

ORDINANCE NO. 215

AN ORDINANCE REGULATING FOWL IN THE CITY OF EGAN, SOUTH DAKOTA

WHEREAS, the City of Egan, deems it necessary, for the purpose of regulating behavior and enforcing order within their territory for the betterment of the health, safety, morals, and general welfare of its citizens; and

THEREFORE, BE IT ORDAINED BY THE TRUSTEES OF THE CITY OF EGAN, that the following be adopted in areas Zoned as R1 – Single Family Residential District:

Fowl Generally – No person shall keep any ducks, geese, turkeys, pheasants, quail, pigeons, partridges, guineas, peacocks, or other like domestic fowl within city, except for chickens kept within the provisions of this ordinance. Ducks, geese, turkeys, pheasants, quail, pigeons, partridges, guineas, peacocks, or other like domestic fowl will be handled on a case by case basis thru the Board of Trustees of the City of Egan.

1. Definitions

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brooding means the period of chicken growth when supplemental heat must be provided due to the bird's inability to generate enough body heat.

Chick means a baby chicken not more than six (6) weeks old.

Chicken means a domesticated bird of the order of Galliformes in the genus of Gallus (chickens) that serves as a source of eggs or meat.

Cockerel means a young male chicken.

Coop means the structure for the keeping or housing of chickens permitted by the ordinance.

Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

Hen means a female chicken.

Officer means any person designated by the city council as an enforcement officer.

Rooster means a male chicken.

Run means a fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

2. Revocable permit.

It is the purpose and intent of this ordinance to permit the keeping and maintenance of brooding chicks and hens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community. The keeping and maintenance of brooding chicks and hens is permitted to all residents who comply with all requirements, limitations, or prohibitions of this Ordinance. Such permit may be revoked if the person holding the permit refuses or fails to comply with this chapter or with any state or local law governing cruelty to animals or the keeping of animals. Any revocation shall be effective after ten (10) days following written notice thereof to the person or persons keeping or maintaining such chickens. Any person whose permit is revoked within ten (10) days thereafter shall humanely dispose of all chickens being owned, kept, or harbored by such person.

3. Investigation and Enforcement.

Officers designated by the city board shall have authority in the investigation and enforcement of this Ordinance, and no person shall interfere with, hinder, or molest any such officer in the exercise of such powers. The animal control officer shall make investigations as is necessary.

4. Limitations on the number and keeping of chickens.

(a) Chickens may only be kept within areas of the city zoned as R1 -Single Family Residential District as outlined below.

(b) No more than fifteen (15) hens shall be housed or kept on any one (1) residential lot. Residents may possess a like number of brooding chicks intended for the cyclical replacement of hens, but not for the purpose of sale or resale.

(c) Roosters and chicken breeding are prohibited. Cockerels must be culled from broods when identified.

(d) A separate coop is required to house the chickens together with a reasonably satisfactory exercise yard, run, or yard fencing so as to keep chickens confined at all times. Chicken facilities must be constructed and maintained to meet the following minimum standards:

(e) Located in the rear or side yard.

(f) The coop shall be placed on the property a minimum distance of ten (10) feet within the lot lines and also from any residence.

(g) Coop construction and materials must be adequate to prevent access by rodents.

(h) Coops must be maintained in good repair.

(i) Coops and manure storage shall be kept twenty (20) feet from streams, tributaries, ditches, storm water management facilities, drop inlets, or other storm drainage areas that would allow fecal matter to enter any city storm drainage system or stream. Dumping chicken manure into the city's storm drainage system is prohibited.

(j) Chickens must not be housed in a residential house or an attached or detached garage.

(k) All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure and coop waste shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Manure and coop waste that is not composted or immediately spread as fertilizer must be secured and double bagged in solid waste bags and kept in a solid waste container.

(l) Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.

(m) Except for chickens properly slaughtered for consumption, dead chickens must be disposed of within forty-eight (48) hours after death. Legal forms of chicken carcass disposal include burial and off-site incineration or rendering. All slaughtering of chickens shall be conducted so as not to be visible to the public or adjacent property owners and occupants.

(n) All grain and food stored for the use of the chickens shall be kept in a rodent-proof container.

5. Violations.

(a) Any person violating this Ordinance shall be fined \$300.

(b) Any person violating this Ordinance shall reimburse the city for all costs borne by the city to enforce the conditions of this Ordinance including but not limited to the collection and humane disposal of chickens .

(c) All chickens of any person violating this Ordinance may be forfeited to the city and may be placed with another individual or removed and euthanized and properly buried or otherwise disposed of in a sanitary manner.

6. Application.

An application for a license to keep chickens shall be made to the city on a form provided by the city. The applicant must provide all the information required on the form and pay a yearly license fee in the amount listed on the city's schedule of rates. This fee will be due annually by February 1st.

7. Consent from surrounding property owners.

The applicant shall be required to obtain written consent from 66 percent of property owners adjacent to the applicant's property, not including the road right-of-way. The applicant is responsible for obtaining signatures from the surrounding property owners for the application process.

Further, any terms or provisions of the City of Egan, South Dakota, which are inconsistent with this Ordinance, shall be considered repealed as of the effective date of this Ordinance.

Approved:

John Steinhauer, Chairman

Attest:

Brenda Duncan, Finance Officer

First reading: 12/18/2019
Second reading: 1/15/2020
Published: 1/22/2020
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