

**CITY OF MONTROSE
ORDINANCE 2020-005**

AN ORDINANCE OF THE CITY OF MONTROSE, SD, AMENDING THE REVISED MUNICIPAL ORDINANCES OF THE CITY BY AMENDING CHAPTER 3.0102(F), HEALTH AND SANITATION, NUISANCES, ACTS, OMISSIONS, AND CONDITIONS PROHIBITED; AND CHAPTER 5.0201, ANIMALS.

BE IT ORDAINED BY THE CITY OF MONTROSE, SD:

Section 1. That Chapter 3.0102(F) of the Revised Municipal Ordinances of Montrose, SD is hereby amended as follows:

- F. Keeping or maintaining any building or enclosure where fowl are kept unless a special permit is requested and such is approved by the City Council. (SDCL 9-29-13)

Section 2. That Chapter 5.0201 of the Revised Municipal Ordinances of Montrose, SD is hereby amended to include the following definitions:

- 4. Fowl. Chickens, ducks, turkeys, and other similar domesticated birds.
- 5. Livestock. Any animal traditionally associated with agriculture including, but not limited to, hogs, cattle, sheep, alpacas, horses, and goats. This definition does not include fowl as defined above.
- 6. Pet. Any domesticated animal traditionally kept in or near a household for the primary purpose of companionship for members of the household and/or companionship for other such animals. This includes, but is not limited to, dogs, cats, guinea pigs, hamsters, rats, mice, rabbits, ferrets, fish, and other animals that a reasonable person would consider a pet. Livestock and fowl shall not be considered pets for purposes of this chapter.

Section 3. That the numbering of every subchapter of Chapter 5.02 is hereby sequentially renumbered beginning with Chapter 5.0210, Number of Pets Limited, as follows:

Current Chapter	Renumbered Chapter
Chapter 5.0210 – Number of Pets Limited	Chapter 5.0212
Chapter 5.0211 – Licensing of Dog and Cat Required	Chapter 5.0213
Chapter 5.0212 – Application for License	Chapter 5.0214
Chapter 5.0213 – License Fee Schedule	Chapter 5.0215
Chapter 5.0214 – License Fee Exemptions	Chapter 5.0216
Chapter 5.0215 – Kennel Licenses Issued	Chapter 5.0217
Chapter 5.0216 – General Prohibitions and Duties	Chapter 5.0218

The purpose and intent of Section 3 of this Ordinance is to leave Chapters 5.0210 and 5.0211 as vacant placeholders for the adoption of Sections 4 and 5 of this Ordinance.

Section 4. That Chapter 5.0210 of the Revised Municipal Ordinances of Montrose, SD is hereby amended to read as follows:

5.0210 Wild Animals and Livestock Prohibited. It shall be unlawful for any person to keep, maintain, or have in their possession or under their control any wild animal or livestock within the City of Montrose. Animal shelters, veterinarian offices, and persons temporarily transporting such animals through the City are exempt from the provisions of this chapter.

Section 5. That Chapter 5.0211 of the Revised Municipal Ordinances of Montrose, SD is hereby amended to read as follows:

5.211 Keeping of Fowl Limited.

A. Chickens and ducks may be kept within the City subject to the following requirements:

1. A maximum of six (6) such animals may be kept on a lot within the City. This is a cumulative maximum. The total number of chicken and/or ducks shall not exceed six (6).
2. Every owner or keeper of fowl shall obtain an annual license from the City Council. A license shall only be issued if the applicant demonstrates that the area the animals are to be kept is appropriate for such purpose and the possession of the fowl will not annoy the comfort, health, safety, or repose of neighboring properties. The City Council may deny any such request when it determines that the allowance of such a permit is not in the best interests of the City. License fee shall be set by resolution of the City Council.

Note: Nothing in this section shall be interpreted as waiving or removing the requirement that an applicant obtain a special permit from the City Council that allows for the keeping and maintaining of a building or enclosure where the fowl are kept. See 3.0102(F).

3. Roosters are prohibited.

B. All other fowl:

1. Turkeys and geese are prohibited.
2. Other breeds of smaller fowl may be considered upon application for an annual license. A license shall only be issued if the applicant demonstrates that the breed to be kept is similar in size and nature to a chicken or duck and that area the animals are to be kept is appropriate for such purpose and the possession of the fowl will not annoy the comfort, health, safety, or

repose of neighboring properties. The City Council may deny any such request when it determines that the allowance of such a permit is not in the best interests of the City. License fee shall be set by resolution of the City Council.

Note: Nothing in this section shall be interpreted as waiving or removing the requirement that an applicant obtain a special permit from the City Council that allows for the keeping and maintaining of a building or enclosure where the fowl are kept. See 3.0102(F).

3. Roosters are prohibited.

C. It shall be unlawful for any person to have any fowl which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or under his or their control to be at large and to go in or upon the private premises of others or upon any public property. See 5.0202.

Adopted this _____ day of _____, 2020.

Mayor

ATTEST:

Finance Officer

Seal

First Reading: _____

Second Reading & Adoption: _____

Publication: _____

Effective Date: _____

Published once at the approximate cost of _____.