AN ORDINANCE AUTHORIZING THE KEEPING OF HENS 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 zoned for agricultural uses; and

WHEREAS, many communities across the country have allowed the keeping of chickens on residential properties so citizens can produce fresh eggs for personal consumption; 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 believes the benefits of allowing citizens to raise a small number of chickens in residential neighborhoods consistent with the regulations contained below outweighs 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 in order to provide eggs for personal consumption 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 add a new sub-section (C) to read as follows:

6.08.020 Keeping of fowl or livestock near dwellings.

A. The maintenance of coops, structures or enclosures and the keeping therein of chickens, ducks, geese, turkeys or other fowl, except as provided herein, and the keeping of cattle, horses, mules, donkeys, swine or goats within 150 feet of any building or structure occupied by, or intended to be occupied by, human beings as a residence, within the city, is unlawful and a public nuisance, except as set forth in this section.

B. 1. The regulations in subsection A. of this section shall not apply to the residence upon the lot where the animals are kept, housed or maintained.

——2. Nothing in this title shall be construed as a limitation or restriction of normal agricultural activities on any land zoned as a general agricultural district as set forth in Title 17 of this code.

——3. The keeping of animals as set forth in subsection A. of this section shall require a parcel or lot size of not less than 3 acres.
C. Notwithstanding the prohibition against the keeping of chickens in sub-section (A), chickens may be kept on certain residential properties within the City subject to the following terms and conditions:

1. Chickens may be kept on any lot which is used and occupied as a single family residence. The keeping of chickens on lots used and occupied as a multi-family residence is prohibited. The maximum number of chickens allowed per single family residence is six (6).

2. The keeping and raising of roosters is prohibited.

3. Any person keeping chickens must provide them with an appropriate coop. The coop should be well ventilated and secure with a solid roof. Coops should provide for at least two (2) sq.ft. per bird. Coops and any 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.

4. Chickens and coops are not allowed in the area designated as the property’s front yard or within a designated drainage easement. Coops shall be screened from the view of neighboring properties. The coop structure shall be a minimum of twenty-five (25) feet from any dwelling unit, or occupied structure, on a neighboring property.

5. 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. Excrement shall be collected as often as necessary to keep the area clean and sanitary and so as to avoid detectable odors on neighboring properties.

6. Any feed shall be stored and dispensed in a rodent and predator proof container.

7. Chickens shall not be allowed to roam freely. If allowed outside of their coop or enclosure chickens shall be supervised within a contained area.

8. Any person who keeps chickens in a manner that is inconsistent with these provisions is in violation of the ordinance, and each day that the violation is allowed to occur is considered a separate offense.

9. 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.

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Steve Allender, Mayor
ATTEST:

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Pauline Sumption, Finance Director
(SEAL)