

**CITY OF HARRISBURG ORDINANCE #2024-02,
TO AMEND THE ZONING REGULATIONS**

BE IT ORDAINED by the City Council of the City of Harrisburg as follows:

ARTICLE I – PURPOSE AND JURISDICTION

SECTION 1 – PURPOSE.

Ordinance #2024-02 is an ordinance to amend the Keeping of Chickens Regulations section of the Zoning Regulations of the City of Harrisburg. The City Council of the City of Harrisburg has deemed these regulations and controls to be reasonable and reasonably related to the purpose of promoting the health, safety, and general welfare of the City of Harrisburg.

SECTION 2 – JURISDICTION.

This Ordinance shall govern all territory within the statutory jurisdiction of the City of Harrisburg, South Dakota.

SECTION 3 – SEVERABILITY AND SEPARABILITY.

Should any Article, Section, Subsection, or Provision of this Ordinance be found to be or declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the Ordinance as a whole or any part thereof, other than the portion so declared to be invalid or unconstitutional.

ARTICLE II – AMENDMENTS TO CHAPTER 9.02: ZONING REGULATIONS

- A. That Section 3.3.1 be amended to add to Permitted Uses:

<u>Use</u>	<u>Use-Specific Standards</u>
Keeping of Chickens	Permit required. See Section 5.12

- B. That Section 3.4.2 be amended to remove:

<u>Use</u>	<u>Use-Specific Standards</u>
Keeping of Chickens	Permit required. See Section 5.12

- C. That Section 3.4.1 be amended to add to Permitted Uses:

<u>Use</u>	<u>Use-Specific Standards</u>
Keeping of Chickens	Permit required. See Section 5.12

- D. That Section 3.5.2 be amended to remove:

<u>Use</u>	<u>Use-Specific Standards</u>
Keeping of Chickens	Permit required. See Section 5.12

- E. That Section 3.5.1 be amended to add to Permitted Uses:

<u>Use</u>	<u>Use-Specific Standards</u>
Keeping of Chickens	Permit required. See Section 5.12

- F. That Section 5.12 be amended to read:

**CITY OF HARRISBURG ORDINANCE #2024-02,
TO AMEND THE ZONING REGULATIONS**

5.12 Chickens. Any resident wishing to keep chickens shall first apply to the City and upon approval shall comply with the following use-specific standards and requirements.

Definitions: Words, when used in this chapter, unless the context plainly refers, shall have the following meanings:

Brooding: The period of chicken growth when supplemental heat must be provided due to the bird's inability to generate enough body heat.

Chick: A baby chicken not more than six weeks old.

Chicken: A domestic bird of the order of Galliformes in the genus of Gallus (chickens) that serves as a source of eggs.

Cockrel: A young male chicken.

Coop: The structure for the keeping or housing of chickens permitted by the ordinance.

Exercise yard: A fully enclosed and escape proof area that provides space for exercise, foraging, and roaming for the birds.

Hen: A female chicken.

Officer: Any person designated by the City Council or the City administrator as an enforcement officer.

Rooster: A male chicken.

Revokable Permit: Upon approval of a permit, residents may keep and maintain brooding chicks and hens for egg(s) 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 permit may be revoked if the permit holder refuses to or fails to comply with this chapter, or with any federal, state, or local laws governing cruelty to animals or the keeping of animals.

Investigation and Enforcement: Officers designated by City Council, or the City Administrator shall have authority in the investigation and enforcement of this chapter, and no person shall interfere with or hinder any such officer in the exercise of such powers. Such officers shall make investigations as is necessary.

General Regulations:

- A. Chickens may only be kept within areas of the city zoned to permit single-family dwellings.
- B. No more than six hens shall be housed or kept on any one residential lot.
- C. Roosters and chicken breeding are prohibited. Cockerels must be culled from broods when identified.
- D. A coop and a reasonably satisfactory exercise yard is required to house chickens. Chicken facilities must be constructed and maintained to meet the following minimum standards:
 - 1) Located in the rear or side yard.
 - 2) The setback required for the coop and exercise yard is three feet from the rear and side property lines.
 - 3) Coop construction and materials must be adequate to prevent access by rodents.
 - 4) The coop and exercise yard must be maintained in good repair.
 - 5) Coop and exercise yard areas may not occupy more than 30% of the rear yard.

**CITY OF HARRISBURG ORDINANCE #2024-02,
TO AMEND THE ZONING REGULATIONS**

- 6) Coop and exercise yard areas shall be enclosed with escape-proof fencing and/or netting.
 - 7) Chicken feces and waste shall be disposed of in a sanitary manner and be kept separate from other household waste or garbage.
 - 8) Manure storage shall be kept a minimum of 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 animal waste into the city storm drainage system is prohibited.
 - 9) Chickens must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.
 - 10) 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 areas must be cleaned frequently enough to control odor.
- E. Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent properties.
 - F. Dead chickens shall be disposed of within 48 hours after death. Legal forms of chicken carcass disposal include burial and off-site incineration or rendering.
 - G. All grain and food stored for the use of the chickens shall be kept in rodent proof containers.
 - H. Chickens shall be kept so that visibility is substantially obstructed at a height of five feet above ground level to the traveling public or surrounding property owners.

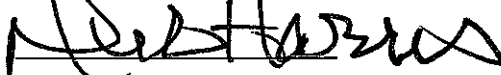
BE IT FURTHER ORDAINED by the City Council of the City of Harrisburg that this Ordinance shall become effective in accordance with law.

CITY OF HARRISBURG



Mayor

ATTEST:



Finance Officer



First Reading: March 5, 2024
Second Reading: March 18, 2024
Published: March 28, 2024
Effective: April 17, 2024