



CITY OF RAPID CITY

RAPID CITY, SOUTH DAKOTA 57701-2724

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MEMORANDUM

TO: Mayor & City Council

FROM: Joel P. Landeen, City Attorney

DATE: 6/26/15

RE: Request for Clarification on goats as Therapy Animals

At the last City Council meeting Scot Glassgow requested that his wife be allowed to continue keeping dairy goats at their home as “therapy” service animals. The City received a complaint regarding the goats and the Humane Society started the process of removing the goats. The process has been held in abeyance to let the Glassgow’s make the request to the City Council that they be allowed to keep the goats.

ANALYSIS

The keeping of livestock within the City is strictly limited. The City Code prohibits the keeping of livestock, including goats, within a 150 feet of a residence and the only exceptions are if the lot is at least 3 acres in size or the land is zoned for agricultural use. Neither exception is applicable in this case. Here is the language of the relevant section:

6.08.020 Keeping of fowl or livestock near dwellings.

A. The maintenance of coops, structures or enclosures and the keeping therein of chickens, ducks, geese, turkeys or other fowl, except as provided herein, and the keeping of cattle, horses, mules, donkeys, swine or **goats** within 150 feet of any building or structure occupied by, or intended to be occupied by, human beings as a residence, within the city, is unlawful and a public nuisance, except as set forth in this section.

B. 1. The regulations in subsection A. of this section shall not apply to the residence upon the lot where the animals are kept, housed or maintained.

2. Nothing in this title shall be construed as a limitation or restriction of normal agricultural activities on any land zoned as a general agricultural district as set forth in Title 17 of this code.

3. ***The keeping of animals as set forth in subsection A. of this section shall require a parcel or lot size of not less than 3 acres.***

The Glasgow's have asserted the goats are therapy service animals and should be exempt for the City's prohibitions on the keeping of livestock. Generally, service animals are exempted from laws and regulations applicable to pets. However, due to recent changes in federal law, the definition of what constituted a "service animal" has been drastically reduced. These changes were made to address perceived abuses of the exceptions for service animals by people who would obtain doctor notes for animals with no special training that were essentially pets. The revised definitions state that service animals are dogs or miniature horses with special training to do work or perform tasks for a person with a disability. The new regulations specifically exclude animals whose sole function is to provide comfort or emotional support.

CONCLUSION

Based on the changes in federal law, the goats do not qualify as service animals and are not exempt from the City's prohibition against the keeping of livestock. If the City Council wants to accommodate the Glasgow's request, you would need to direct that staff amend the City code to remove, or drastically modify, the prohibition against the keeping of goats or other livestock within the City.