from the intersection of 4th Street to the intersection of 5th Street.

(D) Residents and/or non-residents of the city may obtain permission for, utilize on-street parking, as an exception to this section, in the following instances:

- (a) At any location within the City Limits of Wahoo, except as expressly prohibited in §70.06 for a period of time not to exceed 24 hours as an exception to this section, with permission to be obtained in advance from the Police Department;
- (b) In public parking stalls located either within or adjacent to the downtown area as determined appropriate by the City Administrator, provided the necessary permit, as described in the following section, has been obtained from the City of Wahoo City Clerk's Office;

(E) The City Clerk's office shall issue annual parking permits granting permission to park in the areas as described in §70.04(D)(b) based on the following qualifications:

(a) Parking permits (Downtown Residential Parking Permit) shall be made available to the property owners and/or tenants of residential units (as permitted by City of Wahoo Zoning Regulations) located in the downtown area, with one permit available per sleeping unit of each residential unit. Property owners and/or tenants shall provide the City of Wahoo Police Department with information on each user of a permit, including changes to the user of any permit as may occur from time-to-time. Information to be provided shall include name and address of the permit users, vehicle make, model and license plate of each vehicle to be parked in the designated area; and contact information for each user to contact vehicle owners in the event of a snow, utility, or other emergency.

(b) Each Downtown Residential Parking Permit shall require an annual fee paid to the City Clerk's Office before issuance of the permit of an amount to be set by resolution.

(c) Permits shall be issued based on a calendar year and shall expire each year on December 31;

(d) The permit shall be issued by the City Clerk's Office in the form of a hanging tag that shall be placed on the rear-view mirror of any vehicle parking in a designated area.

(E) Any vehicle for which city parking citations have been issued previously and for which ten or more citations are currently outstanding, meaning the citations have not been disposed of by payment of the administrative fee and fine, final court action, or by dismissal, shall be deemed to be illegally parked and subject to removal as set forth in § 70.24. Prior to the release of any vehicle removed pursuant to this section, all outstanding citations must be paid for, in full.

3. That the Mayor and the appropriate Department, whether one or more, of the City of Wahoo, Nebraska, are authorized and directed to implement this Ordinance.

4. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of Mayor and Council of the City of Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

5. That all ordinances or parts of ordinances passed and approved prior to the passage, approval, and publication of this Ordinance and in conflict herewith, are hereby repealed.

6. That this Ordinance shall be published within the first fifteen days after its passage and approval in pamphlet form within the City of Wahoo, Nebraska, and shall be effective on the fifteenth day from and after its passage and approval as provided by law.

7. That the provisions of this Ordinance shall become and be made a part of the Wahoo Municipal Code and the sections of this Ordinance may be renumbered to accomplish such intention.

PASSED AND APPROVED this day of , 2026.

CITY OF WAHOO, NEBRASKA

By: _____
Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, Its Clerk
(SEAL)

ORDINANCE NO. 2509

AN ORDINANCE OF THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA, TO VACATE A PORTION OF AN ALLEY, SAID PUBLIC WAY TO BE VACATED BEING DESCRIBED AS FOLLOWS: THE SOUTH THREE FOOT OF THE PLATED ALLEY BETWEEN NINTH STREET AND TENTH STREET ALLEYS CONNECTING SYCAMORE AND WALNUT STREETS LOCATED IN BLOCK 6, WAHLSTROMS ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA; AND TO RETAIN A UTILITY AND INGRESS-EGRESS EASEMENT-OWNERSHIP IN FAVOR OF THE CITY OF WAHOO, NEBRASKA, FOR THE PURPOSE OF INGRESS AND EGRESS OVER, ACROSS, AND UNDER THE ABOVE-DESCRIBED REAL ESTATE AND FOR THE PURPOSE OF SURVEYING, CONSTRUCTING, RELOCATING, ALTERING, INSPECTING, REPAIRING, REPLACING, ADDING TO, MAINTAINING AND OPERATING, AT ANY TIME, UTILITIES OR ANY OTHER PHYSICAL CITY IMPROVEMENT, WITH APPURTENANCES AND ACCESSORIES THERETO, THEREIN OR IN THE FUTURE LOCATED THEREIN; TO APPROVE THE WAIVER OF THE APPOINTMENT OF A SPECIAL COMMISSION TO ASCERTAIN THE AMOUNT OF SPECIAL DAMAGES TO THE ABUTTING PROPERTY OWNERS OF THE VACATED ALLEY AS CONTAINED WITHIN §95.067 OF THE WAHOO MUNICIPAL CODE; TO PROVIDE THAT THE MAYOR AND COUNCIL AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE CITY OF WAHOO, NEBRASKA, SHALL BE AUTHORIZED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION HEREOF FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HERewith; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST FIFTEEN DAYS AFTER ITS PASSAGE AND APPROVAL IN PAMPHLET FORM IN THE CITY OF WAHOO, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE AND APPROVAL, AS PROVIDED BY LAW AND AS PROVIDED HEREIN; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL NOT BECOME A PART OF THE WAHOO MUNICIPAL CODE OF THE CITY OF WAHOO, NEBRASKA.

WHEREAS, it has been determined by the Mayor and Council of the City of Wahoo, Nebraska, that it is expedient for the public good or in the best interest of the City of Wahoo, Nebraska, that the hereinafter described Alley be vacated, to wit:

THE SOUTH THREE FOOT OF THE PLATED ALLEY BETWEEN NINTH ~~STREET~~ AND TENTH ~~STREET~~~~ALLEYS~~ CONNECTING SYCAMORE ~~STREET~~ AND WALNUT ~~STREET~~~~ALLEYS~~ LOCATED IN BLOCK 6, WAHLSTROMS ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA

and,

WHEREAS, the City of Wahoo, Nebraska, does desire to retain the right, on behalf of the City of Wahoo, Nebraska, and its franchisees, to maintain ~~an easement~~~~ownership~~ for ~~the~~ right of ingress and egress ~~and~~ for the purpose of surveying, constructing, reconstructing, relocating, altering, inspecting, repairing, replacing, adding to, maintaining and operating, at any time, utilities or any other physical city improvement, with appurtenances and accessories thereto, now located and which may be located therein in the future, within said ~~portion of the 14th~~ Alley to be vacated, and

WHEREAS, Section 95.067 (~~BE~~)(2) of the Wahoo Municipal Code ~~provides that the abutting property owners may consent to the action being taken by the City Council and waive their rights relating thereto, which did in this instance occur thus negating the process set forth in Section 95.067(C) requires that the Mayor appoint three, five or seven disinterested residents of the city to a special commission to ascertain the amount of special damages that the abutting property owners are entitled to receive, pursuant to Section 95.067 (D) as a result of the vacation of a public way,~~ and,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF WAHOO, NEBRASKA, as follows:

Section 1. That the findings hereinabove made should be, and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That the following Alley shall be vacated, to wit:

THE SOUTH THREE FOOT OF THE PLATED ALLEY BETWEEN NINTH ~~STREET~~ AND TENTH ~~STREET~~~~ALLEYS~~ CONNECTING SYCAMORE AND WALNUT ~~STREETS~~ ~~ALLEYS~~ LOCATED IN BLOCK 6, WAHLSTROMS ADDITION TO THE CITY OF WAHOO, SAUNDERS COUNTY, NEBRASKA

Section 3. That the City of Wahoo, Nebraska, shall retain the right, on behalf of the City of Wahoo, Nebraska, and its franchisees, to maintain ~~an easement~~~~ownership~~ for right of ingress and egress ~~and~~ for the purpose of surveying, constructing, reconstructing, relocating, altering, inspecting, repairing, replacing, adding to, maintaining and operating, at any time, utilities or any other physical city improvement, with appurtenances and accessories thereto, now located and which may be located therein in the future, within said ~~portion of the 14th~~ Alley to be vacated by this Ordinance.

Section 4. That the Clerk of the City of Wahoo, Nebraska, be instructed to file a certified copy of this Ordinance with the Saunders County Register of Deeds within thirty (30) days after the effective date of this Ordinance.

Section 6. That the Mayor and Council of the City of Wahoo, Nebraska, its Clerk, and any other department, whether one or more, of the City of Wahoo, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 7. That should any section, paragraph, sentence or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of

Wahoo, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

Section 8. That all Ordinances and parts of Ordinances passed and approved prior to the passage, approval, and publication of this Ordinance, in conflict herewith, are hereby repealed.

Section 9. That this Ordinance shall be published within the first fifteen (15) days after its passage and approval in pamphlet form, and shall be effective the 15th day from and after it is passage, approval, and publication as provided herein.

Section 10. That it is the intention of the Mayor and Council of the City of Wahoo, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall not become a part of the Wahoo Municipal Code of the City of Wahoo, Nebraska.

PASSED AND APPROVED this 28th day of July, 2026.

CITY OF WAHOO

By: _____
Gerald D. Johnson, Its Mayor

ATTEST:

Christina Fasel, Its Clerk

(SEAL)

City Of Wahoo, Nebraska
Combined Municipal Utilities Fund

Financial Statements and Independent
Auditor's Report
December 31, 2025 and 2024

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
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December 31, 2025 and 2024**

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INDEPENDENT AUDITOR'S REPORT

The Honorable Mayor and City Council
City of Wahoo, Nebraska, Combined Municipal Utilities Fund
Wahoo, Nebraska

Report on the Audit of the Financial Statements

Opinion

We have audited the accompanying financial statements of the business-type activities of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund (Wahoo Utilities), as of and for the years ended December 31, 2025 and 2024, and the related notes to the financial statements, which collectively comprise the Wahoo Utilities' basic financial statements as listed in the table of contents.

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the business-type activities of Wahoo Utilities, as of December 31, 2025 and 2024, and the respective changes in financial position and cash flows thereof for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS) and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States (*Government Auditing Standards*). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of Wahoo Utilities and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audits. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Emphasis of Matter

As discussed in Note 1 to the financial statements, the financial statements present only the Combined Municipal Utilities Fund and do not purport to, and do not present fairly the financial position of the City of Wahoo, Nebraska, as of December 31, 2025 and 2024, the changes in its financial position, or, where applicable, its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America. Our opinion is not modified with respect to this matter.

Emphasis of Matter

As discussed in Note 10 to the financial statements, the 2024 financial statements have been restated. Our opinion is not modified with respect to that matter.

Responsibilities of Management for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America, and for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is required to evaluate whether there are conditions or events, considered in the aggregate, that raise substantial doubt about Wahoo Utilities' ability to continue as a going concern for twelve months beyond the financial statement date, including any currently known information that may raise substantial doubt shortly thereafter.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with generally accepted auditing standards and *Government Auditing Standards* will always detect a material misstatement when it exists. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS and *Government Auditing Standards*, we:

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Wahoo Utilities' internal control. Accordingly, no such opinion is expressed.
- Evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluate the overall presentation of the financial statements.
- Conclude whether, in our judgment, there are conditions or events, considered in the aggregate, that raise substantial doubt about the Wahoo Utilities' ability to continue as a going concern for a reasonable period of time.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the audit.

Required Supplementary Information

Management has omitted Management's Discussion and Analysis that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Supplementary Information

Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the Wahoo Utilities' basic financial statements. The accompanying schedule of expenditures of federal awards, as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, is presented for purposes of additional analysis and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statement or to the basic financial statements themselves, and other additional procedures in accordance with GAAS. In our opinion, the schedule of expenditures of federal awards is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

Other Information

Management is responsible for the other information as listed in the table of contents. Our opinion on the basic financial statements does not cover the other information and we do not express an opinion or any form of assurance thereon.

In connection with our audits of the basic financial statements, our responsibility is to read the other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated June 3, 2026 on our consideration of the Wahoo Utilities' internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Wahoo Utilities' internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering Wahoo Utilities' internal control over financial reporting and compliance.

BMG Certified Public Accountants, LLP



Lincoln, Nebraska
June 3, 2026

City Of Wahoo, Nebraska
Combined Municipal Utilities Fund
Statements of Net Position
December 31, 2025 and 2024

	<u>2025</u>	<u>Restated 2024</u>
<u>ASSETS</u>		
<u>Current Assets:</u>		
Cash and Certificates of Deposit	\$ 3,144,791	\$ 4,252,228
Restricted Cash and Certificates of Deposit	159,103	211,845
Cash - Designated for Natural Gas Rate Stabilization Fund	590,411	590,411
Accounts Receivable, net	710,091	742,462
Unbilled Revenues	598,370	546,813
Grant Receivable	79,223	-
Lease Receivable, Current Portion of Long Term Leases	39,316	38,803
Prepaid Expenses	209,587	192,162
Inventories	1,226,250	1,380,277
Total Current Assets	<u>6,757,142</u>	<u>7,955,001</u>
<u>Capital Assets:</u>		
Plant, Property & Equipment	48,817,081	43,244,087
Less: Accumulated Depreciation	<u>(24,087,725)</u>	<u>(22,830,783)</u>
Total Capital Assets	<u>24,729,356</u>	<u>20,413,304</u>
<u>Other Assets:</u>		
Lease Receivable, Long Term Leases, Net of Current Portion	-	39,316
Goodwill	<u>135,187</u>	<u>135,187</u>
Total Other Assets	<u>135,187</u>	<u>174,503</u>
TOTAL ASSETS	<u><u>\$ 31,621,685</u></u>	<u><u>\$ 28,542,808</u></u>
<u>LIABILITIES AND DEFERRED INFLOWS OF RESOURCES</u>		
<u>Current Liabilities:</u>		
Accounts Payable	\$ 765,393	\$ 993,069
Accrued Expenses	156,404	130,814
Customer Deposits	157,695	166,645
Current Maturities of Long-Term Liabilities	<u>290,039</u>	<u>560,779</u>
Total Current Liabilities	<u>1,369,531</u>	<u>1,851,307</u>
<u>Long-Term Liabilities:</u>		
Long-Term Debt	5,563,437	2,852,113
Compensated Absences	552,623	503,271
Less: Current Maturities	<u>(290,039)</u>	<u>(560,779)</u>
Total Long-Term Liabilities	<u>5,826,021</u>	<u>2,794,605</u>
Total Liabilities	<u><u>\$ 7,195,552</u></u>	<u><u>\$ 4,645,912</u></u>
<u>Deferred Inflows of Resources</u>		
Deferred Lease Arrangement Receipts, Long Term Leases	<u>\$ 38,975</u>	<u>\$ 77,951</u>
<u>NET POSITION</u>		
<u>Net Position:</u>		
Invested in Capital Assets, Net of Related Debt	19,301,106	17,696,378
Restricted	1,408	45,200
Unrestricted	<u>5,084,644</u>	<u>6,077,367</u>
Total Net Position	<u><u>\$ 24,387,158</u></u>	<u><u>\$ 23,818,945</u></u>

See Independent Auditor's Report and Notes to Financial Statements.

City Of Wahoo, Nebraska
Combined Municipal Utilities Fund
Statements of Revenues and Expenses
For the Years Ended December 31, 2025 and 2024

	<u>2025</u>	<u>Restated 2024</u>
<u>Operating Revenues:</u>		
Utility Sales	\$ 11,112,478	\$ 10,464,132
Grant Revenue	79,223	-
Merchandise, Service & Other Sales	530,827	1,140,714
Total Operating Revenues	<u>11,722,528</u>	<u>11,604,846</u>
<u>Operating Expenses:</u>		
Production:		
Purchased Power/Gas	5,890,181	5,526,771
Salaries, Wages, & Benefits	638,362	544,957
Maintenance & Supplies	121,500	104,525
Insurance	135,703	116,449
Utilities	179,413	188,859
Depreciation & Amortization	225,387	233,144
Other	42,647	17,987
Total Production Expenses	<u>7,233,193</u>	<u>6,732,692</u>
Distribution/Collection:		
Salaries, Wages, & Benefits	1,545,271	1,437,769
Maintenance & Supplies	312,157	789,818
Insurance	82,510	67,723
Utilities	32,569	32,899
Depreciation & Amortization	999,913	873,929
Other	53,159	39,379
Total Distribution/Collection Expenses	<u>3,025,579</u>	<u>3,241,517</u>
General & Administrative:		
Salaries, Wages, & Benefits	627,047	605,735
Maintenance & Supplies	76,661	104,887
Insurance	12,428	10,485
Utilities	6,003	8,472
Depreciation & Amortization	31,642	34,113
Other	215,276	213,716
Total General & Administrative Expenses	<u>969,057</u>	<u>977,408</u>
Total Operating Expenses	<u>11,227,829</u>	<u>10,951,617</u>
Operating Income (Loss)	<u>494,699</u>	<u>653,229</u>
<u>Nonoperating Revenues (Expenses):</u>		
Interest Income	122,290	154,259
Contributions in Aid of Construction	-	1,179,354
Interest Expense	(48,776)	(56,871)
Total Nonoperating Revenues (Expenses)	<u>73,514</u>	<u>1,276,742</u>
Income (Loss) Before Transfers	568,213	1,929,971
Transfers to City	-	-
Change in Net Position	<u>\$ 568,213</u>	<u>\$ 1,929,971</u>

See Independent Auditor's Report and Notes to Financial Statements.

City Of Wahoo, Nebraska
Combined Municipal Utilities Fund
Statements of Changes in Net Position
For the Years Ended December 31, 2025 and 2024

	<u>Net Position</u>
Balance December 31, 2023	\$ 21,888,974
Change in Net Position - Restated	<u>1,929,971</u>
Balance, December 31, 2024 - Restated	<u><u>\$ 23,818,945</u></u>
Change in Net Position	<u>568,213</u>
Balance, December 31, 2025	<u><u>\$ 24,387,158</u></u>

See Independent Auditor's Report and Notes to Financial Statements.

City Of Wahoo, Nebraska
Combined Municipal Utilities Fund
Statements of Cash Flows
For the Years Ended December 31, 2025 and 2024

	<u>2025</u>	<u>Restated 2024</u>
Cash Flows from Operating Activities:		
Receipts from Customers	\$ 11,827,608	\$ 11,645,897
Payments to Suppliers	(7,251,280)	(7,067,722)
Payments to Employees	(2,734,969)	(2,407,643)
Payment of in Lieu of Taxes	<u>(213,143)</u>	<u>(207,168)</u>
Net Cash Provided (Used) by Operating Activities:	<u>1,628,216</u>	<u>1,963,364</u>
Cash Flows from Noncapital Financing Activities:		
Operating Subsidies and Transfers to Other Funds	<u>-</u>	<u>-</u>
Net Cash Provided (Used) by Noncapital Financing Activities:	<u>-</u>	<u>-</u>
Cash Flows from Capital and Related Financing Activities:		
Principal Payments on Long-Term Debt	(370,073)	(534,776)
Proceeds on Issuance of Long-Term Debt	3,081,397	1,412,007
Interest Paid	(49,015)	(57,215)
Capital Expenditures	<u>(5,572,994)</u>	<u>(3,677,268)</u>
Net Cash Provided (Used) by Capital and Related Financing Activities:	<u>(2,910,685)</u>	<u>(2,857,252)</u>
Cash Flows from Investing Activities:		
Proceeds from Temporary Investments	-	-
Interest Received	<u>122,290</u>	<u>154,259</u>
Net Cash Provided (Used) by Financing Activities	<u>122,290</u>	<u>154,259</u>
Net Increase (Decrease) in Cash and Cash Equivalents	(1,160,179)	(739,629)
Cash and Cash Equivalents at Beginning of Period	<u>5,054,484</u>	<u>5,794,113</u>
Cash and Cash Equivalents at End of Period	<u><u>\$ 3,894,305</u></u>	<u><u>\$ 5,054,484</u></u>
Statement of Net Assets Classification of Cash and Cash Equivalents		
Current Assets:		
Cash and Certificates of Deposit	\$ 3,144,791	\$ 4,252,228
Restricted Cash and Certificates of Deposit	159,103	211,845
Cash - Designated for Natural Gas Rate Stabilization Fund	590,411	590,411
Other Assets:		
Restricted Cash and Certificates of Deposit	<u>-</u>	<u>-</u>
Total	<u><u>\$ 3,894,305</u></u>	<u><u>\$ 5,054,484</u></u>

See Independent Auditor's Report and Notes to Financial Statements.

City Of Wahoo, Nebraska
Combined Municipal Utilities Fund
Statements of Cash Flows
For the Years Ended December 31, 2025 and 2024

	<u>2025</u>	<u>Restated</u> <u>2024</u>
Reconciliation of Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities:		
Operating Income (Loss)	\$ 494,699	\$ 653,229
Adjustments to Reconcile Operating Income (Loss) to Net Cash Provided (Used) by Operating Activities:		
Depreciation and Amortization	1,256,942	1,141,186
Public Power Rebate Reimbursement	-	-
Change in Assets and Liabilities:		
(Increase) Decrease in Accounts Receivable	32,371	(143,397)
(Increase) Decrease in Unbilled Revenues	(51,557)	(27,934)
(Increase) Decrease in Prepaid Expenses	(17,425)	(35,214)
(Increase) Decrease in Inventories	154,027	(128,309)
Increase (Decrease) in Accounts Payable	(227,676)	317,771
Increase (Decrease) in Accrued Expenses	(4,216)	187,644
Increase (Decrease) in Customer Deposits	(8,949)	(1,612)
Net Cash Provided (Used) by Operating Activities	<u>\$ 1,628,216</u>	<u>\$ 1,963,364</u>

Supplemental Disclosures

For the year ended December 31, 2024, non-cash Plant, Property & Equipment contributions were made to the Utilities totaling \$1,179,354.

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024**

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Operations: The City's municipal utilities operate under the direction of the Mayor, the City Council, and the Board of Public Works. The revenues are predominately earned from sales and service of electricity, water, sewer, and gas to residential and commercial customers within the City of Wahoo and other nearby communities. The City Council, as required by City Charter, reserves authority to set rates and charges, to adopt the annual budget, and to incur debt.

The Combined Municipal Utilities Fund (Utilities) represents a major fund of the City of Wahoo. As such, the accompanying financial statements present only the Combined Municipal Utilities Fund and do not purport to, and do not present the financial position of the City of Wahoo, Nebraska, the changes in its financial position, or, where applicable, its cash flows in accordance with accounting principles generally accepted in the United States of America.

The Utilities' financial statements are prepared in accordance with generally accepted accounting principles (GAAP). The Governmental Accounting Standards Board (GASB) is responsible for establishing GAAP for state and local governments through its pronouncements (Statements and Interpretations). Additional significant accounting policies established by GAAP and used by the Utilities are discussed below.

This summary of significant accounting policies of the City of Wahoo is presented to assist in understanding the Utilities' financial statements. The financial statements and notes are representations of the Utilities' management, which is responsible for their integrity and objectivity. The following is a summary of the more significant policies:

Scope of Reporting Entity: In evaluating how to define the government, for financial reporting purposes, management has considered all potential component units. The basic, but not the only, criterion for including a potential component unit within the reporting entity is the governing body's ability to exercise oversight responsibility. The ability to exercise oversight responsibility includes, but is not limited to, the selection of governing authority, the designation of management, the ability to significantly influence operations, and accountability for fiscal matters. A second criterion used to evaluate potential component units for inclusion or exclusion from the reporting entity is the existence of special financing relationships, regardless of whether the government is able to exercise oversight responsibilities. The Utilities has determined it has no component units.

Basis of Accounting: The financial statements are prepared using the accrual basis of accounting. Under this method, revenues are recorded when earned and expenses are recorded at the time liabilities are incurred.

Cash and Investments: Investments are reported at fair value except for short-term investments, which are reported at amortized cost, which approximates fair value. Securities traded on a national exchange are valued at the last reported sales price. Investments that do not have an established market are reported at estimated fair value, based on relevant market information of similar financial instruments. Investments are held by the Utilities with income from the investments allocated to each individual department.

Statutes authorize the Utilities to invest in certificates of deposit, in time deposits, in obligations of the United States Government, and in any securities in which the state investment officer is authorized to invest pursuant to the Nebraska State Funds Investment Act and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. The Utilities' has no investment policy that would further limit its investment choices.

For the security of the funds deposited, the Utilities shall require the financial institution to give security by furnishing securities or providing a deposit guaranty bond, provided that the sum of said bond or the sum of said pledge of assets shall be the value equal to or greater than the amount of the deposit in excess of that portion of said deposit insured by the Federal Deposit Insurance Corporation (FDIC) or Securities Investor Protection Corporation (SIPC).

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024

Concentration of Credit Risk: The Utilities have uncollateralized receivables from businesses and individuals in the service area for charges for service provided.

Bad Debts: The Department of Utilities uses the reserve method in accounting for bad debts. The allowance for bad debts was \$9,586 at December 31, 2025 and 2024.

Inventories: Inventories are stated at lower of cost or market on a first-in, first-out basis.

Use of Estimates: The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain report amounts and disclosures. Accordingly, actual results could differ from those estimates.

Capital Assets: Property and equipment is stated at historical cost at the time of purchase or at estimated fair value at time of donation. The Utilities' policy is to capitalize interest on proprietary funds and construction projects until substantially completed. Major expenditures for property and those that substantially increase useful lives are capitalized. Maintenance, repairs, and minor renewals are expensed when incurred. When capital assets are retired, or otherwise disposed of, their costs and related accumulated depreciation are removed from the accounts and resulting gains or losses are included in income.

Depreciation and Amortization: Depreciation of all exhaustible capital assets and amortization of debt expenses are charged as an expense against operations. Accumulated amortization has been provided over the length of the corresponding intangible assets using the straight-line method, when applicable. Depreciation has been provided over the estimated useful lives using the straight-line method. The estimated useful lives are as follows:

Vehicles	5 - 12 years	Office equipment	5 - 7 years
Tools & work equipment	5 - 25 years	Communication equipment	5 - 10 years
Electric load management system	10 - 33 years	Electric distribution system	7 - 33 years
Water wells & transmission	7 - 50 years	Water storage system	50 years
Water distribution system	10 - 33 years	Lift station	25 years
Water pollution control disposal plant	50 years	Sewer collection lines	5 - 50 years
Buildings	10 - 50 years	Gas Distribution System	5 - 30 years

Compensated Absences: Utilities' employees earn vacation at varying rates. All accumulated vacation time is paid to the employee upon termination. The amounts of unpaid vacation and compensatory time accumulated by Utilities' employees are accrued as expenses when incurred in proprietary funds, which use the accrual basis of accounting. Utilities' employees also earn sick leave at varying rates. Unused sick leave is forfeited upon termination unless the employee meets certain age and years of service requirements. Amounts of unpaid sick leave are accrued in proprietary funds when an employee meets these requirements. Unpaid vacation is considered to be current while unpaid sick leave is considered to be long-term.

Cash Equivalents: For purposes of the statement of cash flows, the Utilities considers all highly liquid debt instruments (including restricted assets) purchased with a maturity date of three months or less to be cash equivalents.

Contributions In Aid Of Construction: New electric, gas, water, and sewage systems purchased by subcontractors, government grants, etc., that become property of the Department of Utilities are added to the utility plant accounts at cost. The offsetting amount is credited to contributions in aid of construction.

Unbilled Utility Revenues: Consumer usage is billed on a monthly basis in the utility funds. Unbilled revenues, representing estimated consumer usage for the periods between the last billing dates and the balance sheet date, are accrued in the period of consumption.

Operating Revenues and Expenses: Operating revenues are those revenues that are generated directly from the primary activity of the proprietary funds. For the Utilities, these revenues are charges for services for

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024

electric, sewer, water, and gas utility services. Operating expenses are necessary costs that have been incurred in order to provide the good or service that is the primary activity of the fund.

Non-operating revenues and expenses consist of those revenues and expenses that are related to financing and investing type of activities.

Expenses by Identifiable Activities:

	<u>2025</u>	<u>2024</u>
Electric	\$ 6,916,929	\$ 7,052,842
Water	997,932	840,538
Sewer	1,226,266	1,178,214
Gas	<u>2,135,478</u>	<u>1,936,894</u>
Total expenses	<u>\$11,276,605</u>	<u>\$11,008,488</u>

As of December 31, 2025 and 2024, the Utilities served approximately 8,600 and 8,381 combined utility customers.

Insurance: The Utilities is a member of the League Association of Risk Management (LARM), which is an interlocal agency that pools together Nebraska municipalities for the ability to jointly self-insure or jointly purchase insurance coverage. There have been no significant reductions in insurance coverage and settlement amounts have not exceeded insurance coverage for the current year. The Utilities' insurance plan covers worker's compensation insurance, as well as property/casualty insurance. The plan costs \$279,451 and is set to expire on September 30, 2026.

Goodwill: Goodwill represents the excess of cost over net assets of the gas system that was acquired in 1999, the cost of the acquisition in 2010 of the right to service an area in northern Wahoo, and the cost of acquisition in 2017 of service area from another power district. The original goodwill in the amount of \$230,000 is fully amortized. The 2010 and 2017 acquisitions are not required to be amortized. All goodwill is reviewed annually for impairment.

Interfund Transfers: During the course of normal operations the Utilities has numerous transactions between departments, including expenditures and transfers of resources to provide services, construct assets, and service debt.

Fund Equity: Restricted Net Position — Assets restricted for the payment of non-current debt service are offset by long-term debt; therefore, there are no restricted assets for these amounts. Assets restricted for the payment of current debt service are included as restricted net position.

Use of Restricted/Unrestricted Net Position: When an expense is incurred for purposes for which both restricted and unrestricted net assets are available, the Utilities' policy is to apply restricted net assets first.

Deferred Outflows and Inflows of Resources: Deferred inflow of resources represent the present value of remaining lease payments expected to be received during the lease term plus any payments received at or before the commencement of the lease term that relate to future periods.

Subsequent Events: Subsequent events have been evaluated through June 3, 2026, which is the date the financial statements were available to be issued.

The Utilities incurred expenditures as a result of a declared disaster in the year ended December 31, 2025. FEMA obligated funds to help offset these costs on May 15, 2026. The Utilities will receive \$766,210 in federal funds in 2026 to help offset the costs incurred in 2025.

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024**

NOTE 2: CASH

The Utilities maintains a cash management pool that is available for use by all departments.

At December 31, 2025 and 2024, the Utilities' cash balances consist of:

	<u>2025</u>		<u>2024</u>	
	<u>Carrying Value</u>	<u>Bank Balance</u>	<u>Carrying Value</u>	<u>Bank Balance</u>
Demand Deposit	\$ 3,759,305	\$ 4,637,825	\$ 4,919,484	\$ 5,048,692
Nonnegotiable Certificates of Deposit	<u>135,000</u>	<u>135,000</u>	<u>135,000</u>	<u>135,000</u>
	<u>\$ 3,894,305</u>	<u>\$ 4,772,825</u>	<u>\$ 5,054,484</u>	<u>\$ 5,183,692</u>

The above deposits and certificates of deposit are displayed in the December 31, 2025 and 2024 financial statements as follows:

	<u>2025</u>	<u>2024</u>
Cash and Certificates of Deposit	\$ 3,144,791	\$ 4,252,228
Restricted Cash and Certificates of Deposit	159,103	211,845
Cash – Designated for Natural Gas Rate Stabilization Fund	<u>590,411</u>	<u>590,411</u>
	<u>\$ 3,894,305</u>	<u>\$ 5,054,484</u>

At December 31, 2025, the Utilities' deposits were fully insured or collateralized by the FDIC, U.S. Government securities subject to joint safeguarding receipts issued by the pledging financial institution, and irrevocable letters of credit. No attorney's opinion has been obtained regarding the enforceability of claims that might arise under the custodial agreement.

NOTE 3: RESTRICTED AND DESIGNATED ASSETS

The Department of Utilities requires customers to make deposits to insure against nonpayment of billings and/or property damage. Because the deposit remains the property of the customer, the Utilities has established restricted accounts to distinguish these assets from current assets available for operations.

City ordinances authorizing the issuance of revenue bonds requires the establishment of certain reserve accounts to provide for the payment of annual principal and interest, prevent default of principal and interest payments and provide for future replacements of property, plant and equipment.

Restricted balances as of December 31, 2025 and 2024 consisted of the following:

<u>Restricted Assets:</u>	<u>2025</u>	<u>2024</u>
<u>Current</u>		
Customer Deposits	\$ 157,695	\$ 166,645
Debt Reserve	1,408	45,200
Total Current	<u>159,103</u>	<u>211,845</u>
<u>Non-current</u>		
Debt Reserve	-	-
Total Non-current	<u>-</u>	<u>-</u>
Total Restricted Assets	-	-
 <u>Restricted Liabilities:</u>		
Customer Deposits	157,695	166,645
Long-Term Debt	-	-
Total Restricted Liabilities	<u>157,695</u>	<u>166,645</u>
 Restricted Net Position	<u>\$ 1,408</u>	<u>\$ 45,200</u>

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024

The composition of restricted assets is included in the disclosure at Note 2.

In 2021, the City Council passed a resolution creating the Natural Gas Rate Stabilization Fund. The Fund contained \$590,411 and \$590,411 as of December 31, 2025 and 2024, respectively, and is intended to be utilized by the gas department to pay for unanticipated changes in budgeted costs that may otherwise require additional charges through increased base rates.

NOTE 4: CAPITAL ASSETS

Capital asset activity for the year ended December 31, 2025 was as follows:

<u>Business-Type Activities:</u>	<u>Balance</u> <u>1/1/2025</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balance</u> <u>12/31/2025</u>
<u>Capital Assets Not Being Depreciated:</u>				
Land	\$ 304,359	\$ -	\$ -	\$ 304,359
Construction in Progress	<u>2,919,024</u>	<u>79,768</u>	<u>(2,043,151)</u>	<u>955,641</u>
Total Capital Assets Not Being Depreciated	<u>3,223,383</u>	<u>\$ 79,768</u>	<u>(2,043,151)</u>	<u>1,260,000</u>
<u>Capital Assets Being Depreciated:</u>				
Buildings	1,122,798	-	-	1,122,798
Plant Equipment	7,733,042	36,461	-	7,769,503
Distribution Systems	28,064,512	7,509,621	(28,205)	35,545,928
Other Equipment	<u>3,100,352</u>	<u>18,500</u>	<u>-</u>	<u>3,118,852</u>
Total Capital Assets Being Depreciated	<u>40,020,704</u>	<u>7,564,582</u>	<u>(28,205)</u>	<u>47,557,081</u>
<u>Less: Accumulated Depreciation for:</u>				
Buildings	940,216	28,578	-	968,794
Plant Equipment	4,810,439	196,860	-	5,007,299
Distribution Systems	14,783,584	864,859	-	15,648,443
Other Equipment	<u>2,296,544</u>	<u>166,645</u>	<u>-</u>	<u>2,463,189</u>
Total Accumulated Depreciation	<u>22,830,783</u>	<u>1,256,942</u>	<u>-</u>	<u>24,087,725</u>
Total Capital Assets Being Depreciated, Net	<u>17,189,921</u>	<u>6,307,640</u>	<u>(28,205)</u>	<u>23,469,356</u>
Business-Type Activity Capital Assets, Net	<u>\$ 20,413,304</u>	<u>\$6,387,408</u>	<u>\$ (2,071,356)</u>	<u>\$ 24,729,356</u>
Depreciation in 2025:			\$ 1,256,942	

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024

Capital asset activity for the year ended December 31, 2024 was as follows (Restated):

<u>Business-Type Activities:</u>	<u>Balance</u> <u>1/1/2024</u>	<u>Increases</u>	<u>Decreases</u>	<u>Balance</u> <u>12/31/2024</u>
<u>Capital Assets Not Being Depreciated:</u>				
Land	\$ 304,359	\$ -	\$ -	\$ 304,359
Construction in Progress	1,088,898	2,617,410	(787,283)	2,919,024
Total Capital Assets Not Being Depreciated	1,393,257	\$2,617,410	(787,283)	3,223,383
<u>Capital Assets Being Depreciated:</u>				
Buildings	1,122,798	-	-	1,122,798
Plant Equipment	7,730,719	2,324	-	7,733,042
Distribution Systems	25,216,671	2,847,841	-	28,064,512
Other Equipment	2,924,020	176,332	-	3,100,352
Total Capital Assets Being Depreciated	36,994,208	3,026,496	-	40,020,704
<u>Less: Accumulated Depreciation for:</u>				
Buildings	911,639	28,578	-	940,216
Plant Equipment	4,612,171	198,268	-	4,810,439
Distribution Systems	14,040,533	743,050	-	14,783,584
Other Equipment	2,125,254	171,290	-	2,296,544
Total Accumulated Depreciation	21,689,597	1,141,186	-	22,830,783
Total Capital Assets Being Depreciated, Net	15,304,611	1,885,410	-	17,189,921
Business-Type Activity Capital Assets, Net	\$ 16,697,868	\$4,502,720	\$ (787,283)	\$ 20,413,304
Depreciation in 2024:				\$ 1,141,186

NOTE 5: LONG-TERM LIABILITIES

Long-term liability activity for the years ended December 31, 2025 and 2024 was as follows:

<u>Business-Type Activities</u>	<u>Beginning</u> <u>Balance</u> <u>1/1/25</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending</u> <u>Balance</u> <u>12/31/25</u>	<u>Amounts</u> <u>Due</u> <u>within</u> <u>One Year</u>
<u>Bonds and notes payable:</u>					
Note Payable – NDEQ D311522	\$ 95,106	\$ -	\$ (15,073)	\$ 80,033	\$ 15,376
Note Payable – NDEE D311671	1,412,007	2,125,286	-	3,537,293	-
Note Payable – NDEE C318047	-	956,111	-	956,111	-
Combined Utility Bonds, Series 2023	990,000	-	-	990,000	60,000
Combined Utility Bonds, Series 2020	355,000	-	(355,000)	-	-
Total bonds and notes payable	\$ 2,852,113	\$3,081,397	\$ (370,073)	\$ 5,563,437	\$ 75,376
<u>Other liabilities:</u>					
Compensated absences	\$ 503,271	\$ 153,784	\$ (104,432)	\$ 552,623	\$ 214,663
Total long-term liabilities	\$ 3,355,384	\$3,235,181	\$ (474,505)	\$ 6,116,060	\$ 290,039

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024

Business-Type Activities	<u>Beginning Balance 1/1/24</u>	<u>Additions</u>	<u>Reductions</u>	<u>Ending Balance 12/31/24</u>	<u>Amounts Due within One Year</u>
<u>Bonds and notes payable:</u>					
Note Payable – NDEQ D311522	\$ 109,882	\$ -	\$ (14,776)	\$ 95,106	\$ 15,073
Note Payable – NDEE D311671	-	1,412,007	-	1,412,007	-
Combined Utility Bonds, Series 2023	990,000	-	-	990,000	-
Combined Utility Bonds, Series 2020	<u>875,000</u>	<u>-</u>	<u>(520,000)</u>	<u>355,000</u>	<u>355,000</u>
Total bonds and notes payable	\$ 1,974,882	\$ 1,412,007	\$ (534,776)	\$ 2,852,113	\$ 370,073
<u>Other liabilities:</u>					
Compensated absences	<u>\$ 327,041</u>	<u>\$ 223,955</u>	<u>\$ (47,725)</u>	<u>\$ 503,271</u>	<u>\$ 190,706</u>
Total long-term liabilities	<u>\$ 2,301,923</u>	<u>\$ 1,635,962</u>	<u>\$ (582,501)</u>	<u>\$ 3,355,384</u>	<u>\$ 560,779</u>

Bonds payable are comprised of the following individual issues as of December 31:

Revenue Bonds:

<u>Original Amount</u>		<u>2025</u>	<u>2024</u>
\$ 2,900,000	Combined Utility Revenue Refunding Bond, Series 2020 issued March 24, 2020; interest rates 1.30% to 1.55%; principal and interest payments due June 15 and December 15 through December 2025.	\$ -	\$ 355,000
\$ 990,000	Combined Utility Revenue Refunding Bond, Series 2023 issued September 15, 2023; interest rates 4.25% to 4.50%; principal and interest payments due June 15 and December 15 through June 2034.	<u>990,000</u>	<u>990,000</u>
		<u>990,000</u>	<u>1,345,000</u>
	Less: Current Portion	<u>(60,000)</u>	<u>(355,000)</u>
		<u>\$ 930,000</u>	<u>\$ 990,000</u>

The annual requirements to amortize all bonded debt outstanding as of December 31, including interest are as follows:

<u>Year Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>
2026	\$ 60,000	\$ 43,488
2027	110,000	39,981
2028	110,000	35,306
2029	120,000	30,525
2030	120,000	25,200
2031-2035	<u>470,000</u>	<u>42,975</u>
Total	<u>\$ 990,000</u>	<u>\$ 217,475</u>

Interest expense for the years ended December 31, 2025 and 2024 was \$48,776 and \$56,871, respectively.

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024**

Loans Payable:

<u>Original Amount</u>		<u>2025</u>	<u>2024</u>
\$ 407,190	NEDQ Loan Payable, issued December 29, 2009; Interest rate 2%; administrative fee 1%; principal, interest, and administrative fee payments of \$9,120 due June 15 and December 15 through December 2030.	\$ 80,033	\$ 95,106
\$ 1,412,007	NDEE Loan Payable - Water, issued in 2024; maximum amount available on loan is \$5,700,000; interest rate 0%; administrative fee 0%; semi-annual principal payments are expected to be \$61,750, due June 15 and December 15 for 30 years; payments expected to start in 2027, or one year after related project is complete; see below regarding potential forgiveness.	3,537,293	1,412,007
\$ -	NDEE Loan Payable - Sewer; maximum amount available on loan is \$4,674,000; interest rate 0%; administrative fee 0%; principal payments due June 15 and December 15 for 30 years; payments expected to start one year after related project is complete.	<u>956,111</u> 4,573,437	<u>-</u> 1,507,113
	Less: Current Portion	<u>(15,376)</u> \$ 4,558,061	<u>(15,073)</u> \$ 1,492,040

All payments of principal and interest due on the NDEQ loan shall be limited obligations of the City of Wahoo payable solely out of the Combined Utilities User Charge on a parity with revenue bonds issued pursuant to ordinances approved by the City of Wahoo's City Council.

All payments of principal due on the NDEE loans shall be limited obligations of the City of Wahoo payable solely out of the Combined Utilities System Revenues on parity with revenue bonds issued pursuant to ordinances approved by the City of Wahoo's City Council.

The NDEE Loan Payable - Water includes forgiveness provisions for an amount up to 35% of the eligible project costs, up to a ceiling of \$1,995,000. As of December 31, 2025, \$1,238,053 of the outstanding loan may be forgiven once the project is complete and all compliance provisions have been met.

As of December 31, 2025, the Utilities incurred expenses of \$941,894 that were eligible for reimbursement from the NDEE Loan Payable – Water, and expenses of \$94,478 that were eligible for reimbursement from the NDEE Loan Payable – Sewer. These amounts are not included in the note payable balance at December 31, 2025.

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024**

At December 31, 2025, the annual requirements for the loans with the NDEQ and NDEE, assuming forgiveness noted previously, are as follows:

<u>Year Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>
2026	\$ 15,376	\$ 1,524
2027	15,690	1,215
2028	16,000	900
2029	16,322	578
2030	16,645	250
NDEE Expected Loan Payments TBD	3,255,351	-
NDEE Expected Loan Forgiveness	<u>1,238,053</u>	<u>-</u>
Total	<u>\$ 4,573,437</u>	<u>\$ 4,467</u>

NOTE 6: RETIREMENT PLAN

The Utilities provides retirement benefits for full-time employees through a contributory defined contribution plan, the City of Wahoo, Nebraska 457(B) Plan. Beginning in 2024, Roth contributions were also permitted in this Plan. Employees are eligible to participate upon attaining certain age and service requirements. Participant contributions are limited by Internal Revenue regulations. The Utilities match employee contributions, up to a maximum of 6% of annual compensation. Participant contributions are fully vested, while Utilities' contributions vest over a period from two to six years of service. Forfeitures may be made available to reinstate previously forfeited account balances of participants and any remaining forfeitures may be used to satisfy any contribution that may be required by the Utilities or to pay administrative expenses. Beginning in 2011, employees were able to make separate contributions to a 457(B) plan and Roth retirement plan that were not required to be matched by the Utilities.

Contributions to the retirement plans for the year ended December 31, 2025 consisted of \$85,024 by the Utilities and \$101,283 by employees. Contributions to the retirement plans for the year ended December 31, 2024 consisted of \$74,419 by the Utilities and \$91,512 by employees.

The Utilities do not have a plan to provide other post-employment benefits to past employees, beneficiaries or dependents.

NOTE 7: CONTRACTS

Electric: The Utilities have two twenty-year power contracts dated January 1, 2016, with Nebraska Public Power District (NPPD) for the purchase of electricity from NPPD and the sale of electricity to NPPD. The contracts require the Utilities to produce and sell electricity to NPPD on an "as needed" basis, as well as allow the Utilities to purchase electricity from NPPD under specified rates and terms.

Gas: The Utilities have a five-year contract dated December 18, 2013, with Clayton Energy for assistance in gas transportation and commodity purchasing. The contract requires Clayton Energy to assist the Utilities with the quantities and calls for a monthly payment of \$1,650 to Clayton Energy for the services provided. This contract is effective January 1, 2014 and is set to automatically renew annually after the initial five year period unless terminated by either party.

Gas Purchase Agreement: On September 27, 2007, the Utilities entered into an inter-local agreement with a number of Iowa municipalities. The inter-local agreement created the Public Energy Financing Authority (PEFA). PEFA was created to give the participating municipalities access to large, long-term, natural gas contracts at reasonable rates. PEFA will enter into agreements with natural gas suppliers for long-term contracts for the purchase of natural gas. The contracts will be secured and paid with the proceeds of tax exempt bonds issued by PEFA. In October 2018, the City Council passed a resolution approving contracts to

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024**

purchase natural gas from PEFA, approving the gas supply agreement with PEFA, and approving the issuance of bonds by PEFA. In August 2019, the Utilities began purchasing gas from PEFA.

NOTE 8: OTHER COMMITMENTS

The Utilities has multiple ongoing construction projects. Total estimated construction costs for these projects is \$10,647,000. Total costs incurred on these projects through December 31, 2025 were \$944,813. Remaining construction costs are estimated to be \$9,702,187. The Utilities has begun contracting these construction costs to outside vendors. The Utilities expects to receive a total of \$10,374,000 in loans through the Nebraska Department of Environment and Energy to finance a portion of these projects. The Utilities received \$4,493,404 for these projects and projects completed in 2024 and 2025, as shown in Note 5. Up to \$1,995,000 of this total is expected to be forgiven. Additional loans may be added in the future if necessary.

NOTE 9: LEASE OBLIGATIONS

Per GASB 87, the Utilities categorizes its leases as short term or long term. Short term leases have a lease term of 12 months or less. For short term leases in which the Utilities is the lessee, the Utilities recognizes lease payments as outflows of resources (rent expense). For short term leases in which the Utilities is the lessor, the Utilities recognizes lease payments received as inflows of resources (rent income).

Long Term Leases

The Utilities leases land and space on a water tower to external parties. In accordance with GASB 87, the Utilities records lease receivables and deferred inflows of resources based on the present value of remaining lease payments expected to be received during the lease term plus any payments received at or before the commencement of the lease term that relate to future periods. The expected receipts are discounted using the interest rate charged on the lease, if known, or the Utilities' incremental borrowing rate. Variable receipts are excluded from the valuation unless they are fixed in substance. Future recognition of the deferred inflow of resources as revenue is performed in a systematic and rational manner over the term of the lease. During the years ended December 31, 2025 and 2024, the Utilities recognized revenues related to these lease agreements of \$39,660 and \$49,261, respectively.

These revenues are included in the statement of revenues and expenses as follows:

	<u>2025</u>	<u>2024</u>
Merchandise, Service & Other Sales	\$ 38,803	\$ 48,372
Interest Income	<u>857</u>	<u>889</u>
	<u>\$ 39,660</u>	<u>\$ 49,261</u>

The expected future payments which are included in the measurement of the lease receivable plus interest are as follows:

<u>Year Ending December 31,</u>	<u>Principal</u>	<u>Interest</u>
2026	\$ 39,316	\$ 345
	<u>\$ 39,316</u>	<u>\$ 345</u>

The estimated allowance for uncollectible lease receivables is \$0 as of December 31, 2025 and 2024.

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Notes to the Financial Statements
December 31, 2025 and 2024**

NOTE 10: PRIOR PERIOD ADJUSTMENT

During the year, it was discovered that distributions systems contributed to the Utilities in 2024 had not been included in plant, property & equipment in the December 31, 2024 financial statements. Accordingly, the following adjustments have been made to restate these financial statements.

	<u>Originally Stated</u>	<u>Adjustment</u>	<u>As Restated</u>
Plant, Property & Equipment	\$ 42,064,733	\$ 1,179,354	\$ 43,244,087
Total Capital Assets	\$ 19,233,950	\$ 1,179,354	\$ 20,413,304
Total Assets	\$ 27,363,454	\$ 1,179,354	\$ 28,542,808
Invested in Capital Assets, Net of Related Debt	\$ 16,517,024	\$ 1,179,354	\$ 17,696,378
Total Net Position	\$ 22,639,591	\$ 1,179,354	\$ 23,818,945
Contributions in Aid of Construction	\$ -	\$ 1,179,354	\$ 1,179,354
Total Nonoperating Revenues	\$ 97,388	\$ 1,179,354	\$ 1,276,742
Change in Net Position	\$ 750,617	\$ 1,179,354	\$ 1,929,971

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Schedule of Expenditures of Federal Awards
For the Year Ended December 31, 2025

Federal Grantor/Pass-through Grantor/Program or Cluster Title	Federal Assistance Listing Number	Pass-through Entity Identifying Number	Passed Through to Subrecipients	Total Federal Expenditures
Environmental Protection Agency				
Nebraska Department of Environment and Energy Capitalization Grant for Drinking Water State Revolving Fund (Loan)	66.468	D311671	\$ -	\$ 2,652,196
Capitalization Grant for Clean Water State Revolving Fund (Loan)	66.458	C318047	\$ -	\$ 988,615
<i>Total Environmental Protection Agency</i>				<u>\$ 3,640,811</u>
U.S. Department of Transportation - Pipeline and Hazardous Materials Safety Administration				
Natural Gas Distribution Infrastructure Safety and Modernization Grant Program	20.708	693JK32540065NGDI	\$ -	<u>\$ 93,409</u>
Total Expenditures of Federal Awards				<u><u>\$ 3,734,220</u></u>

The accompanying notes are an integral part of this Schedule.

NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS

NOTE 1: BASIS OF PRESENTATION

The schedule of expenditures of federal awards (the "Schedule") includes the federal award activity of City of Wahoo, Nebraska Combined Municipal Utilities Fund (Wahoo Utilities) under programs of the federal government for the year ended December 31, 2025. The information in this Schedule is presented in accordance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Because the Schedule presents only a selected portion of the operations of Wahoo Utilities, it is not intended to and does not present the financial position, changes in net assets, or cash flows of Wahoo Utilities.

NOTE 2: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Expenditures reported on the Schedule are reported on the accrual basis of accounting. Such expenditures are recognized following the cost principles contained in the Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

NOTE 3: INDIRECT COST RATE

Wahoo Utilities has not elected to use a de minimis indirect cost rate as allowed under the Uniform Guidance.

NOTE 4: LOANS

The balances of loans outstanding at December 31, 2025 for loans described in 2 CFR Section 200.502(b) are as noted below:

	Beginning Balance	Additions	Forgiveness	Ending Balance
Drinking Water State Revolving Fund Loan	<u>\$ 1,412,007</u>	<u>\$ 2,125,286</u>	<u>\$ 1,238,052</u>	<u>\$ 2,299,241</u>
Clean Water State Revolving Fund Loan	<u>\$ -</u>	<u>\$ 956,111</u>	<u>\$ -</u>	<u>\$ 956,111</u>

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Combining Schedule of Revenues and Expenses
For the Year Ended December 31, 2025

	<u>Electric</u>	<u>Water</u>	<u>Sewer</u>	<u>Gas</u>	<u>Combined</u>
<u>Operating Revenues</u>					
Utility Sales	\$ 6,998,405	\$ 971,111	\$ 1,003,362	\$ 2,139,600	\$ 11,112,478
Grant Revenue	-	-	-	79,223	79,223
Merchandise, Service, & Other Sales	<u>264,697</u>	<u>62,051</u>	<u>128,728</u>	<u>75,351</u>	<u>530,827</u>
Total Operating Revenues	<u>7,263,102</u>	<u>1,033,162</u>	<u>1,132,090</u>	<u>2,294,174</u>	<u>11,722,528</u>
<u>Operating Expenses</u>					
Production:					
Purchased Power/Gas	4,569,119	-	-	1,321,062	5,890,181
Salaries, Wages & Benefits	424,034	8,777	205,543	8	638,362
Maintenance & Supplies	22,957	53,736	42,314	2,493	121,500
Insurance	84,057	15,173	36,473	-	135,703
Utilities	44,780	31,481	103,152	-	179,413
Depreciation & Amortization	29,629	30,162	156,281	9,315	225,387
Other	<u>38,356</u>	<u>-</u>	<u>4,291</u>	<u>-</u>	<u>42,647</u>
Total Production Expenses	<u>5,212,932</u>	<u>139,329</u>	<u>548,054</u>	<u>1,332,878</u>	<u>7,233,193</u>
Distribution/Collection:					
Salaries, Wages & Benefits	710,259	309,110	139,294	386,608	1,545,271
Maintenance & Supplies	123,171	85,747	69,828	33,411	312,157
Insurance	41,681	13,776	15,130	11,923	82,510
Utilities	15,656	3,810	345	12,758	32,569
Depreciation & Amortization	422,882	209,336	226,843	140,852	999,913
Other	<u>23,410</u>	<u>12,597</u>	<u>5,031</u>	<u>12,121</u>	<u>53,159</u>
Total Distribution/Collection Expenses	<u>1,337,059</u>	<u>634,376</u>	<u>456,471</u>	<u>597,673</u>	<u>3,025,579</u>
General and Administrative:					
Salaries, Wages & Benefits	241,119	125,477	125,338	135,113	627,047
Maintenance & Supplies	22,268	20,718	19,441	14,234	76,661
Insurance	5,705	2,441	1,828	2,454	12,428
Utilities	2,873	1,116	806	1,208	6,003
Depreciation & Amortization	8,942	10,315	2,439	9,946	31,642
Other	<u>85,336</u>	<u>62,142</u>	<u>25,838</u>	<u>41,960</u>	<u>215,276</u>
Total General & Administrative Expenses	<u>366,243</u>	<u>222,209</u>	<u>175,690</u>	<u>204,915</u>	<u>969,057</u>
Total Operating Expenses	<u>6,916,234</u>	<u>995,914</u>	<u>1,180,215</u>	<u>2,135,466</u>	<u>11,227,829</u>
Operating Income (Loss)	<u>346,868</u>	<u>37,248</u>	<u>(48,125)</u>	<u>158,708</u>	<u>494,699</u>
<u>Nonoperating Revenues (Expenses):</u>					
Interest Income	59,242	3,342	15,114	44,592	122,290
Contributions in Aid of Construction	-	-	-	-	-
Interest Expense	<u>(695)</u>	<u>(2,018)</u>	<u>(46,051)</u>	<u>(12)</u>	<u>(48,776)</u>
Total Nonoperating Revenues (Expenses)	<u>58,547</u>	<u>1,324</u>	<u>(30,937)</u>	<u>44,580</u>	<u>73,514</u>
Income (Loss) Before Transfers	405,415	38,572	(79,062)	203,288	568,213
Transfers to City	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Change in Net Position	<u>\$ 405,415</u>	<u>\$ 38,572</u>	<u>\$ (79,062)</u>	<u>\$ 203,288</u>	<u>\$ 568,213</u>

See Independent Auditor's Report

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Combining Schedule of Revenues and Expenses
For the Year Ended December 31, 2024 - Restated

	<u>Electric</u>	<u>Water</u>	<u>Sewer</u>	<u>Gas</u>	<u>Combined</u>
<u>Operating Revenues</u>					
Utility Sales	\$ 6,566,756	\$ 989,947	\$ 973,391	\$ 1,934,038	\$ 10,464,132
Grant Revenue	-	-	-	-	-
Merchandise, Service, & Other Sales	<u>785,677</u>	<u>146,110</u>	<u>147,410</u>	<u>61,517</u>	<u>1,140,714</u>
Total Operating Revenues	<u>7,352,433</u>	<u>1,136,057</u>	<u>1,120,801</u>	<u>1,995,555</u>	<u>11,604,846</u>
<u>Operating Expenses</u>					
Production:					
Purchased Power/Gas	4,418,363	-	-	1,108,408	5,526,771
Salaries, Wages & Benefits	405,312	14,032	125,542	71	544,957
Maintenance & Supplies	33,269	6,678	63,808	770	104,525
Insurance	71,442	13,537	31,035	435	116,449
Utilities	43,881	35,953	109,025	-	188,859
Depreciation & Amortization	30,153	28,179	165,497	9,315	233,144
Other	<u>13,472</u>	<u>-</u>	<u>4,515</u>	<u>-</u>	<u>17,987</u>
Total Production Expenses	<u>5,015,892</u>	<u>98,379</u>	<u>499,422</u>	<u>1,118,999</u>	<u>6,732,692</u>
Distribution/Collection:					
Salaries, Wages & Benefits	591,835	256,867	137,497	451,570	1,437,769
Maintenance & Supplies	606,857	69,123	84,979	28,859	789,818
Insurance	32,899	12,989	11,173	10,662	67,723
Utilities	16,772	4,358	347	11,422	32,899
Depreciation & Amortization	378,099	176,379	192,765	126,686	873,929
Other	<u>26,760</u>	<u>4,047</u>	<u>2,992</u>	<u>5,580</u>	<u>39,379</u>
Total Distribution/Collection Expenses	<u>1,653,222</u>	<u>523,763</u>	<u>429,753</u>	<u>634,779</u>	<u>3,241,517</u>
General and Administrative:					
Salaries, Wages & Benefits	220,885	119,230	148,020	117,600	605,735
Maintenance & Supplies	38,742	27,193	17,200	21,752	104,887
Insurance	4,818	2,107	1,636	1,924	10,485
Utilities	3,224	1,675	1,164	2,409	8,472
Depreciation & Amortization	9,810	10,735	2,859	10,709	34,113
Other	<u>82,127</u>	<u>54,709</u>	<u>48,196</u>	<u>28,684</u>	<u>213,716</u>
Total General & Administrative Expenses	<u>359,606</u>	<u>215,649</u>	<u>219,075</u>	<u>183,078</u>	<u>977,408</u>
Total Operating Expenses	<u>7,028,720</u>	<u>837,791</u>	<u>1,148,250</u>	<u>1,936,856</u>	<u>10,951,617</u>
Operating Income (Loss)	<u>323,713</u>	<u>298,266</u>	<u>(27,449)</u>	<u>58,699</u>	<u>653,229</u>
<u>Nonoperating Revenues (Expenses):</u>					
Interest Income	75,969	3,194	27,964	47,132	154,259
Contributions in Aid of Construction	-	487,780	691,574	-	1,179,354
Interest Expense	<u>(24,122)</u>	<u>(2,747)</u>	<u>(29,964)</u>	<u>(38)</u>	<u>(56,871)</u>
Total Nonoperating Revenues (Expenses)	<u>51,847</u>	<u>488,227</u>	<u>689,574</u>	<u>47,094</u>	<u>1,276,742</u>
Income Before Transfers	375,560	786,493	662,125	105,793	1,929,971
Transfers to City	-	-	-	-	-
Change in Net Position	<u>\$ 375,560</u>	<u>\$ 786,493</u>	<u>\$ 662,125</u>	<u>\$ 105,793</u>	<u>\$ 1,929,971</u>

See Independent Auditor's Report

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Combining Schedules of Revenues and Expenses - Electric Department
For the Years Ended December 31, 2025 and 2024

	<u>Current Year</u>	<u>Prior Year</u>
<u>Operating Revenues</u>		
Utility Sales	\$ 6,998,405	\$ 6,566,756
Grant Revenue	-	-
Merchandise, Service, & Other Sales	<u>264,697</u>	<u>785,677</u>
Total Operating Revenues	<u>7,263,102</u>	<u>7,352,433</u>
<u>Operating Expenses</u>		
Production:		
Purchased Power/Gas	4,569,119	4,418,363
Salaries, Wages & Benefits	424,034	405,312
Maintenance & Supplies	22,957	33,269
Insurance	84,057	71,442
Utilities	44,780	43,881
Depreciation & Amortization	29,629	30,153
Other	<u>38,356</u>	<u>13,472</u>
Total Production Expenses	<u>5,212,932</u>	<u>5,015,892</u>
Distribution/Collection:		
Salaries, Wages & Benefits	710,259	591,835
Maintenance & Supplies	123,171	606,857
Insurance	41,681	32,899
Utilities	15,656	16,772
Depreciation & Amortization	422,882	378,099
Other	<u>23,410</u>	<u>26,760</u>
Total Distribution/Collection Expenses	<u>1,337,059</u>	<u>1,653,222</u>
General and Administrative:		
Salaries, Wages & Benefits	241,119	220,885
Maintenance & Supplies	22,268	38,742
Insurance	5,705	4,818
Utilities	2,873	3,224
Depreciation & Amortization	8,942	9,810
Other	<u>85,336</u>	<u>82,127</u>
Total General & Administrative Expenses	<u>366,243</u>	<u>359,606</u>
Total Operating Expenses	<u>6,916,234</u>	<u>7,028,720</u>
Operating Income (Loss)	<u>346,868</u>	<u>323,713</u>
<u>Nonoperating Revenues (Expenses):</u>		
Interest Income	59,242	75,969
Contributions in Aid of Construction	-	-
Interest Expense	<u>(695)</u>	<u>(24,122)</u>
Total Nonoperating Revenues (Expenses)	<u>58,547</u>	<u>51,847</u>
Income Before Transfers	405,415	375,560
Transfers to City	<u>-</u>	<u>-</u>
Change in Net Position	<u>\$ 405,415</u>	<u>\$ 375,560</u>

See Independent Auditor's Report

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Combining Schedules of Revenues and Expenses - Water Department
For the Years Ended December 31, 2025 and 2024

	<u>Current Year</u>	<u>Restated Prior Year</u>
<u>Operating Revenues</u>		
Utility Sales	\$ 971,111	\$ 989,947
Grant Revenue	-	-
Merchandise, Service, & Other Sales	<u>62,051</u>	<u>146,110</u>
Total Operating Revenues	<u>1,033,162</u>	<u>1,136,057</u>
<u>Operating Expenses</u>		
Production:		
Salaries, Wages & Benefits	8,777	14,032
Maintenance & Supplies	53,736	6,678
Insurance	15,173	13,537
Utilities	31,481	35,953
Depreciation & Amortization	30,162	28,179
Other	<u>-</u>	<u>-</u>
Total Production Expenses	<u>139,329</u>	<u>98,379</u>
Distribution/Collection:		
Salaries, Wages & Benefits	309,110	256,867
Maintenance & Supplies	85,747	69,123
Insurance	13,776	12,989
Utilities	3,810	4,358
Depreciation & Amortization	209,336	176,379
Other	<u>12,597</u>	<u>4,047</u>
Total Distribution/Collection Expenses	<u>634,376</u>	<u>523,763</u>
General and Administrative:		
Salaries, Wages & Benefits	125,477	119,230
Maintenance & Supplies	20,718	27,193
Insurance	2,441	2,107
Utilities	1,116	1,675
Depreciation & Amortization	10,315	10,735
Other	<u>62,142</u>	<u>54,709</u>
Total General & Administrative Expenses	<u>222,209</u>	<u>215,649</u>
Total Operating Expenses	<u>995,914</u>	<u>837,791</u>
Operating Income (Loss)	<u>37,248</u>	<u>298,266</u>
<u>Nonoperating Revenues (Expenses):</u>		
Interest Income	3,342	3,194
Contributions in Aid of Construction	-	487,780
Interest Expense	<u>(2,018)</u>	<u>(2,747)</u>
Total Nonoperating Revenues (Expenses)	<u>1,324</u>	<u>488,227</u>
Income Before Transfers	38,572	786,493
Transfers to City	<u>-</u>	<u>-</u>
Change in Net Position	<u>\$ 38,572</u>	<u>\$ 786,493</u>

See Independent Auditor's Report

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Combining Schedules of Revenues and Expenses - Sewer Department
For the Years Ended December 31, 2025 and 2024

	<u>Current Year</u>	<u>Restated Prior Year</u>
<u>Operating Revenues</u>		
Utility Sales	\$ 1,003,362	\$ 973,391
Grant Revenue	-	-
Merchandise, Service, & Other Sales	<u>128,728</u>	<u>147,410</u>
Total Operating Revenues	<u>1,132,090</u>	<u>1,120,801</u>
<u>Operating Expenses</u>		
Production:		
Salaries, Wages & Benefits	205,543	125,542
Maintenance & Supplies	42,314	63,808
Insurance	36,473	31,035
Utilities	103,152	109,025
Depreciation & Amortization	156,281	165,497
Other	<u>4,291</u>	<u>4,515</u>
Total Production Expenses	<u>548,054</u>	<u>499,422</u>
Distribution/Collection:		
Salaries, Wages & Benefits	139,294	137,497
Maintenance & Supplies	69,828	84,979
Insurance	15,130	11,173
Utilities	345	347
Depreciation & Amortization	226,843	192,765
Other	<u>5,031</u>	<u>2,992</u>
Total Distribution/Collection Expenses	<u>456,471</u>	<u>429,753</u>
General and Administrative:		
Salaries, Wages & Benefits	125,338	148,020
Maintenance & Supplies	19,441	17,200
Insurance	1,828	1,636
Utilities	806	1,164
Depreciation & Amortization	2,439	2,859
Other	<u>25,838</u>	<u>48,196</u>
Total General & Administrative Expenses	<u>175,690</u>	<u>219,075</u>
Total Operating Expenses	<u>1,180,215</u>	<u>1,148,250</u>
Operating Income (Loss)	<u>(48,125)</u>	<u>(27,449)</u>
<u>Nonoperating Revenues (Expenses):</u>		
Interest Income	15,114	27,964
Contributions in Aid of Construction	-	691,574
Interest Expense	<u>(46,051)</u>	<u>(29,964)</u>
Total Nonoperating Revenues (Expenses)	<u>(30,937)</u>	<u>689,574</u>
Income Before Transfers	(79,062)	662,125
Transfers to City	<u>-</u>	<u>-</u>
Change in Net Position	<u>\$ (79,062)</u>	<u>\$ 662,125</u>

See Independent Auditor's Report

City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Combining Schedules of Revenues and Expenses - Gas Department
For the Years Ended December 31, 2025 and 2024

	<u>Current Year</u>	<u>Prior Year</u>
<u>Operating Revenues</u>		
Utility Sales	\$ 2,139,600	\$ 1,934,038
Grant Revenue	79,223	-
Merchandise, Service, & Other Sales	75,351	61,517
Total Operating Revenues	<u>2,294,174</u>	<u>1,995,555</u>
<u>Operating Expenses</u>		
Production:		
Purchased Power/Gas	1,321,062	1,108,408
Salaries, Wages & Benefits	8	71
Maintenance & Supplies	2,493	770
Insurance	-	435
Utilities	-	-
Depreciation & Amortization	9,315	9,315
Other	-	-
Total Production Expenses	<u>1,332,878</u>	<u>1,118,999</u>
Distribution/Collection:		
Salaries, Wages & Benefits	386,608	451,570
Maintenance & Supplies	33,411	28,859
Insurance	11,923	10,662
Utilities	12,758	11,422
Depreciation & Amortization	140,852	126,686
Other	12,121	5,580
Total Distribution/Collection Expenses	<u>597,673</u>	<u>634,779</u>
General and Administrative:		
Salaries, Wages & Benefits	135,113	117,600
Maintenance & Supplies	14,234	21,752
Insurance	2,454	1,924
Utilities	1,208	2,409
Depreciation & Amortization	9,946	10,709
Other	41,960	28,684
Total General & Administrative Expenses	<u>204,915</u>	<u>183,078</u>
Total Operating Expenses	<u>2,135,466</u>	<u>1,936,856</u>
Operating Income (Loss)	<u>158,708</u>	<u>58,699</u>
<u>Nonoperating Revenues (Expenses):</u>		
Interest Income	44,592	47,132
Contributions in Aid of Construction	-	-
Interest Expense	(12)	(38)
Total Nonoperating Revenues (Expenses)	<u>44,580</u>	<u>47,094</u>
Income Before Transfers	203,288	105,793
Transfers to City	-	-
Change in Net Position	<u>\$ 203,288</u>	<u>\$ 105,793</u>

See Independent Auditor's Report



**Independent Auditor's Report on Internal Control over Financial Reporting and on Compliance
and Other Matters Based on an Audit of Financial Statements Performed in Accordance with
Government Auditing Standards**

The Honorable Mayor and City Council
City of Wahoo, Nebraska, Combined Municipal Utilities Fund
Wahoo, Nebraska

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in the *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund, as of and for the years ended December 31, 2025 and 2024 and the related notes to the financial statements, which collectively comprise the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's basic financial statements, and have issued our report thereon dated June 3, 2026. Our report disclosed that the City of Wahoo, Nebraska, Combined Municipal Utilities Fund has not presented Management's Discussion and Analysis, which is required supplementary information. Our report also disclosed that the financial statements present only the Combined Municipal Utilities Fund and do not present the financial statements of the City of Wahoo, Nebraska.

Report on Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses or significant deficiencies may exist that were not identified.

Report on Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an

opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

We noted certain matters that we reported to management of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund, in a separate letter dated June 3, 2026.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

BMG Certified Public Accountants, LLP

A stylized, handwritten signature in black ink that reads "BMG". The letters are bold and connected, with a cursive-like flow.

Lincoln, Nebraska
June 3, 2026



**Independent Auditor's Report on Compliance for Each Major Federal Program
and on Internal Control over Compliance Required by the Uniform Guidance**

The Honorable Mayor and City Council
City of Wahoo, Nebraska, Combined Municipal Utilities Fund
Wahoo, Nebraska

Report on Compliance for Each Major Federal Program

Opinion on Each Major Federal Program

We have audited the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's compliance with the types of compliance requirements identified as subject to audit in the OMB *Compliance Supplement* that could have a direct and material effect on each of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's major federal programs for the year ended December 31, 2025. The City of Wahoo, Nebraska, Combined Municipal Utilities Fund's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

In our opinion, the City of Wahoo, Nebraska, Combined Municipal Utilities Fund complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended December 31, 2025.

Basis for Opinion on Each Major Federal Program

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States (*Government Auditing Standards*); and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance). Our responsibilities under those standards and the Uniform Guidance are further described in the Auditor's Responsibilities for the Audit of Compliance section of our report.

We are required to be independent of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund and to meet our other ethical responsibilities, in accordance with relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion on compliance for each major federal program. Our audit does not provide a legal determination of the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's compliance with the compliance requirements referred to above.

Responsibilities of Management for Compliance

Management is responsible for compliance with the requirements referred to above and for the design, implementation, and maintenance of effective internal control over compliance with the requirements of laws, statutes, regulations, rules and provisions of contracts or grant agreements applicable to the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's federal programs.

Auditor's Responsibilities for the Audit of Compliance

Our objectives are to obtain reasonable assurance about whether material noncompliance with the compliance requirements referred to above occurred, whether due to fraud or error, and express an opinion on the City of Wahoo, Nebraska, Combined Municipal Utilities Fund's compliance based on our audit. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance will always detect material noncompliance when it exists. The risk of not detecting material noncompliance resulting from fraud is higher than for that resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Noncompliance with the compliance requirements referred to above is considered material, if there is substantial likelihood that, individually or in the aggregate, it would influence the judgment made by a reasonable user of the report on compliance about City of Wahoo, Nebraska, Combined Municipal Utilities Fund's compliance with the requirements of each major federal program as a whole.

In performing an audit in accordance with GAAS, *Government Auditing Standards*, and the Uniform Guidance, we

- Exercise professional judgment and maintain professional skepticism throughout the audit.
- Identify and assess the risks of material noncompliance, whether due to fraud or error, and design and perform audit procedures responsive to those risks. Such procedures include examining, on a test basis, evidence regarding City of Wahoo, Nebraska, Combined Municipal Utilities Fund's compliance with the compliance requirements referred to above and performing such other procedures as we considered necessary in the circumstances.
- Obtain an understanding of City of Wahoo, Nebraska, Combined Municipal Utilities Fund's internal control over compliance relevant to the audit in order to design audit procedures that are appropriate in the circumstances and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of City of Wahoo, Nebraska, Combined Municipal Utilities Fund's internal control over compliance. Accordingly, no such opinion is expressed.

We are required to communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and any significant deficiencies and material weaknesses in internal control over compliance that we identified during the audit.

Report on Internal Control Over Compliance

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. *A material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. *A significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the Auditor's Responsibilities for the Audit of Compliance section above and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies in internal control over compliance. Given these limitations, during our audit we did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above. However,

material weaknesses or significant deficiencies in internal control over compliance may exist that were not identified.

Our audit was not designed for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, no such opinion is expressed.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

BMG Certified Public Accountants, LLP

A handwritten signature in black ink, consisting of the letters 'BMG' in a stylized, cursive-like font.

Lincoln, Nebraska

June 3, 2026

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Schedule of Findings and Questioned Costs
For The Year Ended December 31, 2025**

SECTION I - SUMMARY OF AUDITOR'S RESULTS

FINANCIAL STATEMENTS

Type of auditor's report issued: Unmodified

INTERNAL CONTROL OVER FINANCIAL REPORTING:

- Material weakness(es) identified? YES x None Reported
- Significant Deficiency(s) identified that are not considered to be material weakness(es)? YES x None Reported
- Noncompliance material to the financial statements noted? YES x NO

FEDERAL AWARDS

INTERNAL CONTROL OVER MAJOR PROGRAMS:

- Material weakness(es) identified? YES x None Reported
- Significant Deficiency(s) identified that are not considered to be material weakness(es)? YES x None Reported

Type of auditor's report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with §200.516 (a)? YES X NO

IDENTIFICATION OF MAJOR PROGRAMS:

AL NUMBER(S)	NAME OF FEDERAL PROGRAM or CLUSTER	AMOUNT OF FEDERAL PROGRAM
66.468	Environmental Protection Agency - Safe Drinking Water State Revolving Loan Fund	\$2,652,196
66.458	Environmental Protection Agency - Clean Water State Revolving Loan Fund	\$988,615
	Total Amount Tested as Major	\$3,640,811

Total Federal Expenditures for 1/1/2025 - 12/31/2025 \$3,734,220

% tested as Major 97.50%

Dollar threshold used to distinguish between Type A and Type B programs: \$750,000

Auditee qualified as low-risk auditee? YES X NO

SECTION II - FINANCIAL STATEMENT FINDINGS

None

SECTION III - FEDERAL AWARD FINDINGS AND QUESTIONED COSTS

None

**City of Wahoo, Nebraska
Combined Municipal Utilities Fund
Summary Schedule of Prior Audit Findings
For The Year Ended December 31, 2025**

SECTION IV - SUMMARY OF PRIOR AUDIT FINDINGS

None

July 28, 2026

TO: Mayor & Council

FROM: Melissa Harrell, City Administrator

RE: Building Permit Fee for Amphitheater project

During the City Staff Meeting we had a conversation about the Amphitheater project - specifically about the City's participation in support of this project, and what the building permit fees would be, if any.

After conversation with Travis, it is our belief that this project has a benefit to the public, but it is not being constructed by a political subdivision. As per our building permit fee schedule (adopted by the Council), the fee due for project constructed by a political subdivision would be reduced to 50% of the actual cost. If the fee is going to be anything other than as directed by the fee schedule, the Council must make that decision.

It has been our practice to continue to provide building inspection services to facilities that are constructed by political subdivisions (such as school, county, etc.), unless directed by the entity (such as the National Guard Armory project) that we shall not. Therefore, costs are incurred for the work that Travis does.

We are asking for the Council to provide specific direction on this issue:

- 1) if a building permit fee should be charged on this project? and
- 2) if so, how should it be calculated (50% or full price)?

Based on the estimated cost of construction of \$1M, the full building permit fee would be approximately \$2,500. This does not include the occupancy deposit which we would prefer to have the Council not waive as it is 100% refundable provided the work is completed per our code.