



PLANNING DEPARTMENT

MEMORANDUM

TO: PENNINGTON COUNTY BOARD OF COMMISSIONERS

FROM: PENNINGTON COUNTY PLANNING DEPARTMENT

ITEM: SECOND READING OF ORDINANCE AMENDMENT / OA 25-18:
Pennington County. To amend Section 322 “Special Animal Keeping Regulations” [to amend and supersede the existing Section 322 “Special Animal Keeping Regulations”] of the Pennington County Zoning Ordinance.

(The Board of Commissioners approved the First Public Hearing of this Ordinance Amendment on March 3, 2026.)

SECTION 322 – SPECIAL ANIMAL KEEPING REGULATIONS

- A. *Purpose.* To establish qualitative standards governing the keeping of large and small livestock and fowl within the unincorporated areas of Pennington County. This Section regulates animal keeping practices based on measurable impacts and performance standards and is intended to preserve and promote the County’s rural and agricultural character; to prevent the creation, maintenance, or continuation of nuisances; and to protect adjacent and nearby property owners, safeguard natural resources, and promote and secure the public health, safety, and general welfare.
- B. *Applicability.* This Section applies to all zoning districts, except Agriculture zoning, within Pennington County outside the jurisdiction of an incorporated municipality.
1. *Exception.* Animal keeping is prohibited in Commercial and Industrial zoning districts.
- C. *Definitions.* In addition to the definitions in PCZO § 103, the following are applicable to this section:
1. *Cattle* means yak, bison, buffalo, cows or any large ruminant animal with horns and/or cloven hoofs.
 2. *Livestock* means all animals of the equine, bovine, or swine type (or similar animals), including, but not limited to, goats, sheep, mules, donkey, burro, horses, hogs, pigs, and cattle; all fowl; rabbits; all ratites, including, but not limited to, ostriches, emus, and rheas; non-traditional livestock including, but not limited to, bison, buffalo, alpaca and llamas; and other similar animals; does not include dogs or cats.
 3. *Enclosure* means any pen, fence, coop, cage, structure, or other facility used for keeping, raising, feeding, sheltering or otherwise maintaining livestock.
 4. *Exotic Animal* means any animal that is not classified as a domestic animal in the United States. This includes animals that are native to foreign countries or have origins outside the United States. Examples include, but are not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo.
 5. *Fowl* means chickens, peafowl, ratites, pigeons, landfowl, waterfowl, and like birds.
- D. *Large Livestock.* Applies to livestock, including cattle, horses, bison, mules, donkeys, ratites, alpacas, llamas and similar size livestock.
1. *Minimum standards.*
 - a. Adequate acreage and safe housing or stabling.
 - b. Proper fencing and containment.
 - c. Manure and waste management to prevent odor, flies, runoff, and groundwater contamination.

- E. *Fowl and Small Livestock.* Applies to all fowl, goats, sheep, miniature pigs, rabbits and similar size livestock.
 - 1. *Minimum Standards.*
 - a. Adequate food, potable water, shelter, and ventilation.
 - b. Clean and sanitary enclosures.
 - c. Adequate manure and waste management.
 - d. Secure fencing or containment.
 - e. Feed storage that prevents rodent and wildlife attraction.
- F. *Impact-Based Standards.* Compliance is determined based on actual practices and impacts, including animal care, sanitation, waste management, containment, and effects on neighboring properties.
- G. *Nuisance Conditions.* In addition to the provisions of Pennington County Ordinance 106, animal keeping constitutes a nuisance if it:
 - 1. Endangers public health or safety; or
 - 2. Allows animals to trespass onto neighboring property or public roadways.
- F. *Legal Nonconforming Animal Keeping.* Any livestock or fowl existing at the time of adoption of PCZO § 322 may remain provided there is no increase in the number of livestock being kept on the property.
- G. *Wild, Exotic or Dangerous Animals*
 - 1. *Ownership or possession.* It shall be unlawful for any person to own, possess or maintain the custody, charge or control of any wild, exotic, dangerous or nondomestic animal, or venomous snake or reptile, or any animal known by such person to be dangerous or wild as regulated by the South Dakota Animal Industry Board.
 - 2. *Sale prohibited.* It shall be unlawful to sell, offer for sale, barter, give away, keep or purchase any “wild animal”, exotic animal or dangerous animal as defined herein or any animal which is wild, fierce, dangerous, noxious or naturally inclined to do harm, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.
 - 3. *Protected species.* It shall be unlawful to keep an animal of a species prohibited, or protected, by South Dakota Game, Fish and Parks.
- F. *Enforcement.* Enforcement shall be initiated upon complaint or official observation.