

## ORDINANCE 1337

**AN ORDINANCE AMENDING CITY OF VERMILLION CODE OF ORDINANCES TITLE IX, GENERAL REGULATIONS; CHAPTER 93, ANIMALS AND FOWL TO AMEND SECTIONS 93.01 AND 93.99 AND ADD SECTIONS 93.50 THROUGH 93.56 TO INCLUDE DEFINITIONS, CONDITIONS, LIMITATIONS AND PERMIT REQUIREMENTS FOR THE KEEPING AND HOUSING OF CHICKENS WITHIN CITY LIMITS.**

**BE IT ORDAINED**, by the Governing Body of the City of Vermillion, South Dakota that Chapter 93 be amended as set forth below:

### **§ 93.01 KEEPING CERTAIN ANIMALS; RESTRICTIONS.**

(A) No person shall keep or maintain any livestock or fowl, except as provided in this chapter, or maintain any structure or enclosure for keeping such animals within 25 feet of any dwelling or building used for human habitation other than that of the owner of said animal or the owner's family.

(D)(8) Exception. In addition to the maximum number of pets, an individual may possess a set number of Gallus Domesticus granted via a valid permit by the Animal Control Officer under Section 93.54.

## **CHICKENS**

### **§ 93.50 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHICKEN.** A domesticated bird of the order Galliformes in the genus of Gallus that serves as a source of eggs or meat for human consumption.

**COOP.** The structure for the keeping or housing of chickens permitted by this chapter.

**EXERCISE YARD.** A larger fenced area that provides space for exercise and foraging for the birds when supervised.

**HEN.** A female chicken.

**OFFICER.** Any person designated by the City Manager as an enforcement officer.

**ROOSTER.** A male chicken.

**RUN.** A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

### **§ 93.51 PURPOSE**

It is the purpose and intent of this subchapter to permit the keeping and maintenance of hens for egg and meat sources in a clean and sanitary manner that is not a nuisance or detrimental to the public health, safety, and welfare of the community.

## § 93.52 INVESTIGATION AND ENFORCEMENT

Officers designated by the City Manager shall have authority in the investigation and enforcement of this subchapter, and no person shall interfere with or hinder any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit or terminate an existing permit under this article.

## § 93.53 LIMITATIONS FOR EACH SINGLE-FAMILY DWELLING UNIT.

(A) The keeping of chickens shall be permitted as an accessory use in conjunction with detached, owner-occupied single-family dwelling uses.

(B) No more than three (3) hens shall be housed or kept on any one detached owner-occupied single-family dwelling lot in any area of the city with a permit as outlined below. *(Exception: Planned Development Districts that provide for single-family dwellings may not permit chickens unless specifically listed as a use in the regulations of the particular district.)*

- (1) Any person who seeks to own more than three (3) hens at a single address must first apply and be approved for a Multiple Chicken Permit by the City's Animal Control Officer
- (2) Multiple Chicken Permits are issued at the discretion of the Animal Control Officer. Single addresses shall not be permitted to possess more than five (5) hens within the City of Vermillion.
- (3) Multiple Chicken Permits will be issued to be valid for a period of one (1) year from the date of issuance. Permit holders shall maintain their permit and display it to the Animal Control Officer upon request.

(C) Roosters are prohibited.

(D) Slaughtering of chickens on the property is permitted. Owners may slaughter chickens for the purpose of personal consumption on their property in areas not visible from the public right-of-way.

(E) Leg-banding of all chickens is required. The bands must identify the owner and the owner's address and telephone number.

(F) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (1) Located in the rear or side yard.
- (2) Setback at least five feet from the rear or side property lines.
- (3) Rodent proof - coop construction and materials must be adequate to prevent access by rodents.
- (4) Coops shall be constructed and maintained in a workmanlike manner.

- (5) Any structure or enclosure for keeping such animals may not be closer than 25 feet of any dwelling or building used for human habitation other than that of the owner of said animal or the owner's family

(G) A run or exercise yard is required.

(1) Runs must be constructed and maintained to meet the following minimum standards:

(a) *Location:* rear or side yard at least five feet from the rear or side property lines.

(b) *Size:* No less than sixteen square feet must be provided.

(c) *Cover:* Adequate to keep hens in and predators out.

(2) Exercise yards must be fenced.

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

(I) All premises on which hens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property.

(J) All grain and food stored for the use of the hens on a premise with a chicken permit shall be kept in a rodent-proof container.

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

(L) Dead chickens must be disposed of according to the South Dakota Animal Industry Board rules which require chicken carcasses to be disposed of as soon as possible after death, usually within 48 to 72 hours. Legal forms of chicken carcass disposal include off-site burial, off-site incineration or rendering.

(M) Failure to comply with these conditions may result in revocation of a chicken permit and/or removal of chickens from the premises.

#### **§ 93.54 PERMIT REQUIRED.**

It is unlawful for any property owner to maintain chickens within the city without first obtaining and possessing a valid registration permit.

#### **§ 93.55 APPLICATION.**

Any person desiring a permit required under the provisions of this article shall make written application to the city upon a form prescribed by and containing such information as required by the city and officer. Among other things, the application shall contain the following information:

(A) A description of the real property upon which it is desired to keep the chickens.

(B) The number of chickens to be maintained on the premises.

(C) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run or exercise area. Portable coops and cages are allowed, but portable locations must be included with the site plan.

(D) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this article and grounds for cancellation of the permit.

(E) Such other and further information as may be required by the officer.

### **§ 93.56 PERMIT CONDITIONS; REVOCATION; FEES.**

No person shall (without first obtaining a permit in writing from the City) own, keep, harbor, or have custody of any live chicken. If granted, the permit shall be issued by the City and officer and shall state the conditions, if any, imposed upon the permittee for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions, and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to promote the public health and safety. Such permit may be modified from time to time or revoked for failure to conform to such restrictions, limitations, prohibitions. Such modification or revocation shall be effective after ten days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintaining such chickens.

(A) The City Manager or designee may revoke any permit issued under this article if the person holding the permit refuses or fails to comply with this subchapter, with any regulations promulgated by the City Council pursuant to this subchapter, or with any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all chickens being owned, kept, or harbored by such person, and no part of the permit fee shall be refunded.

(B) Coops, runs, and other fenced areas that go unutilized for a period of one (1) year shall be deemed a nuisance and shall be removed by the owner at the owner's expense.

(C) The permit period under this section shall expire one (1) year from the date the permit is issued.

(D) For each residential site, the fee for a permit may be imposed, set, established, and fixed by resolution of the City Council.

### **§ 93.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to §10.99.

(B) Any person violating the provisions of §§ 93.20 *et seq.* shall, upon conviction, be fined an amount adopted by resolution for each offense and shall be fined an additional amount beyond the amount fined in the previous offense for each subsequent offense provided the offenses shall have occurred within a period of 12 consecutive months from the date of the first offense.

(C) Any person violating the provisions of §§ 93.50 *et seq.* shall, upon conviction, be fined an amount adopted by resolution for each offense, and shall be fined an additional amount beyond the amount fined in the previous offense for each subsequent offense provided the offenses shall have occurred within a period of 12 consecutive months from the date of the first offense.

Dated at Vermillion, South Dakota this 6<sup>th</sup> day of June, 2022.

THE GOVERNING BODY OF THE CITY  
OF VERMILLION, SOUTH DAKOTA

By Kelsey Collier Wise  
Kelsey Collier-Wise, Mayor

ATTEST:

By Katie E. Redden  
Katie E. Redden, Finance Officer



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