

ORDINANCE NO. B2004-01-39B

AN ORDINANCE TO AMEND SECTION 1102.03, "SPECIAL EXCEPTIONS" [ARTICLE IX: "CI – COMMERCIAL/INDUSTRIAL DISTRICT TO INCLUDE "CUSTOM PROCESSING AND SLAUGHTERHOUSE"]; ARTICLE XIV, "GENERAL STANDARDS FOR CUSTOM PROCESSING AND SLAUGHTERHOUSE ACTIVITIES", ADOPTED BY ORDINANCE B2004-01, AS AMENDED, OF THE ZONING ORDINANCE OF DEUEL COUNTY.

BE IT ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that SECTION 1102.03, "SPECIAL EXCEPTIONS" [ARTICLE IX: "CI – COMMERCIAL/INDUSTRIAL DISTRICT], adopted by Ordinance B2004-01 on July 6th, 2004, as amended, of the Zoning Ordinance of Deuel County be amended by adding language in bold and underline font:

Section 1102.03 Special exceptions

18. Others which, in the opinion of the Board of Adjustment would not conflict with adjoining land uses.;

19. Custom Processing and Slaughterhouse Activities

BE IT FURTHER ORDAINED by the Board of County Commissioners of Deuel County, South Dakota: that Article XIV, "GENERAL STANDARDS FOR CUSTOM PROCESSING AND SLAUGHTERHOUSE ACTIVITIES" adopted by Ordinance B2004-01 on July 6th, 2004, as amended, of the Zoning Ordinance of Deuel County be amended by adding the following Chapter in bold and and underline font:

**ARTICLE XIV
GENERAL STANDARDS FOR CUSTOM PROCESSING AND SLAUGHTERHOUSE
ACTIVITIES**

Section 1400. Purpose and Intent.

The purpose of the provisions on Custom Processing and Slaughterhouse activities is to:

1. Recognize that food, in its various forms, is essential to the health and well-being of Deuel County, and that the unregulated operation of processing facilities and slaughterhouses may create health hazards, or otherwise jeopardize the public health and welfare of the residents of Deuel County.
2. It is the intent of Deuel County to attempt to frame this Ordinance consistently with the definitions and regulations already in place in state law so as to provide for the consistent and convenient regulation of custom processing and slaughterhouses.

3. It shall be unlawful for any person to operate a custom processing or slaughterhouse facility for the butchering of animals in Deuel County except in conformance with this Ordinance.

Section 1401. Definitions.

To the extent that these definitions may be inconsistent with other definitions within the Deuel County Zoning Ordinance, for the purposes of this Article XIV, these definitions apply. These definitions do not apply to other sections of the Deuel County Zoning Ordinance.

Animal or Animals. “Animal” or “Animals” shall mean all living, non-human beings, including but not be limited to, cattle, swine, sheep, goats, farmed cervidae, horses, bison, mules, or other equines, llamas, poultry and/or ratitae. “Animal” or animals” does not include wild game.

Animal Units. “Animal Units” as used herein shall mirror the definition of “Animal Units” set forth in Section 1301 of the Deuel County Zoning Ordinance.

Custom Processing. “Custom Processing” means slaughtering, eviscerating, dressing, or processing an animal or processing meat products for the owner of the animal or of the meat products, if the meat products derived from the custom operation are returned to the possession of owner of the animal.

Custom Processor. “Custom Processor” means a person or entity in the business of slaughtering or processing meat (*whether or not such operation is under continuous inspections by either the SD Dept. of Agriculture or US Dept. of Agriculture for slaughterhouse activities*) for an owner of the animals, and returns the majority of the meat products derived from the slaughter or processing to the owner. “Custom Processor” does not include a person or entity who slaughters animals or processes meat for the owner of the animals on the farm or premises of the owner of the animals. “Custom Processor” does not include (a) a person or entity that custom processes fewer than 20 Animals, as that term is defined in this Section 1401, per month; (b) a person or entity who processes exclusively wild game; and/or (c) a person or entity who processes fewer than 20 Animals, as that term is defined in this Section 1401, per month and processes wild game.

Meat Food Product. “Meat food product” means a product usable as human food, animal foods, or fertilizer and made wholly or in part from meat or a portion of the carcass of animals.

Place of Business. “Place of business” means every location where food or food items are manufactured, processed, sold, stored, or handled, including buildings, sites, permanent or portable structures, carnivals, circuses, fairs, or any other permanent or temporary location.

Sell or Sale. “Sell” or “sale” includes the keeping, offering or exposing for sale, use, transportation, transferring, negotiating, soliciting, or exchange of meat or meat food products, or the having in possession with intent to sell, use, transport, negotiate, solicit or exchange the same and the storing or carrying thereof in aid of traffic therein, whether done or permitted in person or through others.

Slaughterhouse. "Slaughterhouse" means any land, building, facility, place or establishment in which animals are slaughtered, eviscerated, or dressed but where the majority of the meat products derived from the slaughter of animals is not returned to possession of the owner.

Section 1402. Regulations.

1. No person may, with respect to any animal or meat food product, slaughter any animal or prepare an article that is usable as human food, at any establishment or place of business within Deuel County except in compliance with this Ordinance. Additionally, no person may operate any Slaughterhouse or Custom Processing activity except in compliance with this Ordinance.
 2. The operation of a Slaughterhouse or Custom Processing activity is allowed as a Special Exception use only in the "CI" Commercial/Industrial Zoning District. All such uses must, however, be in strict conformance with all federal and state laws for the operation of such facilities. The following are general conditions to govern Slaughterhouse and Custom Processing activities in Deuel County:
 - a. Slaughter of animals shall take place inside a closed building in a confined area to substantially prevent the transmission of sound associated with the slaughter to the outside of the closed building.
 - b. The transport of animals and by-products from the slaughter or to support the business shall be pursuant to the conditions set forth in the Special Exception Permit issued by Deuel County.
 - c. Off street parking sufficient to handle all customers, employees, trucks or transport vehicles shall be provided. Parking for all traffic utilizing the business shall be provided for on-site and off public roads, and other easements.
 - d. The applicant shall provide a traffic impact analysis prior to the issuance of a building permit for the construction of any structure.
 - e. The main entrance of traffic to a Slaughterhouse must be located on a state highway, or county road. Access shall not be permitted through a residential area.
 - f. The site must be served by an approved on-site sewage treatment system. Disposal of waste shall be in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, manure, entrails, blood, hides and bones.
 - g. The facility must have all necessary federal, state and county licenses and approvals, and comply with all state and federal health and safety regulations.
 - h. The maximum area (indoor, outdoor or combination thereof) for the keeping or slaughtering of animals shall not exceed sixty percent (60%) of the individual lot or parcel site. This does not include the size of the facility as a whole but is limited to the size of area where animals are kept and the area inside the facility where animals are actually slaughtered. The Special Exception Permit will limit the number of animals for the keeping or slaughtering.
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- i. The facility hours of operations shall be pursuant to those set forth in the Special Exception Permit issued by Deuel County.
 - j. Exterior storage areas, including animal storage areas, and vehicle and trailer storage, shall be reasonably fenced and/or otherwise screened from adjacent property and public rights of way. Fencing shall be sufficient to provide adequate screening and contain animals securely on the owner's property at all times.
 - k. Animals shall be enclosed in gated enclosures with a minimum height of six (6) feet.
 - l. Manufactured steel pipe panels shall have a minimum pipe diameter of two (2) inches and shall have a minimum of six (6) horizontal pipes.
 - m. Except in extraordinary circumstances, live animals may be held on the site for no more than twenty-four (24) hours.
 - n. Waste slaughter byproducts shall be disposed of in accordance with all applicable federal, state, and local regulations. Waste shall be stored in airtight containers and shall be confined in fully enclosed structures. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor as approved by Deuel County.
 - o. The Special Exception permit shall be subject to a facility management plan, nutrient management plan, waste handling plan, site plan, and noise and odor control plan approved in writing by the Deuel County Board of Adjustment.
 - p. All exterior structures and improvements or fences for the keeping or confinement of slaughter animals shall satisfy setbacks from residences, churches, businesses, and incorporated municipal limits as required of Class D & E Concentrated Animal Feeding Operations as set forth in Section 1303 of the Deuel County Zoning Ordinance. If the Slaughterhouse processes more than 499 Animal Units per day, the minimum setbacks shall be increased as set forth in Section 1303 of the Deuel County Zoning Ordinance. The Board of Adjustment reserves the right to increase the minimum required setbacks on a site-specific review to safeguard air or water quality or to protect the public health, safety and welfare. Variances of the setbacks contemplated by Section 1303 may be considered by the Board of Adjustment.
 - q. All loading and unloading areas shall be reasonably screened from view from adjacent properties and public rights of way.
3. The County Board of Adjustment or Board of County Commissioners may make reasonable requests for additional information relating to a Slaughterhouse or Custom Processing facility not contained in these regulations.
 4. The County Board of Adjustment or Board of County Commissioners may impose, in addition to the standards and requirements set forth in these regulations additional conditions which the Board of Adjustment or Board of County Commissioners consider necessary to protect the public health, safety and welfare.
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5. Special Exception permit applicants will be required to file a letter of assurance as required by the Board of Adjustment.

Section 1403. Permitted Uses.

1. Said provisions of Section 1402 will not apply in the following cases unless such activity is of a level, nature or scope that a permit, license, or other approval from federal, state, or local unit of government is needed. In the event that such approval is warranted, then the provisions of Section 1402 shall apply and a Special Exception Permit shall be required:
 - a. The processing by a person of the person's own animals and the owner's preparation and transportation in intrastate commerce of the carcasses, parts of carcasses, meat, and meat food products of those animals exclusively for use by the owner and members of the owner's household, non-paying guests, and employees, or to the Custom Processing by a person of animals delivered by the owner for processing.
 - b. The butchering, slaughtering or processing of any wild game taken by permit issued by the South Dakota Department of Game, Fish and Parks, or on Private Game Farms, is a permitted accessory use in all zoning districts of the County.

Section 1404. Required Information for Custom Processing and Slaughterhouse Special Exception Permit

1. Owner's name, address and telephone number.
 2. Legal description of site and site plan.
 3. Maximum number and type of live animals allowed on site in a 24-hour period.
 4. Maximum number and type of animals to be slaughtered in a 24-hour period.
 5. Nutrient management plan.
 6. Manure management and operation plan.
 7. Management plan for fly and odor control.
 8. Information on ability to meet designated setback requirements, including site plan to scale.
 9. Review of plans and specifications and nutrient management plan by the South Dakota Department of Agriculture & Natural Resources if using lagoon or earthen storage basin.
 10. Information on soils, shallow aquifers, designated wellhead protection areas, and 100-year floodplain designation.
 11. Notification of whomever maintains the access road (township, county and state).
 12. Notification of public water supply officials.
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13. Any other information as contained in the application and requested by the County Zoning Officer, the Board of Adjustment or the Board of County Commissioners.

Section 1405. State and Federal Licenses or Permits.

No person or entity shall operate a Slaughterhouse or Custom Processing facility unless that person or entity has first obtained all required state or federal licenses or permits.

Section 1406. Severability.

If any portion of this Ordinance is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof

Passed and adopted this ___ day of _____, 2021.

Gary DeJong
Chairperson
Deuel County, SD

Mary Korth
Auditor
Deuel County, SD