

the animal and giving the name of the owner, if known; and if, upon examination by the health authorities, it appears that the animal may have rabies or hydrophobia, the health authorities shall be authorized to impound such animal for observation and testing, and if the animal proves to be infected with the disease, the animal may be destroyed.

- (b) When the health authorities shall have determined that an animal found in the city is infected with rabies or hydrophobia, the mayor may, upon written advice from the health authorities that the public safety and general welfare require it, order by proclamation that all dogs be muzzled when off the premises of the owner, and that all unmuzzled dogs when found off the premises of the owner be immediately seized and impounded, and may further order that, after the proclamation has been published for forty-eight (48) hours, either by posting or printing in a newspaper of general circulation in the city, all dogs found off the premises of the owner unmuzzled shall be seized, impounded and killed; except that the chief of police or any police officer may immediately kill any such unmuzzled dog, if with reasonable effort it cannot first be seized and impounded. All dogs seized and impounded during the first forty-eight (48) hours after the publishing of any such proclamation, shall, if claimed within ten (10) days, be returned to the owner thereof without any impounding charge or cost, if not infected with hydrophobia or rabies, but after the ten (10) days such dogs may be killed.
- (c) No person shall knowingly harbor or keep any animal infected with hydrophobia or rabies, or any animal known to have been bitten by an animal known to have been infected with hydrophobia or rabies.

(Ord. No. 210, § 6, 6-7-60; Ord. No. 357, § 9, 4-1-80)

**Cross reference(s)**--Health and sanitation generally, Ch. 12.

### **SECTION 6-30. NUMBER OF DOGS**

It shall be unlawful for any person to keep, maintain, harbor or possess more than four (4) dogs, six (6) months of age or older. A maximum of six (6) fowl and twelve (12) pigeons may be kept on private land within residentially zoned properties in the city with an approved license in accordance with Section 6-32. Roosters are strictly prohibited.

(Ord. No. 539, § 1, 7-2-96; Ord. No. 844, § 1, 2-6-17; Ord. No. 854, § 1, 7-2-18)

### **SECTION 6-31. ANIMAL ENCLOSURE GUIDELINES**

- (a) All persons who keep animals fowl and pigeons in cages, kennels or enclosed structures shall be required to comply with the following guidelines:

*Dell Rapids*

- (1) Animal enclosures must be provided which allow adequate protection against all weather extremes. Floors of buildings, runs and walls, must be constructed with an impervious material to permit proper cleaning and disinfecting.
- (2) Building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.
- (3) Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
- (4) Cages are to be of material and construction that permit adequate cleaning and sanitation.
- (5) Cages are to be of an impervious, washable material, radiantly heated, and shall have a resting board or some kind of bedding.
- (6) Rooms shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
- (7) Animals shall have ample exercise time and human contact.
- (8) All animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
- (9) Animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.
- (10) All animals shall have fresh, potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.
- (11) No building or structure to house animals shall be constructed on a lot prior to the time of occupancy of the principal structure.
- (12) Structures and yards for fowl and pigeons must meet the following additional minimum standards;
  - i. A separate coop or loft is required to house the fowl and pigeons together with a reasonably satisfactory yard, run or yard fencing so as to keep fowls confined at all times. Garages both attached and detached are acceptable to be used as coops and lofts.
  - ii. The structure is to be located in the rear or side yard and not to be placed on any drainage or utility easements.

- iii. Only one building to house the fowl and pigeons and one enclosed outdoor area shall be allowed per lot.
- iv. Any structures to house the fowl and pigeons must meet setback and all other applicable zoning code requirements.
- v. Coops and lofts must be maintained in good repair and must be constructed of materials consistent with the requirements for accessory buildings; in particular they must have finished exterior surfaces (painted, stained, sealed, etc.)
- vi. A floor is not required for a building housing fowl and pigeons.
- vii. The structure as well as any manure storage 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.

- (b) If an animal control officer has reasonable cause to believe that the standards set forth in this section are not being met, said officer shall be authorized to impound such confined animal or shall be authorized to issue a complaint or citation for a violation of this section.

(Ord. No. 539, § 1, 7-2-96; Ord. No. 844, § 1, 2-6-17; Ord. No. 854, § 1, 7-2-18)

## **SECTION 6-32. KEEPING OF FOWL ON RESIDENTIAL LOTS**

- (a) **License Required.** No person shall keep chickens or other fowl and pigeons on any residentially zoned property within the city without first obtaining a license from the city. The keeping of chickens or other fowl and pigeons on a residential property shall be limited to single family lots.
- (b) **Types of Fowl and Pigeons Permitted.** Domestic fowl of a Galliformes in the genus of Gallus (chickens) are permitted. Domestic Fowl of the order of Gallinaceous birds (fowl like birds that are not chickens) and the order of Anseriformes (water fowl) are permitted on a limited basis. Ducks, Geese, and other small bodied waterfowl are permitted. Other large bodied Fowl such as but not limited to Turkeys and Guineas are not allowed unless special permission by the City Council is received. Domestic Pigeons commonly known as "fancy pigeons" may be kept. This includes "rollers, "tumblers", and "homers". Feral Pigeons may not be kept.
- (c) **Application.** An application for a license to keep fowl shall be made to the city on a form provided by the city. The applicant must provide all the information required on the form and pay a one-time license fee of twenty-five dollars (\$25.00) to the city.
- (d) **Consent from surrounding property owners.** The applicant shall be required to obtain written consent from 75 percent of property owners within thirty (30) feet of the applicant's

property. The applicant is responsible for obtaining signatures from the surrounding property owners for the application process.

- (e) **Leased Property.** Applicants who lease property must submit written permission from the property owner allowing the applicant to keep fowl or pigeons on the premises.
- (f) **Granting Issuance of License.** The City Administrator or their designee may grant a license provided the following have been met:
  - (1) All required information is completed on application.
  - (2) Appropriate one-time \$25 fee is paid.
  - (3) The application filed demonstrates all requirements of this subsection including the shelter and enclosure requirements.
  - (4) Received written consent from 75 percent of property owners within 30 feet of applicant's property.
  - (5) Received written consent from the property owner if fowl or pigeons will be kept by a tenant on leased property.
  - (6) The applicant has no more than two property zoning or nuisance violations within the preceding 12 month period.
- (g) **Revocation of License.** A license may be revoked by the city for a violation of any conditions of this section or any other restrictions, limitations, conditions or prohibitions that may be placed on the property as recorded on the issued permit.
- (h) **Penalty for Violation.** Violation of this ordinance will be handled in accordance with Section 6-13.
- (i) **Shelter and Enclosure Requirements.** Shelter and Enclosure Requirements are in accordance with Section 6-31.
- (j) **Additional Standards for the keeping of Fowl and Pigeons.** Any person keeping fowl on residential properties must comply with the following:
  - (1) No more than 6 total fowl and 12 total pigeons are permitted. No Roosters or adult males of fowl are permitted.
  - (2) The owners of the fowl and pigeons shall live in the dwelling on the property.
  - (3) The raising of fowl and/or pigeons for breeding or commercial purposes is prohibited.
  - (4) The owner of custodian of any fowl or pigeons shall not allow the fowl to disturb the peace of any other person. Section 6-8 shall apply to any fowl making excessive noises.
- (k) **Conditions/maintenance and inspections.** No person who owns, controls, keeps, maintains or harbors fowl or pigeons shall permit the premises where the animals are kept to be or remain in an unhealthy, unsanitary or noxious condition or to permit the premises to be in such a condition that noxious odors to be carried to adjacent public or private

property. Any building to house fowl and pigeons or enclosed outdoor area for the fowl or pigeons authorized under this ordinance may be inspected at any reasonable time by the authorized designated city staff to inspect for compliance with this ordinance and other relevant laws and regulations.

- (l) **Cleaning.** All premises on which fowl and pigeons 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.
- (m) **Food Storage and removal.** All stored food for fowl and pigeons must be kept either indoors or in a weather-resistant rodent proof container. Uneaten food shall be removed daily to prevent animals and insects.

(Ord. No. 844, § 1, 2-6-17; Ord. No. 854, § 1, 7-2-18)