

ORDINANCE 2024-08

AN ORDINANCE OF THE CITY OF ALCESTER, SOUTH DAKOTA REGARDING THE KEEPING AND MAINTAINING OF BROODING CHICKS, PULLETS, AND HENS WITHIN THE CORPORATE LIMITS OF ALCESTER, SOUTH DAKOTA

WHEREAS, the City Council of Alcester has determined that public health and nutrition would be promoted by enacting certain ordinances providing for the keeping and maintaining of brooding chicks, pullets, and hens for the laying of eggs by residents of the community;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF ALCESTER, SD:

1. **That Chapter 5.0201 Definitions be amended to add:**

- D. **Brooding.** The period of chicken development when supplemental heat and additional care and attention must be provided due to the bird's inability to generate adequate body heat.
- E. **Chick.** A baby chicken not more than eight (8) weeks old.
- F. **Chicken.** A domesticated bird of the order of Galliformes in the genus of Gallus (chickens) that serves as a source of eggs or meat.
- G. **Cockerel.** A young male chicken.
- H. **Coop.** The structure for the keeping or housing of chickens permitted by this subchapter
- I. **Exercise yard.** A larger fenced area that provides space for exercise and foraging for the birds when supervised.
- J. **Hen.** A female chicken
- K. **Pullet.** A young female chicken between the ages of eight (8) weeks and five (5) months.
- L. **Fowl.** Chickens, ducks, geese, turkey, pheasants, quail, partridge, pigeons, guinea, or other like birds.
- M. **Pet.** Any domestic animal kept in or near a household for the primary purpose of companionship for member(s) of the household and/or companionship for other such animals. This includes dogs, cats, guinea pigs, hamsters, rats, mice, ferrets, rabbits, birds (other than fowl, water-fowl, and birds of prey), reptiles (other than venomous reptiles or constrictor snakes), amphibians, invertebrates, and species of domestic animals commonly kept for the primary purpose of such companionship. Fowl, raptors, and livestock are not a pet.
- N. **Rooster.** A male chicken.

- O. Run. A fully-enclosed and covered area attached to a coop where the chickens can roam unsupervised.
- P. Raptor. All birds that are members of the order Falconiformes or Strigiformes; specifically, but not limited to, birds of prey such as falcons, hawks, eagles, owls, and vultures.

**2. That Chapter 5.0210 be amended to read as follows:**

Number of Pets Limited. It shall be unlawful for any person to have or to keep more than five domestic pets over the age of six months; guinea pigs, hamsters, rats, mice, ferrets, rabbits, birds (other than fowl, water-fowl, and birds of prey), reptiles (other than venomous reptiles or constrictor snakes), amphibians, invertebrates being exempt, on any lot or premises in the City; unless such person residing on or in the lot or premises has a valid kennel license issued by the City. Humane societies, veterinarian offices, and retail pet stores are exempt from the provisions of this section.

**3. That Chapter 5.0210.A be added to read as follows:**

**5.0210.A Chickens/Keeping of Chickens**

The purpose of this ordinance is to provide for residents of the community to keep and maintain brooding chicks, pullets, 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 within the corporate limits of the City of Alcester, South Dakota. No person shall keep any geese, turkeys, pheasants, quail, partridges, guinea, or other like domestic fowl within the city limits, except for chickens kept within the provisions of this ordinance.

The keeping and maintenance of brooding chicks, pullets and hens is permitted to all residents who apply for and obtain a permit from the city in accordance to section 5.0212. All holders of the permit must comply with all requirements, limitations, or prohibitions of this article. 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 days following written notice thereof to the person or persons keeping or maintaining such chickens. Any person whose permit is revoked within ten days thereafter shall humanely dispose of all chickens being owned, kept, or harbored by such person.

**1. LIMITATIONS ON THE NUMBER AND KEEPING OF CHICKENS.**

- A. Chickens are not considered domestic pets.
- B. No more than eight (8) hens shall be housed or kept on any one residential lot that is less than one acre in size. Residents may possess a like number of brooding OR pullet chicks intended for the cyclical replacement of hens, but not for the purpose of sale or resale. Once pullets reach full laying potential the flock numbers must be returned to no more than six hens. **Roosters are strictly forbidden.** Chickens may only be kept within areas of the city zoned to permit single-family dwellings. Rooster and chicken breeding are prohibited. Cockerels must be culled from broods without delay. A request for variance on the limitation set forth in this Ordinance must be brought to and approved by the City Council.

2. A coop and a reasonably satisfactory exercise yard, run, or yard fencing is required to house chickens. Chicken facilities must be constructed and maintained to meet the following minimum standards:
  - A. Located in the rear or side yard;
  - B. The setback required for the coop is five (5) feet or more from the rear and side property lines; Such structures will still require a building permit as specified in Ordinance;
  - C. Coop construction and materials must be adequate to prevent access by rodents and predators. such as fox. raccoon. opossum. and domestic animals running at large;
  - D. Coops must be maintained in good repair;
  - E. Coop size may not exceed thirty-two (32) square feet;
  - F. The run size may not exceed sixty-four (64) square feet. Fencing shall prevent the entry into or escape of animals into the run;
  - G. Fencing materials for the run shall consist of wood and wire fencing material with openings not to exceed one (1) inch;
  - H. Coops shall be kept at least twenty-five (25) feet from the door or window of any dwelling of an occupied structure other than the owner's dwelling:
    - I. Manure storage shall be kept twenty (20) feet or more 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 shall not be housed in a residential dwelling or an attached or detached garage, except when housed for brooding purposes only;
    - 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 and food shall be picked up every 24 hours, thereafter kept in an airtight and rodent proof container, and properly disposed of thereafter on a routine basis;  - L. Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property:
    1. Dead chickens must be disposed of within twenty-four (24) hours after death. Legal forms of chicken carcass disposal include burial and off-site incineration or rendering; and
    2. All slaughtering of chickens for consumption shall be conducted so as not to be visible to the public or adjacent property owners and occupants and
    3. All grain and food stored for the use of the chickens shall be kept in a rodent proof container and
    4. Chickens shall be kept so that visibility is substantially obstructed to the traveling public or surrounding property owners.

5. **That 5.0212 be amended to read as follows:**

Application for License or Permit. Every owner or keeper of a dog within the City must submit an application for an animal license for each such animal owned six months old or older on or before the first day of January in each year. The application shall be furnished by the Finance Officer. All applications for license must be accompanied by a rabies immunization certificate and the appropriate fee, as shown in Section 5.0213.

No license shall be issued to any owner of any dog who does not present to the City Finance Officer of the City of Alcester, at the time of making application for such license, a certificate of vaccination for "rabies" issued by a veterinarian, duly licensed to practice veterinary medicine, which certificate must show the date of such vaccination and must state the period of time for which the dog is effectively immunized, which period of immunization must be at least one (1) year from the date of the issuance of the license. In the event that the immunization period is less than one (1) year, the owner of said dog must immediately provide a certificate of vaccination for rabies to the City Finance Officer of the City of Alcester within fifteen (15) days from the expiration date of immunization. A waiver of vaccination may be issued by the Finance Officer of the City of Alcester provided the dog is too young for a vaccination to be administered. Failure to provide said certification or waiver as herein set forth shall constitute a violation of the dog license ordinance and subject the owner to the penalties as hereinabove provided.

A certificate and tag shall be issued upon receipt of a proper application for license. The certificate at all times must be in the possession of the owner. The owner shall contact the Finance Officer to report change of ownership, loss or death of a licensed animal. If a tag or certificate is lost, either may be replaced for a fee of one dollar. The tag must be worn by all dogs. It is the duty of the owner of any licensed dog to assure proper tagging of said dog. The failure to do so shall be a violation of this Ordinance.

A permit for the keeping and raising of chickens shall be required of all residents within the city limits. Current owners of fowl shall be considered grandfathered in under the accordance of this ordinance. Residents grandfathered under this ordinance must still apply for and be issued permit but are exempt from 50210.A subsection 1, subsection 2A-J but must comply with 50210.A subsection 2 I, & K-L.

Application for permit must be obtained and returned to the City Office within 90 days of effective date of ordinance and annually thereafter no later than January 31st. All permit applications shall be returned with evidence of compliance of all stipulations set forth in 5.0210.A and will be reviewed by the City. Approved permits will be issued at no charge to the applicant within ten (10) business days. Denied applications will be sent notice containing reasons for denial. Applicant will have thirty (30) days to make corrections or improvements and reapply for permit.

**6. That 5.0217 be added to read as follows:**

**5.0217 INVESTIGATION AND ENFORCEMENT.**

A. Officers or employees designated by the city shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder, or molest and such officer or employee in the exercise of such powers. The designated officer or employee shall make investigations as is necessary for the health and well-being of the community.

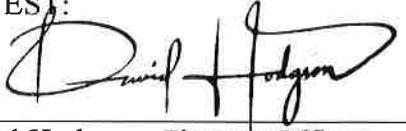
B. Residents keeping brooding chicks, pullets, and hens for the laying of eggs must consent to any request by the Animal Control Officer, designated Animal Control Agency, or designated City Employee to allow any such person to enter property for inspection purposes.

Dated this 6th day of August, 2024.

CITY OF ALCESTER, SOUTH DAKOTA

  
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Darla Reppe, Council President

ATTEST:



David Hodgson, Finance Officer



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