

**PLANNING COMMISSION/
BOARD OF ADJUSTMENT MEETING
CITY COMMISSION ROOM
Tuesday, November 14, 2023
7:00am**

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES: October 10, 2023, Board of Adjustments

APPROVAL OF MINUTES: October 10, 2023, Planning Commission

APPROVAL OF MINUTES: October 23, 2023, Planning Commission

APPROVAL OF AGENDA: November 14, 2023

APPEARANCES, ACKNOWLEDGEMENTS, CORRESPONDENCE: None.

OLD BUSINESS (Planning Commission and Board of Adjustment): None.

NEW BUSINESS (Board of Adjustment):

1. Hearing on Appeal No. 703 – Brookings Habitat for Humanity, for a conditional use application that, if granted, will permit the applicant to move in a 1990 modular home on a crawl space foundation. Build an attached garage 22' x 22'. Located on Lot 1 of Heilman's 1st Addition.
2. Decision on Appeal No. 703 – Brookings Habitat for Humanity
3. Hearing on Appeal No. 704 – Brookings Habitat for Humanity, for a conditional use application that, if granted, will permit the applicant to move in a modular home on a crawl space foundation. Build an attached garage 22' x 22'. Located on Lot 2 of Heilman's 1st Addition.
4. Decision on Appeal No. 704 – Brookings Habitat for Humanity
5. Hearing on Appeal No. 705 – Southridge Professional Building, LLC, for a variance application that, if granted, will permit the applicant to build a new office building with a zero setback on the West lot line at 411 SE 10th Street.
6. Decision on Appeal No. 705 - Southridge Professional Building, LLC

NEW BUSINESS (Planning Commission):

1. Discuss Duck ordinance & make recommendation.

PUBLIC INPUT:

ADJOURNMENT:

Any person with a disability wishing to attend any board meeting who may require special arrangements may contact the Finance Office at 256-7500 and all attempts shall be made to accommodate those requests.

**BOARD OF ADJUSTMENT PROCEEDINGS
CITY OF MADISON
October 10, 2023**

The Planning Commission motioned to move into Board of adjustment at 7:03 am.

The following members were present for roll call: Board Members John Groce, Donna Fawbush, Jacob Deboer, Jim Iverson, Roger Olson, Bob Maxwell and Michael Johnson. Also present were Administrative Officials Ryan Hegg. Absent was Jennifer Wolff. The following people were in attendance in addition to the Board and the aforementioned individuals Jennifer Hasleton, Gary Zay, Chad Van Den Hemel, Donna Amert, Crystal Aldana, Al Austreim and Monica Pickard.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 696 – by Woodbury Estates. Mr. Hegg went through the contents of the packet for Appeal No. 696. The applicant is requesting a Conditional Use permit that would allow the applicant to move in a 1978 16' x 80' mobile into Lot #115 at 602 NW 9th Street. The home is a type 3, but in good condition. All new electrical. Al Austreim states it is difficult to get mobile homes, finding this one in good condition was of value.

There were no additional opponents or proponents. Mr. Groce closed the public hearing and proceeded to the decision agenda item for appeal. Motion by Mr. De Boer, second by Ms. Fawbush to approve Appeal No. 696. Roll call vote taken. 5-2 in favor. Motion carried.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 699 – by Woodbury Estates. Mr. Hegg went through the contents of the packet for Appeal No. 699. The applicant is requesting a Conditional Use permit that would allow the applicant to move in a 2007 16' x 70' mobile home into Lot #209 at 602 NW 9th Street. The home has new insulation and all new mobile homes currently being moved in will have new wood decks and new skirting.

There were no additional opponents or proponents. Mr. Groce closed the public hearing and proceeded to the decision agenda item for appeal. Motion by Mr. Iverson, second by Mr. Olson to approve Appeal No. 699. Motion passed unanimously.

This being the time and place set for the hearing on Conditional Use Appeal Request No. 701 – by Crystal Aldana. Mr. Hegg went through the contents of the packet for Appeal No. 701 for a conditional use that if granted, would allow the applicant to move in a 30' x 36' Mortons building at 414 NW 4th Street with a three-foot side setback on the West.

There were no additional opponents or proponents. Mr. Groce closed the public hearing and proceeded to the decision agenda item for appeal. Motion by Mr. Olson, second by Mr. Johnson to approve Appeal No. 701. Motion passed unanimously.

Hearing on Appeal No. 702 is withdrawn by the applicant due to Appeal No. 701 approval.

Motion by Mr. Olson, second by Mr. Johnson to move out of the Board of Adjustment at 7:55 am.

Motion carried unanimously.

Dan Whitlock
Board of Adjustment

PLANNING COMMISSION PROCEEDINGS
CITY OF MADISON
October 10, 2023
7:00 am

Chairman John Groce called the meeting to order at 7:02 am.

The following members were present for roll call: John Groce, Jim Iverson, Bob Maxwell, Roger Olson, Donna Fawbush, Michael Johnson and alternate Jacob DeBoer. Also present was Administrative Official Ryan Hegg and Roy Lindsay. Jennifer Hasleton, Donna Amert, Crystal Aldana, Monica Pickard, Al Austreim, Gary Zay and Chad Van Den Hemel were also in attendance.

Motion by Commissioner Olson to approve the October 3, 2023, Planning Commission minutes, seconded by Commissioner Maxwell. Motion carried unanimously.

Motion by Commissioner Fawbush to approve the October 3, 2023, Board of Adjustment minutes, seconded by Commissioner DeBoer. Motion carried unanimously.

Motion by Commissioner Maxwell to approve the October 10, 2023, agenda. Seconded by Commissioner DeBoer. Motion carried unanimously.

Motion by Commissioner Olson, second by Commissioner DeBoer to move into Board of Adjustment at 7:03am. Motion carried unanimously.

Motion by Commissioner Olson. second by Commissioner Johnson to move out of Board of Adjustment and into Planning Commission at 7:55 am. Motion carried unanimously.

This being the time and place set for the hearing on Rezone Appeal No. 700 by Bill and Monica Pickard, requesting a change of Zoning that, if granted, will change the zoning at 211 SE 4th Street from General Business (GB) to Multiple Family, 2000 Square Foot District (R-20). Ryan Hegg went through the contents of the agenda packet. Pickards are planning to build multi family housing at this address. 75' height limit.

Commissioner Iverson motioned to recommend approval of Appeal No. 700 to the city for approval. Seconded by Commissioner Deboer. Motion carried unanimously.

Public Input: None

Commissioner Johnson motioned to adjourn the meeting. Seconded by Commissioner Fawbush. Meeting adjourned at 8:17 am.

PLANNING COMMISSION PROCEEDINGS
CITY OF MADISON
October 23, 2023
7:00 am

Acting Chairman Jim Iverson called the meeting to order at 7:05 am.

The following members were present for roll call: Jim Iverson, Bob Maxwell, Donna Fawbush, Jennifer Wolff and alternate Jacob DeBoer. Also present was Administrative Official Ryan Hegg. Jennifer Hasleton Gary Zay and Chad Van Den Hemel were also in attendance.

Motion by Commissioner Wolff to approve the October 23, 2023, agenda. Seconded by Commissioner DeBoer. Motion carried unanimously.

Final Plat approval for Dakota Cinema Addition to the City of Madison in Lake County, South Dakota. Discussion regarding future parking lot.

Commissioner Maxwell motioned to approve Final plat. Seconded by Commissioner Fawbush. Motion carried unanimously.

Public Input: None

Commissioner Fawbush motioned to adjourn the meeting. Seconded by Commissioner Maxwell. Meeting adjourned at 7:15 am.

12000 41127

10/29/2009

CITY OF MADISON
CONDITIONAL USE APPLICATION

APPEAL NUMBER 703

APPLICANT (PRINT): Brookings Area Habitat for Humanity PHONE: 605-697-12540
ADDRESS: P.O. Box 412 Brookings SD 57006
OWNER (PRINT): _____ PHONE: 605-697-2540
IF DIFFERENT THAN APPLICANT
ADDRESS: _____

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE CITY OF MADISON SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

Lot 1 Heilman's 1st Add #6284-A

GENERAL AREA OR STREET ADDRESS: Grant and Heilman

EXISTING LAND USE: VACANT EXISTING ZONING: R-20

SIZE OF PARCEL: ACRES / SQFT 820 F LOT DIMENSIONS: WIDTH 61.9 LENGTH 140 DEPTH _____

SURROUNDING LAND USE

NORTH:	<u>Trail Road</u>	<u>RESIDENTIAL</u>
SOUTH:	<u>Lot #2</u>	<u>RESIDENTIAL</u>
EAST:	<u>Lot #3</u>	<u>RESIDENTIAL</u>
WEST:	<u>GRANT AVE</u>	<u>RESIDENTIAL</u>

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT (attach a separate letter of explanation if necessary)

to Deliver a Modular home on a crawlspace foundation and attach a 22x22 Garage

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within one year or additional time as extended from the effective date of the appeal.

SIGNATURE OF APPLICANT _____

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|--|--|
| 1. NORTH DIRECTION | 5. LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2. DIMENSIONS OF PROPOSED STRUCTURE | 6. DIMENSIONS OF FRONT AND SIDE SET BACKS |
| 3. STREET NAMES | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED | |

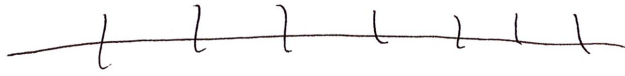
THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

**PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

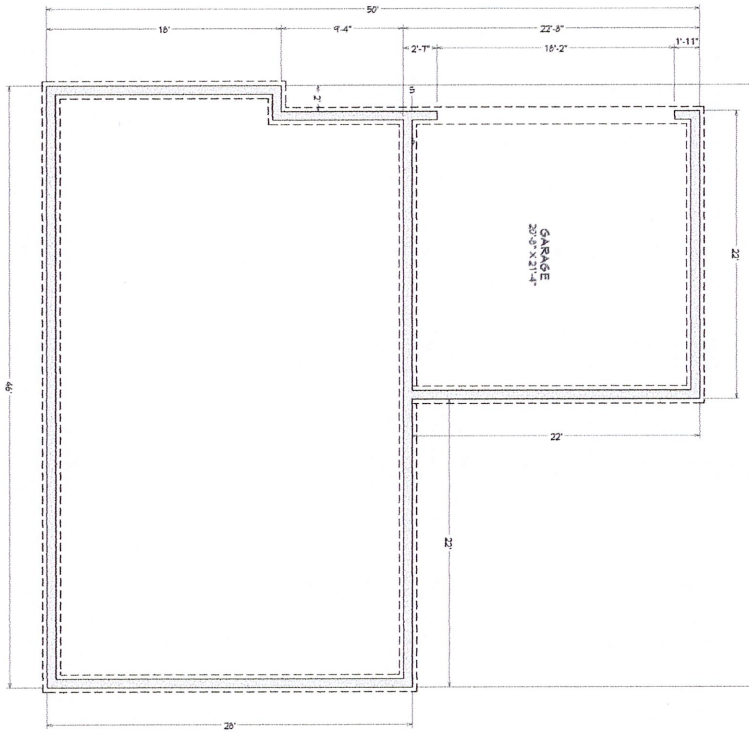
DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____
FEE PAID (NON-REFUNDABLE): _____ YES _____ NO
DATE OF HEARING: _____
ACTION BY BOARD OF ADJUSTMENT: _____

RR



GRANT

Foundation



Lot 2









R00041622e

10/29/2009

CITY OF MADISON
CONDITIONAL USE APPLICATION

APPEAL NUMBER 704

APPLICANT (PRINT): Brookings Area Habitat For Humanity PHONE: 605-697-2540

ADDRESS: PO Box 412 Brookings SD 57006

OWNER (PRINT): _____ PHONE: 605-697-2540
IF DIFFERENT THAN APPLICANT

ADDRESS: _____

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE CITY OF MADISON SOUTH DAKOTA, TO ISSUE A CONDITIONAL USE PERMIT FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

Lot 2 Heilman 1st Add #628 M-B

GENERAL AREA OR STREET ADDRESS: Grant and Heilman

EXISTING LAND USE: VACANT EXISTING ZONING: R-20

SIZE OF PARCEL: ACRES / SQFT 880 LOT DIMENSIONS: WIDTH 63 LENGTH 139.7 DEPTH _____

SURROUNDING LAND USE

NORTH:	<u>Lot 1</u>	<u>RESIDENTIAL</u>
SOUTH:	<u>Heilman Ln</u>	<u>RESIDENTIAL</u>
EAST:	<u>Lot 3</u>	<u>RESIDENTIAL</u>
WEST:	<u>GRANT AVE.</u>	<u>RESIDENTIAL</u>

PLEASE DESCRIBE WHAT YOU PROPOSE TO DO AND WHY YOU ARE SEEKING A CONDITIONAL USE PERMIT (attach a separate letter of explanation if necessary)

Deliver a modular home on a crawlspace foundation. Build an attached
garage 22x22

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within one year or additional time as extended from the effective date of the appeal.

SIGNATURE OF APPLICANT _____

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) _____

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|--|--|
| 1. NORTH DIRECTION | 5. LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2. DIMENSIONS OF PROPOSED STRUCTURE | 6. DIMENSIONS OF FRONT AND SIDE SET BACKS |
| 3. STREET NAMES | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

**PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

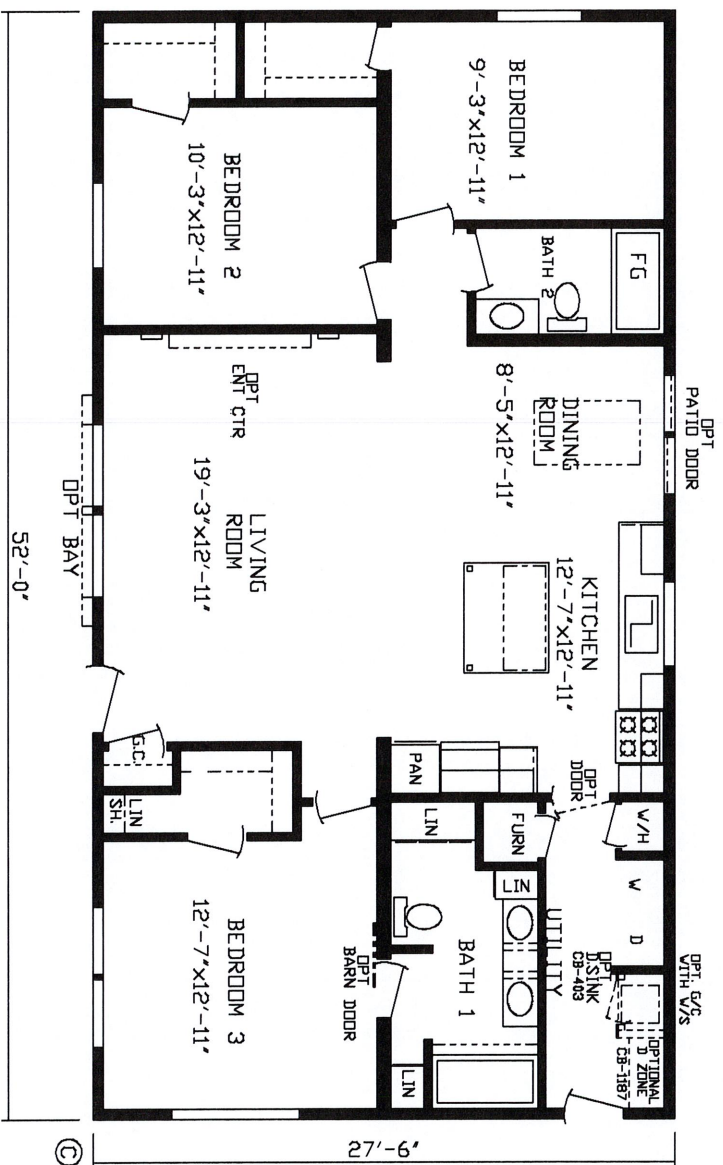
DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____

FEE PAID (NON-REFUNDABLE): _____ YES _____ NO

DATE OF HEARING: _____

ACTION BY BOARD OF ADJUSTMENT: _____

184018MKZ



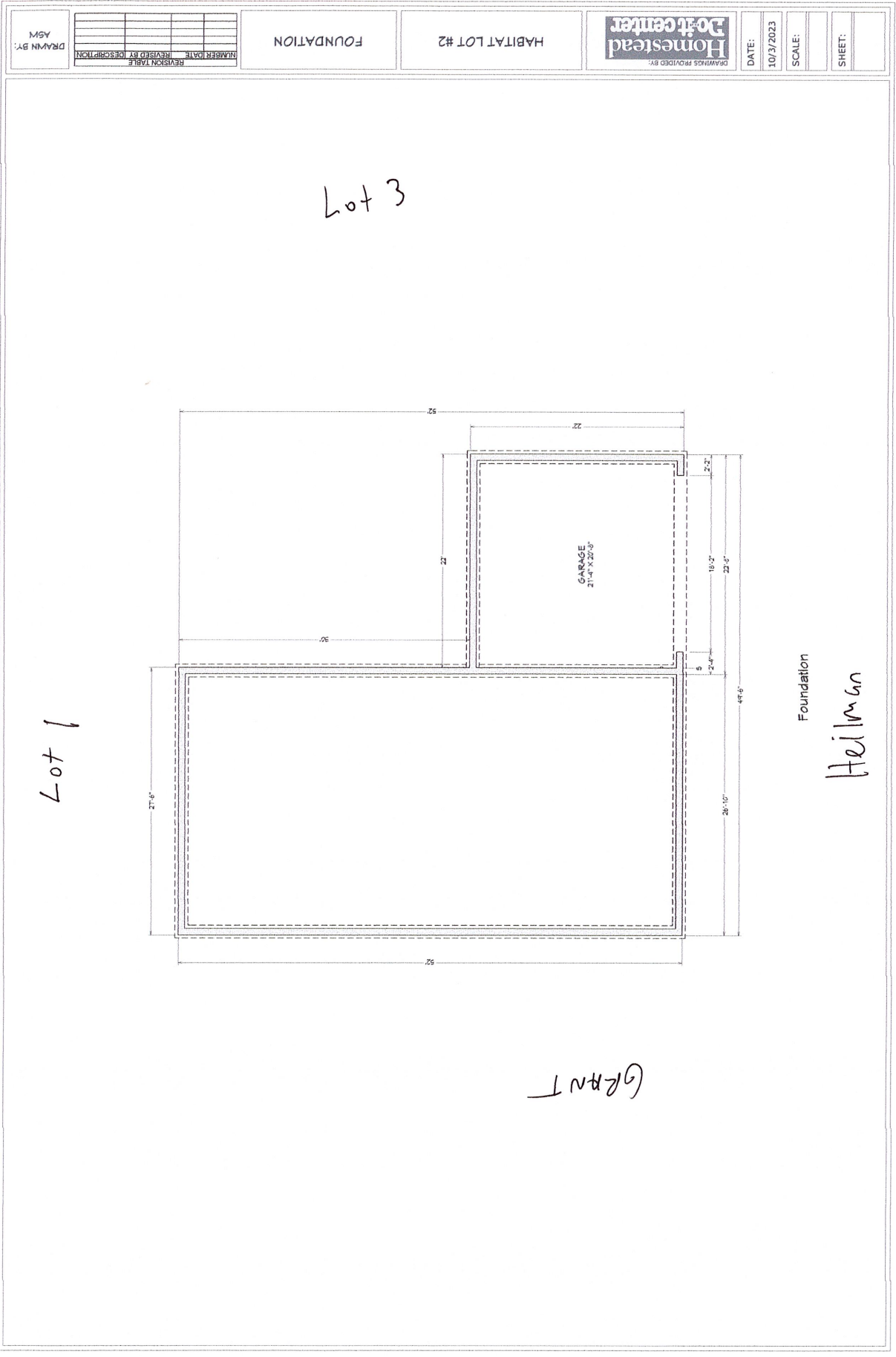
MODEL 5228 3B 2BA CK UTL

SCALE: NTS DATE: 08/06/19 DRAWN BY: DLO

TECHNICAL DRAWING BY: DLO
IN: COMPUTER AIDED SYSTEM

MODULAR

DRAWING NUMBER
184018MKZ



2000 41910

10/29/2009

CITY OF MADISON
VARIANCE APPLICATION

APPEAL NUMBER 705

APPLICANT (PRINT): Smithridge Professional Bldg, LLC PHONE: 605-291-2767

ADDRESS: 411 SE 10th St.

OWNER (PRINT): Ashley Crabtree PHONE: 605-291-2767
IF DIFFERENT THAN APPLICANT

ADDRESS: 115 Woodland Drive

I/WE, THE UNDERSIGNED, DO HEREBY PETITION THE BOARD OF ADJUSTMENT OF THE CITY OF MADISON SOUTH DAKOTA, TO ISSUE A VARIANCE FOR THE PROPERTY DESCRIBED AS:

LEGAL DESCRIPTION (Please print or type)

Lot 1 Bldg 1 Lakeside Ind Park 3rd

GENERAL AREA OR STREET ADDRESS: 411 SE 10th St.

EXISTING LAND USE: Office EXISTING ZONING: Highway Business

SIZE OF PARCEL: ACRES / SQFT 2.0411 LOT DIMENSIONS: WIDTH 292' LENGTH 292' DEPTH _____

SURROUNDING LAND USE

NORTH: Office
SOUTH: Office
EAST: Office
WEST: Office

PLEASE PROVIDE A BRIEF STATEMENT OF THE VARIANCE DESIRED AND PLEASE STATE THE HARDSHIP REQUIRING RELIEF. (Proof of hardship is on the applicant - Hardship examples are odd size or shape of the lot, unusual topography, etc. attach a letter of explanation to document requirements necessary to approve if necessary)

Attached

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within one year or additional time as extended from the effective date of the appeal.

SIGNATURE OF APPLICANT Ashley Crabtree

SIGNATURE OF OWNER (IF DIFFERENT THAN APPLICANT) Ashley Crabtree

NOTE: A SKETCH OF PROPOSED PROPERTY SHALL ACCOMPANY THIS APPLICATION, SHOWING THE FOLLOWING:

- | | |
|--|--|
| 2. NORTH DIRECTION | 5. LOCATION OF PROPOSED STRUCTURE ON LOT |
| 2. DIMENSIONS OF PROPOSED STRUCTURE | 6. DIMENSIONS OF FRONT AND SIDE SET BACKS |
| 3. STREET NAMES | 7. LOCATION OF ADJACENT EXISTING BUILDINGS |
| 4. OTHER INFORMATION AS MAY BE REQUESTED | |

THE BOARD OF ADJUSTMENT MAY REQUIRE THAT SUCH PLANS BE PREPARED BY A REGISTERED ENGINEER OR LAND SURVEYOR.

**PLEASE USE THE ATTACHED SKETCH INSTRUCTION SHEET FOR AN EXAMPLE.

FOR OFFICIAL USE ONLY

DATE FILED WITH ADMINISTRATIVE OFFICIAL: _____
FEE PAID (NON-REFUNDABLE): _____ YES _____ NO
DATE OF HEARING: _____
ACTION BY BOARD OF ADJUSTMENT: _____

The land is currently used as professional offices, and we are proceeding with building a similar professional office building adjacent to Southridge Professional Building. To accommodate the requested square footage for the professional office, we must receive a variance on the west lot line. There are no other adjustments that can be made to fit the building on the lot. The west lot line is uniquely setback, 125' from the edge of the road. The extra setback allows for ample visibility and does not produce any safety concerns but does require the building to be built next to the lot line.

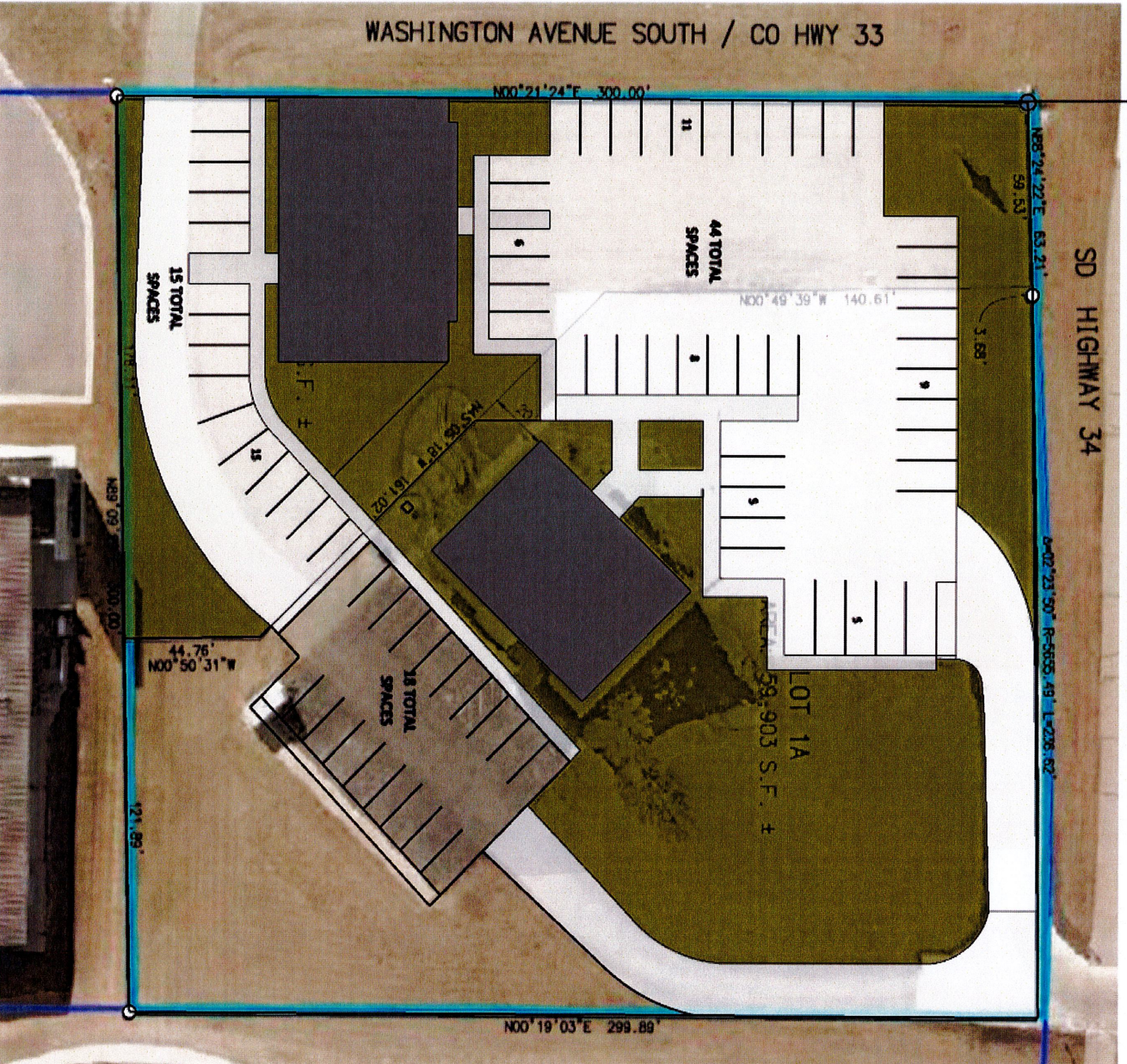
Attached are images of the existing lot, the proposed new plat as well as the new site plan.



PRELIMINARY PLAT

LOTS 1A & 1B, BLOCK 1, LKEVIEW INDUSTRIAL PARK THIRD ADDITION
TO THE CITY OF MADISON, LAKE COUNTY, SOUTH DAKOTA.

SD HIGHWAY 34



WASHINGTON AVENUE SOUTH / CO HWY 33

N00°21'24"E 300.00'

N08°24'22"E 63.21'

59.53'

3.68'

N00°49'39"W 140.61'

44 TOTAL SPACES

11

15 TOTAL SPACES

N08°09'30"E 100.00'

44.76' N00°50'31"W

18 TOTAL SPACES

N00°19'03"E 299.89'



1" = 40'

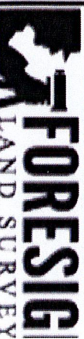
ID:
FOUND PINS

SET 5/8" REBAR AND TAG 'PLS 11114'

D. Ernst, PLS 11114

Date

OWNER:
SOUTHRIDGE PROF BUILDING LLC
PO BOX 58
MADISON, SD 57042



1311 MAIN AVE S, BROOKINGS, SD
PHONE 605.695.6442 Foresig@brookings.sd.gov

DATE: 8/1/23

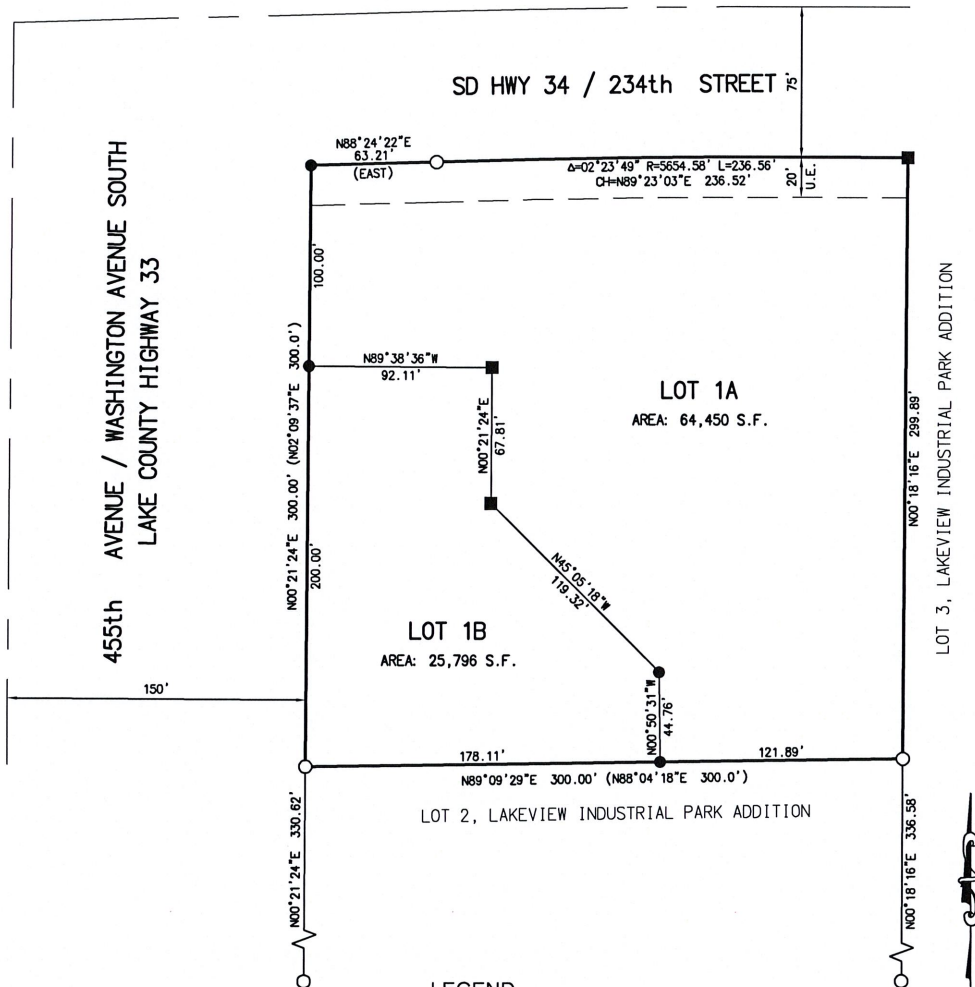
J.N. 23-0

PLAT OF

LOTS 1A AND 1B, BLOCK 1,

LAKEVIEW INDUSTRIAL PARK THIRD ADDITION,

Being a replat of Lot 1 of Block 1 of Lakeview Industrial Park Third Addition, City of Madison, Lake County, South Dakota



LEGEND

- FOUND MONUMENTATION
- SET 5/8" REBAR WITH SURVEY CAP "PLS 11114"
- INDICATES CHISELED "X" IN CONCRETE
- () INDICATES RECORD DISTANCE
- U.E. INDICATES UTILITY EASEMENT (WIDTH AS SPECIFIED)

SCALE: 1" = 60'
September 29, 2023

NOTE:

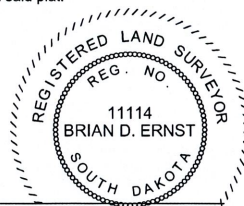
This plat shall vacate Lot 1 of Block 1 of Lakeview Industrial Park Third Addition to Madison, South Dakota, such plat filed July 11, 2002 in book of Plats on Page 5.

SURVEYOR'S CERTIFICATE

I, Brian D. Ernst, a Registered Land Surveyor of the State of South Dakota, do hereby certify that I have, at the request of the owner of the real property hereinafter described, surveyed and platted a parcel of land in the City of Madison, South Dakota, as shown on the attached plat and marked upon the ground the boundaries thereof in the manner shown on said plat, and that the attached plat is a true and correct representation of said survey, and that the parcel of land so platted contains: LOTS 1A & 1B, BLOCK 1, LAKEVIEW INDUSTRIAL PARK THIRD ADDITION, Being a replat of Lot 1 of Block 1 of Lakeview Industrial Park Third Addition, City of Madison, Lake County, South Dakota, the location and dimensions of which are represented on said plat.

IN WITNESS WHEREOF, I have executed this Surveyor's Certificate

this 29th day of September, 2023.



Brian D. Ernst
Registered Land Surveyor No. 11114

NOTES:

BASIS OF BEARINGS ARE ASSUMED.

THIS PLAT WAS PREPARED WITHOUT THE
BENEFIT OF A TITLE COMMITMENT.

FORESIGHT
LAND SURVEYORS
1311 MAIN AVE. S. BROOKINGS, SD 57006
PHONE: 605.695.6442 Foresight@brookings.net

SHEET 1 OF 2

Parking Analysis	Code Requirement	Code Count	Desired Count	Notes
Building A: 5,000 sf				
Madison Family Dental	5 spaces per doctor	15	33	15 for employees, 15-18 for patients
Business Tenants	1 space per 300 sf	17	17	
Building B: 3,500 sf				
Madison Vision Clinic	5 spaces per doctor	5	12	Lakes Family (6 spaces), CU Mortgage (2-3 Spaces), Roadhunter (4 spaces)
Business Tenants	1 space per 300 sf	12	13	
TOTAL		49	75	

Note: Square footage deductions would be taken for circulation spaces, calculated as entire building footprint

ORDINANCE NO. 1664

AN ORDINANCE TO AMEND CHAPTER 5 - ANIMALS BY ADDING ARTICLE VII - DUCKS

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MADISON, SOUTH DAKOTA:

That Chapter 5 of the Revised Ordinances of the City of Madison, also known as the Code of Ordinances, be amended to read as follows:

ARTICLE VII. DUCKS.

Sec. XXX. - Fowl generally.

No person shall keep any geese, turkeys, pheasants, quail, partridges, guineas, or other like domestic fowl within the city limits, except for ducks kept within the provisions of this article.

Sec. XXX. – Definitions regarding ducks.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Ducklings means a baby duck not more than six (6) weeks old.

Duck means a waterbird that serves as a source of eggs or meat.

Coop means the structure for the keeping or housing of ducks permitted by the ordinance.

Exercise yard means a larger fenced area that provides space for exercise and foraging for the birds when supervised.

Hen means a female duck.

Officer means any person designated by the city manager as an enforcement officer.

Drake means a male duck.

Run means a fully enclosed and covered area attached to a coop where the ducks can roam unsupervised.

Sec. XXX. – Revocable permit.

It is the purpose and intent of this ordinance to permit the keeping and maintenance of brooding ducklings and hens for egg and meat sources 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 keeping and maintenance of brooding ducklings and hens is permitted to all residents who comply with all requirements, limitations, or prohibitions of this article. Such permit may be revoked if the person holding the permit refuses or fails to comply with this chapter or with any state or local law governing cruelty to animals or the keeping of animals. Any revocation shall be effective after ten (10) days following written notice thereof to the person or persons keeping or maintaining such ducks. Any person whose permit is revoked within ten (10) days thereafter shall humanely dispose of all ducks being owned, kept, or harbored by such person.

Sec. XXX. - Investigation and Enforcement.

Officers designated by the city shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder, or molest any such officer in the exercise of such powers. The animal control officer shall make investigations as is necessary.

Sec. XXX. – Limitations on the number and keeping of ducks.

- (a) Ducks are not considered domestic pets.
- (b) Ducks may only be kept within areas of the city zoned to permit single family dwellings as a principal permitted use as outlined below.
- (c) No more than six (6) hens shall be housed or kept on any one (1) residential lot. Residents may possess a like number of brooding ducklings intended for the cyclical replacement of hens, but not for the purpose of sale or resale.
- (d) Drake and Hen breeding are prohibited. Drakes must be culled from broods when identified.
- (e) A separate coop is required to house the ducks together with a reasonably satisfactory exercise yard, run, or yard fencing so as to keep ducks confined at all times. Duck facilities must be constructed and maintained to meet the following minimum standards:
 - a. Located in the rear or side yard.
 - b. Setback as required by the zoning district for structures on the real property. Such structures will still require a building permit as specified in Chapter 6.
 - c. Coop construction and materials must be adequate to prevent access by rodents.
 - d. Coops must be maintained in good repair.
 - e. Coops or cages housing ducks 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.
 - f. Coops and manure storage shall be kept twenty (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 duck manure into the city's storm drainage system is prohibited.
- (f) Ducks must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.
- (g) All premises on which ducks 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 as set forth in section 9-3.
- (h) Ducks shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property.
- (i) Except for ducks properly slaughtered for consumption, dead ducks must be disposed of within forty-eight (48) hours after death. Legal forms of duck carcass disposal include burial and off-site incineration or rendering. All slaughtering of ducks shall be conducted so as not to be visible to the public or adjacent property owners and occupants.
- (j) All grain and food stored for the use of the ducks shall be kept in a rodent proof container.

- (k) Ducks shall be kept so that visibility is substantially obstructed at a height of five (5) feet above ground level to the traveling public or surrounding property owners.

Sec. XXX. - Violations.

- (a) Any person violating this article shall be deemed guilty of a class 2 misdemeanor, upon conviction, shall be punished in accordance with a fine amount of \$100 plus court costs.
- (b) Any person violating this article shall reimburse the city for all costs borne by the city to enforce the conditions of this article including but not limited to the collection and humane disposal of ducks.
- (c) All ducks of any person violating this article may be forfeited to the city and may be removed and euthanized and properly buried or otherwise disposed of in a sanitary manner.

Sec. XXX- City Impoundment:

- (a) Due to the risk of disease, the City Animal Control Shelter cannot receive and hold (i.e., impound) ducks that come into the possession of the Animal Control Officer. Therefore, the Animal Control Officer is authorized to euthanize and properly dispose of any ducks found running at large or that come into the officer's possession.

Dated this __ day of November, 2023

CITY OF MADISON

Mayor

Attest: _____
Finance Officer

1st Reading:

2nd Reading:

Published:

Effective: