

**CITY OF CROOKS
ORDINANCE #338**

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, AMENDING ORDINANCE #174, SECTION 1, SECTION 13, SECTION 14, AND SECTION 15.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA, THAT:

The listing of Sections of Ordinance #174 shall be amended to read as follows:

Insert Section 13. Keeping of Fowl – Licensing & Requirements;

Change Sections titles of Section 13 and Section 14 to:

Section ~~13~~ 14. Complaint or Citation; Impoundment.

Section ~~14~~ 15. Repeal.

“Section 1 Keeping of Animals” be amended to read as follows:

- a. It shall be unlawful to keep, maintain, harbor, or possess more than four (4) domestic pets of any age. No more than six (6) chickens (Domestic fowl of a Galliformes in the genus of Gallus Gallus domesticus) may be kept on private land within properties zoned single-family residential in the city with an approved license in accordance with Section 13) Keeping of Fowl – Licensing & Requirements, or with an approved conditional use. For purposes of interpreting this Section, canaries, parakeets, parrots and other similar caged birds, as well as hamsters, gerbils, guinea pigs, ferrets, rabbits, and similar caged animals shall not be included under the definition of “domestic pets” and “chickens”.
- b. It shall be unlawful to keep, maintain, harbor, or possess: swine (including pot bellied pigs), sheep, cattle, horses, ponies, goats, poultry (except that poultry of the genus Gallus Gallus domesticus), llamas, or peacocks on any non-agricultural lot within the City.

Insert the following section:

Section 13. Keeping of Fowl– Licensing & Requirements

- a. **License required.** No person shall keep chickens on any property zoned single-family residential within the city without first obtaining a license from the City. The keeping of chickens on a residential property shall be limited to single-family residential zoned parcels.
- b. **Type of Fowl Permitted.** Only domestic fowl of Galliformes in the genus of Gallus Gallus domesticus (domestic chickens) are permitted. No other form of fowl shall be permitted, nor available by conditional use of this ordinance.

- c. **Application.** An application for a license to keep fowl shall be made to the City on a form provided by the City. The applicant must provide all the information on the form and pay a one-time, non-refundable, fee of \$50.00 to the City.
- d. **Granting Issuance of License.** The City Administrator or their designee may grant a license provided the following have been met:
 - i. All required information is completed on application;
 - ii. Appropriate one-time, non-refundable, fee of \$50.00 is paid;
 - iii. The application filed demonstrates all requirements of this subsection including the shelter and enclosure requirements;
- e. **Revocation of license.** A license may be revoked by the City for a violation of conditions of this section or any other restrictions, limitations, conditions, or prohibitions that may be placed on the property as recorded on the issued permit.
- f. **Penalty for violation.** Fines for violations of this section are outlined in Section 14.
- g. **Shelter and Enclosure requirements for fowl.**
 - i. A separate coop or loft is required to house the fowl with a reasonable satisfactory yard, run or yard fencing so as to keep fowl confined at all times. The coop size shall, at a minimum, provide six (6) feet of space per fowl. Garages both attached and detached are acceptable to be used as coops or lofts.
 - ii. The structure is to be located in the rear or side yard and not to be placed on any drainage or utility easements.
 - iii. Any structure to house the fowl must meet setbacks and all other applicable zoning code requirements as established for accessory buildings.
 - iv. Coops and lofts must be maintained in good repair and must be constructed of materials consistent with the requirements for accessory buildings; in particular, they must have finished exterior surfaces (painted, stained, sealed, etc.).
 - v. A floor is not required for a building housing fowl.
 - vi. The structure as well as any manure storage shall be kept at least twenty (20 feet) from the door or window of any dwelling of an occupied structure other than the owner's dwelling.
- h. **Additional standards for the keeping of Fowl.** Any person keeping fowl on residential lots must comply with the following:
 - i. No more than six (6) total fowl are permitted. No roosters or adult male fowl are permitted;
 - ii. The owners of the fowl shall live in the dwelling on the property;
 - iii. The raising of fowl for breeding or commercial purposes is prohibited, as is selling of the product of the fowl;
 - iv. The owner or custodian of any fowl shall not allow the fowl to disturb the peace of any other person;
 - v. Butchering of fowl shall not be permitted outside of a residence;

- vi. No leased or rented premises shall be permitted to be used for keeping fowl.
- i. **Conditions/maintenance and inspections.** No person(s) who own(s), control(s), keep(s), maintain(s) or harbor(s) fowl shall permit the premises where the animal(s) are kept to be or remain in an unhealthy, unsanitary or noxious condition, or permit the premises to be in such a condition that noxious odors to be carried to adjacent public or private property. Any building to house fowl or enclosed area for the fowl authorized under this ordinance may be inspected at any reasonable time by the authorized designated city staff to inspect for compliance with this ordinance and other relevant laws and regulations.
- j. **Cleaning.** All premises on which fowl are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents, and other varmint. 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 any 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.
- k. **Food Storage and removal.** All stored food for fowl must be kept either indoors or in a weather-resistant rodent proof container. Uneaten food shall be removed daily to prevent animals and insects.
- l. **Enforcement.** If an animal control officer has reasonable cause to believe that the standards set forth in this section are not being met, the officer shall be authorized to impound such confined animal or shall be authorized to issue a complaint or citation for a violation of this section.
- m. **Expiration of license.** If ownership of property changes, license to keep fowl shall expire; licensure shall not transfer if owner moves within jurisdiction of the City of Crooks.
- o. **Conditional Use required to permit keeping of fowl on property not zoned single-family residential.** Any applicant(s) desiring to keep domestic fowl on premises not zoned single-family residential shall apply for a conditional use to obtain permission. The conditional use petition will require all steps of the application to be completed as outlined above (Section 13c – 13 e). Upon receipt of all requisite documents, a hearing shall be scheduled. The Finance Officer of the City of Crooks shall cause a notice to be published at least ten (10) days prior to the hearing in the designated newspaper for the City of Crooks.

Aye: Harstad, Richardson, Beyer, Schuette

Nay:

Abstain:

P:\Council\Legals\Ordinances Final & WIP\2024\2024 - Ord 338 - Amendment ordinance 174 - permit keeping of fowl\2024 - Ord 338 - Amendment to Ordinance #174 permit keeping of fowl with proposed amendment - w info.docx

Adopted this 29th day of April, 2024.

Mayor



Attest:

Finance Officer



Legislative History:

Public hearing: N/A

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Second reading: 04/08/2024

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