

ORDINANCE NO. 6445

AN ORDINANCE AUTHORIZING THE KEEPING OF CHICKENS ON CERTAIN RESIDENTIAL PROPERTIES IN THE CITY BY AMENDING SECTION 6.08.020 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City (the “City”) currently prohibits the keeping of chickens in the City unless the property is a minimum of three acres or is zoned for agricultural uses; and

WHEREAS, many communities across South Dakota and the Country have allowed the keeping of chickens on residential properties so citizens can produce fresh eggs; and

WHEREAS, the City recognizes the benefit of supporting the ability of its citizens to raise chickens in order to support locally produced food; and

WHEREAS, the City recognizes that chickens consume household food waste and prevent that waste from entering landfills and thereby reducing the expenses from the associated methane mitigation; and

WHEREAS, the City believes the benefits of allowing citizens to raise a small number of chickens in residential neighborhoods consistent with the regulations contained below outweigh any potential issues they may cause; and

WHEREAS, the Common Council of the City of Rapid City believes that it is in the City’s best interests to allow the raising of a small number of chickens on residential property by amending Section 6.08.020 of the Rapid City Municipal Code.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City that Section 6.08.020 of the Rapid City Municipal Code be amended to read in its entirety as follows:

6.08.020 Keeping of fowl or livestock near dwellings.

A. It is unlawful for any person to keep livestock or a duck, goose, turkey, or other fowl, except chickens, on a parcel or lot if the keeping of such animal is in violation of Title 17 of this Code.

B. It is unlawful and a public nuisance for any person to keep livestock or a duck, goose, turkey, or other fowl within 150 feet of any building or structure occupied by, or intended to be occupied by, human beings as a residence, within the city, except chickens for which the distance shall be 25 feet. However, this subsection shall not apply to the residence upon the lot where the animal is kept, housed or maintained. This subsection shall not apply to land zoned as a general agricultural district as set forth in Title 17 of this Code. This subsection shall not apply to the species of pigs that have been specifically bred to be household pets.

C. It is unlawful and a public nuisance for any person to keep livestock or a duck, goose, turkey, or other fowl, except chickens, on a parcel or lot that is less than 3 acres in size. This subsection shall not apply to land zoned as a general agricultural district as set forth in Title 17 of this Code.

D. Chickens may be kept subject to the following provisions:

1. Chickens may be kept on any parcel which is used and occupied as a residence. Multi-family units require the consent of all residents and the property owner(s) before the chickens are acquired. A copy of the signed approval document must be available for inspection by animal control personnel.
2. The maximum number of chickens allowed per residential parcel is six (6) unless the property is zoned agriculture or is a minimum of three (3) acres. An additional six (6) brooding chicks up to the age of 20 weeks of age may be kept for cyclical replacement of hens.
3. The keeping and raising of roosters is prohibited.
4. No chickens may run at large within the corporate limits of the city. All chickens must be contained within the owner's property boundary. Chickens shall be secured within an enclosure from sunset to sunrise.
5. Any person keeping chickens must provide them with an appropriate coop. The coop must be well ventilated and secure with a solid roof. Coops must provide for at least two (2) square feet per chicken with an outdoor run of a minimum of ten (10) square feet per chicken. Coops and adjacent runs shall be enclosed and constructed in such a manner to keep out dogs, cats, wildlife, rodents, and other vermin and to generally protect the chickens from predators and access from wild birds.
6. Chickens and coops are not permitted in the area designated as the property's front yard nor within a designated drainage easement.
7. Any area where chickens are kept shall be maintained in a clean and sanitary condition. All coops shall be regularly cleaned to control dust, odor, and waste to keep the area clean and sanitary and so as to avoid detectable odors on neighboring properties.
8. Any feed shall be stored in a rodent and predator proof container.
9. Any person who keeps chickens in a manner that is inconsistent with these provisions is in violation of the ordinance. Each day any violation of this chapter continues shall constitute a separate offense.
10. In addition to any other remedies or causes of action the City may possess, the keeping or maintaining of chickens in a manner inconsistent with these provisions is declared to be a public nuisance and may be abated by the City as provided by state law and City ordinance.