

AGENDA Tuesday, October 16, 2012
Land Use Committee ***4:30 PM
Carnegie Town
Hall
235 West 10th
Street
*** Committee Meeting will start immediately following the adjournment of
4:00 pm Informational Meeting. This meeting will take place in the
Carnegie Chambers.
1. Call To Order

2. Approval of Minutes

A. Tuesday, September 18, 2012

3. Discussion

A. Vicious Dog Ordinance Revision discussion

B. Public Hearing Notification Update by Mike Cooper, Director of Planning and Building Services

C. Shape Places - Zoning Ordinance Updates by Sam Trebilcock, Transportation Planner

4. Open Discussion

5. Adjournment

Date: 2012-10-16
SIRE Meeting ID: 1820
Meeting Type: Committee Meeting
Subtype: Land Use Committee
YouTube: https://youtu.be/1_hAODriWMU
Agenda Item: Not Assigned
Item ID: 65157

The following document(s) are public records obtained from the
City of Sioux Falls.

1st Reading: _____
2nd Reading: _____
Date Adopted: _____
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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY TO FURTHER DEFINE ~~WHERE~~ WHEN AN ANIMAL CAN BE DECLARED VICIOUS AND TO PROVIDE CERTAIN REQUIREMENTS AFTER AN ANIMAL BITE INCIDENT.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That Section 7-3 of the Revised Ordinances of Sioux Falls, SD, is hereby amended to read as follows:

Section 7-3. Vicious animals.

(a) An animal may be declared to be vicious by the chief of police, or the attending physician of the victim of an animal bite or scratch may request such declaration, under the following guidelines:

(1) An animal which ~~;~~ in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal , upon the streets, sidewalks, or any public grounds or places ~~;~~ ~~or~~.

(2) An animal which ~~;~~ on private property of the owner, possessor, keeper, caretaker, or attendant of the animal; in a vicious or terrifying manner ~~;~~ approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person ~~;~~ or other animal who is on said private property by reason of permission of the owner or occupant of such property or who is on said private property by reason of a course of dealing with the owner or occupant of such private property.

(3) An animal which in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the private property of any other person other than the owner, possessor, keeper, caretaker, or attendant of the animal.

~~(3)~~(4) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the

owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

(b) When the chief of police declares an animal to be vicious, the chief of police shall notify the owner of such declaration in writing that such animal must be registered as a vicious animal within ~~five business~~ fifteen (15) days after the receipt of such written notice. Said notice shall be served either in person or by mailing such notice by certified mail.

(c) The owner of an animal that has been declared vicious shall make application to the animal control office to register such vicious animal and shall comply with the following:

(1) The owner of the animal shall notify animal control of any changes in the following:

- a. Ownership of the animal.
- b. Name, address, and telephone number of a new owner.
- c. Address change of the owner or any change in where the animal is housed.
- d. Any change in the health status of the animal.
- e. Death of the animal.

(2) If the animal is indoors, the animal shall be under the control of a person over 18 years old.

(3) If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than 6 feet, and under the control of a person over 18 years of age.

(4) If the animal is outdoors and unattended, the animal must be locked in an escape-proof kennel approved by animal control. Minimum standards shall include the following:

- a. Fencing materials shall not have openings with a diameter of more than 2 inches. ~~In the case of a wooden fence, the gaps shall not be more than 2 inches.~~
- b. Any gates within such pen or structure shall be lockable and of such design to prevent the entry of children or the escape of the animal.
- c. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
- d. The pen or structure shall protect the animal from the elements.
- e. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.

(5) The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The number and the veterinarian who injected the microchip to be reported to animal control.

(6) A universal sign denoting a vicious animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.

(7) The owner shall carry \$100,000.00 [animal](#) liability insurance covering the medical and/or veterinary costs resulting from the vicious actions or any other damage the animal may do or cause to be done. Proof of such insurance shall be filed with animal control.

(8) The owner shall present proof of current rabies vaccination and current city license of the animal to animal control.

(9) The owner shall present proof the animal has been altered to prevent reproduction to animal control.

(d) The vicious animal shall be impounded by animal control at the owner's expense until such time as all provisions of subsection (c) are complied with.

(e) If the conditions in subsection (c) are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the Sioux Falls ~~A~~[animal](#) ~~C~~[control](#).

(f) Any vicious animal ~~found off the premises of its owner,~~ [not in compliance with other than provided for in](#) this article, shall be seized by the animal control officer or any police officer and impounded. If the animal cannot be captured, it may be destroyed. If the animal has been running at large, or bites a person, or bites another animal, the animal control officer or any police officer may order the owner to deliver the animal to the animal shelter within 24 hours and the owner ordered to appear in court to show cause why this animal shall not be destroyed. If the owner of the animal fails to deliver the animal as ordered, the animal control officer or any police officer shall use such means as is necessary to impound the animal.

Section 2. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 7-3.1 to read:

Section 7-3.1. Immediate notice of bite.

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately by the quickest means of communication give notice of such incident to animal control or the police department and remain on scene until the responding animal control officer or police officer has indicated the person may leave.

Section 3. That the Revised Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 7-3.2 to read:

Section 7-3.2. Duty to give information, render aid.

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately stop and give his or her name and address and shall render to any person injured reasonable assistance.

Date adopted: _____.

Mayor

ATTEST:

City Clerk

Date: 2012-10-16
SIRE Meeting ID: 1820
Meeting Type: Committee Meeting
Subtype: Land Use Committee
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~~(2) An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person, or other animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.~~

~~(3)~~(2) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

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A Zoning Ordinance
Comprehensive Update
City Council Land Use Committee Meeting #3
October 16, 2012

Public Involvement Plan

- August
 - Review a summary of new Zoning Ordinance with Study Group, City Council Land Use Committee and Planning Commission Informational
- September
 - Roll out the full draft ordinance
 - Review with Study Group, City Council Land Use Committee and Planning Commission Informational
 - Press Conference, Open House and Web review option
- October
 - Roll out the updated draft zoning map
 - Review with Study Group, City Council Land Use Committee and Planning Commission Informational
 - Press Conference, Open House and Web review option
- November
 - Make any necessary changes
 - City Council Informational and Planning Commission
- December
 - Planning Commission and City Council Public Hearings



What is Shape Places?

- “Shape Places” is a context-based zoning ordinance and major update of the current Zoning Ordinance that was last updated in 1983. The new zoning ordinance will provide:
 - More Development Options
 - Consistent and Predictable Regulations
 - New or Innovative Site Planning Options
 - A User-Friendly Format



When can we move forward?

- The goal of the Study Group is to reach a consensus that adequate opportunity for comment has been provided and that the group believes that the process has been fair



Current vs Proposed Scenario

Residential Scenario

#1 CONDITIONAL USE PERMIT in the RD, Residential District to allow a four unit residential building on a local street.

Currently

- Allowed as a conditional use with the following standard: *“Dwellings shall be located in areas where they are compatible with adjacent uses with regard to traffic, size, density and other significant factors.”*
- This creates confusion. Any form and/or use allowed in a zoning district should be generally compatible with each other.

Proposed

- Allowed as a permitted use in the new RD-2 District (as a AD3 form). So, this use would need to rezone to be eligible to build in this area. The standard for this rezoning would be to meet compatibility guidelines set out in the Shape Sioux Falls Comprehensive Plan – see compatibility chart.

What Are We Hearing So Far?

- Open House last week – 32 people attending
- More presentation requests
- Generally positive remarks
- Many questions
- How will the Transition Period work?
- Allow for a Year review period with recommendations for needed changes
- When will Zoning Map be available?



New Zoning Map

- Will be available on City of Sioux Falls website
- Available close to November 1st
- Will allow to search by address
- Open House in Mid-November
- Take comments by e-mail, open house, phone call
- **Goal 1: To allow all property to operate at the same land use level that it does now.**
- **Goal 2: To reduce non-conforming uses**

