

## ORDINANCE NO. 1635

### AN ORDINANCE TO AMEND CHAPTER 5 - ANIMALS BY ADDING ARTICLE VI - CHICKENS

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Chapter 5 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

#### ARTICLE IV. CHICKENS.

##### Sec. 5.231. - Fowl generally.

No person shall keep any ducks, geese, turkeys, pheasants, quail, partridges, guineas, or other like domestic fowl within the city limits, except for chickens kept within the provisions of this article.

##### Sec. 5.232. – Definitions regarding chickens.

The following words, terms and phrases, when used in this article, 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 manager 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.

##### Sec. 5.233. – 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 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 (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.

**Sec. 5.234. - Investigation and Enforcement.**

Officers designated by the city shall have authority in the investigation and enforcement of this article, 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.

**Sec. 5.235. – Limitations on the number and keeping of chickens.**

- (a) Chickens are not considered domestic pets.
- (b) Chickens may only be kept within areas of the city zoned to permit single family dwellings as a principal permitted use as outlined below.
- (c) No more than six (6) 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.
- (d) Roosters and chicken breeding are prohibited. Cockerels must be culled from broods when identified.
- (e) 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:
  - a. Located in the rear or side yard.
  - b. Setback as required by the zoning district for structures on the real property. Such structures will still require a building permit as specified in Chapter 6.
  - c. Coop construction and materials must be adequate to prevent access by rodents.
  - d. Coops must be maintained in good repair.
  - e. Coops or cages housing chickens 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.
  - f. 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.
- (f) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.
- (g) 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 as set forth in section 9-3.
- (h) Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
- (i) 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.

- (j) All grain and food stored for the use of the chickens shall be kept in a rodent proof container.
- (k) Chickens shall be kept so that visibility is substantially obstructed at a height of five (5) feet above ground level to the traveling public or surrounding property owners.

**Sec. 5.236. - Violations.**

- (a) Any person violating this article shall be deemed guilty of a class 2 misdemeanor, upon conviction, shall be punished in accordance with a fine amount of \$100 plus court costs.
- (b) Any person violating this article shall reimburse the city for all costs borne by the city to enforce the conditions of this article including but not limited to the collection and humane disposal of chickens.
- (c) All chickens of any person violating this article may be forfeited to the city and may be removed and euthanized and properly buried or otherwise disposed of in a sanitary manner.

**Sec. 5.237- City Impoundment:**

- (a) Due to the risk of disease, the City Animal Control Shelter cannot receive and hold (i.e., impound) chickens that come into the possession of the Animal Control Officer. Therefore, the Animal Control Officer is authorized to euthanize and properly dispose of any chickens found running at large or that come into the officer's possession.

Dated this 16<sup>th</sup> day of August, 2021

CITY OF MADISON

/s/Marshall Dennert  
Mayor

Attest: /s/Sonya Wilt  
Finance Officer

1<sup>st</sup> Reading: August 9, 2021  
2<sup>nd</sup> Reading: August 16, 2021  
Published: August 19, 2021  
Effective: September 8, 2021