

Chapter 4-5: Dogs / Cats

- 4-5-1 License Required. Each animal over the age of three (3) months shall be licensed by the City. (SDCL 9-29-12)
- 4-5-2 Application for License. The owner or keeper of any animal three (3) months of age or older shall submit to the Finance Officer a license application for each animal, the license fee, and rabies immunization certification.
- 4-5-3 Terms of License Fees. The license fee will be determined by the City Council, and will be on file with the Finance Officer.
- 4-5-4 Tag Required for Pet. It shall be the duty of the Finance Officer at the time of issuance of the license herein provided for to furnish and deliver to said applicant a metallic tag for each dog or cat for which such license is issued, upon which tag shall be stamped or engraved the registered number of the dog or cat and the year when registered; and it shall then be the duty of the owner of the dog or cat to place a collar around the neck of such dog or cat so owned or kept by him on which collar shall be securely fastened the metallic tag so furnished by the Finance Officer; provided, that in case of the loss of any tag so issued, the Finance Officer is authorized to issue a duplicate thereof upon payment to him of the actual cost of same upon application being made therefore and upon satisfactory proof that such tag has been lost. It is the owner of the pet that is responsible to get the tag/license.
- 4-5-5 Proof of Inoculation. That in addition to the payment of the license fee as herein set forth, applicant shall exhibit to the Finance Officer a certificate by a registered veterinarian showing that such dog or cat has been inoculated against rabies and that said inoculation will be effective during the period for which the dog or cat is licensed.
- 4-5-6 Notification of Loss or Death of animal. The owner or keeper of the animal shall notify the City of the loss or death of such animal.
- 4-5-7 Record and File. The Finance Officer of the City shall keep in his/her office a register containing the names and general description of the dog or cat and the number of the license granted and shall issue a receipt for such payment, which must be presented to him/her for the numbered tag herein provided for.
- 4-5-8 Removing Collar. No person shall destroy the tag or remove that collar to which it is attached on any licensed dog or cat, nor shall any person wrongfully kill, maim, entice, or carry away any dog or cat licensed and collared as aforesaid.
- 4-5-9 Dogs and Cats Shall Not be Killed Promiscuously. No licensed dog or cat shall be killed without an attempt first been made by the Mayor or City Council to locate its owner, for which the owner shall pay said City upon surrender of his/her pet a fee determined by the City Council and on file with the Finance Officer.

- 4-5-10 Vicious Dogs and Cats. Any dog or cat that is known to be vicious or dangerous is hereby prohibited from being allowed to run at large in the City and shall be killed by or under the direction of the Mayor or City Council whether same is licensed or not.
- 4-5-11 Running at Large. It shall be unlawful for any person who keeps, harbors, maintains, or who has in his or her custody or under their control any dog or cat, to permit such dog or cat to run at large within the City.
- 4-5-12 Other Animals Running at Large. The running at large of horses, cattle, mules, asses, goats, sheep, swine, geese, turkeys, ducks, chickens, and other fowl upon the streets, alleys, and public grounds of the City shall be deemed and is hereby declared to be a nuisance.
- 4-5-13 Restrictions. All dogs and cats must be chained or so confined at all times during all the months of the year so as not to reach the sidewalk or onto another person's property.
- 4-5-14 Control Exception. Dogs and cats may be taken out for exercise on sidewalks or streets provided they are led on a chain or leashed by some person who is capable of controlling the animal.
- 4-5-15 Keeping of Predators. The keeping of predators such as skunks, foxes or raccoons as pets is not permitted.
- 4-5-16 Removal of Dangerous Animal. The City Council is empowered to instruct any person in the limits of the City to remove from said limits any animal deemed dangerous or a public nuisance.
- 4-5-17 Penalty: Dogs/Cats. Any person or persons violating any of the provisions of this chapter or evading or attempting to evade the provisions thereof, or who shall refuse to comply with the same, or who shall in any manner interfere with any law enforcement officer, or any person engaged in carrying out the provisions in this ordinance and in the discharge thereby shall, upon conviction thereof, shall be punishable by a fine set by the City Council and on file with the Finance Officer.

Chapter 5-3: Animals

Definitions.

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

- A. At Large.

1. An animal when off or away from the premises of the owner, possessor, keeper, or agent or servant of such person and not under the control of the owner, possessor, keeper, agent, servant, or a member of his immediate family by a leash.
2. An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises.

B. Leash. A cord, thong, or chain, not to exceed six (6) feet in length, by which an animal is controlled by the person accompanying it.

C. Owner. Any person harboring or keeping an animal and who is the head of the household of the residence or the owner or manager in charge of the establishment or premises at which an animal remains or returns to.

5-3-1

Types of Allowable Animals. No person shall keep, maintain, harbor, picket or have in custody or under their control or within any structure any animal for any length of time within the City, except as otherwise provided in this title. Neither shall any structures be constructed for the purpose of housing or maintaining any animals that are designated unlawful to be kept inside the municipal boundary limits of the City.

A. Allowable small animals/pets include those that can be bought from a commercial pet store in the State of South Dakota; except alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snakes or any snake not native to South Dakota, prairie dogs, poisonous insects, hybrids, member of the phylum species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for customary household pets. Allowable animals authorized by this ordinance can be kept within the City municipal boundaries.

B. No large domesticated livestock or domesticated fowl of any kind including but not limited to, horses, cows, goats, swine (including pot belly pigs), sheep, ducks, geese, chicken, pigeons, turkeys, guineas, etc. are allowed to be kept within in the city limits except during special events or with special permission of the City. During special events no person shall stake any domestic animal in such a manner as to permit it to approach within 100 feet of any residential dwelling or building used for human habitation other than that of the owner of such animal.

5-3-2

Running at Large Prohibited. It shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or under his or their control to be at large and to go in or upon the private premises of others or upon any public property. The fine for an animal running at large is fifty (\$50.00) dollars. It shall be one hundred (\$100.00) dollars

for each additional offense for the same animal.

Allowing an animal to run at large as defined in the provisions of this section, shall also constitute a Class 2 misdemeanor. Notwithstanding any other provision, any animal not having a visible tag and running at large may be deemed a stray and destroyed immediately.

5-3-3

Impoundment. The City Council shall be authorized to enter into a contract with some person, association or Humane Society to establish, operate and maintain an animal shelter for the City. Such contract shall provide for the enforcement of this chapter, for the impounding, destroying and disposal of animals, for a schedule of fees to be charged for services rendered, and for a monthly amount to be paid by the City. The City may, in lieu of the provisions of this section, maintain its own impoundment area or quarters, under the supervision of the City Council. All services incurred by the City will be reverted to the owner of said animal.

An owner reclaiming an impounded animal shall pay the actual cost of impoundment plus the following fee: First impoundment shall be \$25.00; second impoundment within a twelve (12) month period shall be \$50.00; any subsequent impoundment within a twelve (12) month period shall be \$100.00. Upon impounding, the owner of such animal may at any time within two (2) working days after the same shall have been impounded, reclaim the animal by paying the expense of keeping such animal in addition to the fee prescribed by this section. If any animal so impounded shall not be reclaimed within two (2) working days and reasonable efforts to locate the owner have failed, the City is authorized to destroy, sell, or otherwise dispose of such animal.

No person shall hinder, delay, or obstruct any law enforcement officer or other authorized official when engaged in capturing, securing or impounding any animal.

5-3-4

Compulsory Vaccination of Animals for Rabies. Every dog, cat or other animal susceptible to rabies, held as a domestic pet in the City, six months of age or older, shall be vaccinated against rabies by a licensed veterinarian. Vaccination against rabies shall be given at such intervals that guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine and based upon the recommendations and approval of the State Veterinarian.

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal vaccinated against rabies within one month following acquisition or when the animal reaches the age of six months.

Any animal impounded shall not be released to any person until such animal has been vaccinated against rabies; provided, however, no animal so impounded shall be vaccinated if the owner can present a certificate of a current vaccination.

All veterinarians or other qualified persons designated to vaccinate animals against rabies shall provide the owner at the time of vaccination with a certificate or metallic tag showing the date of the vaccination. Whenever metallic tags are so given for vaccination, such metallic tags shall be worn by all animals on a collar, harness, or chain when off the premises of the owner.

5-3-5

Responsibility of owner to Place Animal for Observation. When any person owning or harboring a dog, cat, or other animal has been notified that the animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of the animal control officer or a licensed veterinarian for a period of not less than ten (10) days.

At the end of ten (10) days observation period, the animal shall be examined by a licensed veterinarian and if cleared by the veterinarian, may be reclaimed by the owner upon paying the expenses incident thereto.

Any animal impounded or placed for observation, showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies.

Any person who shall suspect that any animal in the City is infected with rabies, shall report the animal to the animal control officer, the City, or other health authority, describing the animal and giving the name and address of the owner if known.

Whenever the animal control officer, a law enforcement officer or other authorized official shall have determined that there is danger of the existence or spread of rabies in the City, such facts shall be made known to the City Council in writing. The City Council, upon receipt of said facts, may by proclamation, in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the proclamation is issued, all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animal fail. All animals seized and impounded shall be held for observation as hereinbefore provided for, not less than ten (10) days, and if cleared by a licensed veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of as hereinbefore provided.

5-3-6

Vicious Animals.

- A. An animal may be declared to be vicious by the animal control officer, a law

enforcement officer or other authorized official, 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, 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, an employed person of the City, law enforcement official, or any person or 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. 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. Any mammal, reptile or fowl which is not naturally found in a domestic setting, and because of its size or other characteristic would constitute a danger to human life or property is automatically deemed vicious.
- C. When an animal is declared to be vicious, the City shall notify the owner of such declaration in writing. Said notice shall be served either in person or by mailing such notice by certified mail. If the owner disagrees with the finding of viciousness, he or she may request, in writing a hearing before the Vicious/Dangerous Animal Review Board within 5 business days after receiving the City's notification. The Vicious/Dangerous Animal Review Board shall hold a hearing not less than 3 or more than 10 business days after receiving the owner's written request of such hearing.
- D. Vicious/Dangerous Animal Review Board - the Vicious/Dangerous Animal Review Board as established by the City Council shall have the authority to review viciousness findings and determinations made by the animal control officer, a law enforcement officer or other authorized official. The Board as appointed by the Mayor shall consist of a city official as head of the board, a licensed veterinarian and a citizen of the City. The Vicious Animal Review Board shall make an independent determination of the animal's dangerousness. The decision may be issued at the hearing, but in any case, shall be issued within 3 business days after the hearing. Such decision shall be in writing and delivered either in person or by certified mail. All costs incurred by the City involving the Vicious/Dangerous Animal Review Board shall be passed onto the owner of said vicious/dangerous animal.
- E. The owner of an animal that has been deemed vicious by the Vicious/Dangerous Animal Review Board shall comply with the following:

1. Register the animal as vicious with the City and present proof of rabies vaccination within five (5) days of receiving the notice and presenting proof of rabies vaccination on or before March 1st of each and every year thereafter.
2. Whenever the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six (6) feet, and under the control of a person over sixteen (16) years of age.
3. When the animal will be outdoors and unattended, the animal must be locked in an escape-proof kennel approved by the City. Minimum standards shall include the following:
 - a. Fencing materials shall not have openings with a diameter of more than two (2) inches.
 - b. Any gates within such pen or structure shall be lockable and of such design as 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 permanent bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - d. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
4. 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.
5. The owner of the animal shall notify the animal control officer, county law enforcement officer, or Finance Officer of any changes in the following:
 - a. Ownership of the animal including name, address and telephone number of a new owner.
 - b. Address changes of the owner or any change in where the animal is housed.
 - c. Any change in the health status of the animal.
 - d. Death of the animal.
- F. The vicious animal shall be impounded by animal control at the owner's expense until all provisions of Section D are complied with. If the conditions in Section D are not complied with within ten (10) days after receiving notice, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the City.
- G. If a vicious animal has been running at large, or bites a person or bites another animal, the animal control officer, a law enforcement officer or other authorized official shall seize the animal by using such means as are necessary and summon the owner to appear in court to show cause why this animal should not be destroyed. If the animal cannot be safely captured, it may be destroyed.

This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

- 5-3-7 Cruelty to Animals. No person shall maltreat or abuse or neglect any animal or fowl. Any animal control officer, law enforcement officer or authorized official finding an animal or fowl mistreated as described in this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine such animal and to take possession of such animal, when in his opinion, the animal requires humane treatment.
- 5-3-8 Poisoning Animals. It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, the property of another, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where such is accessible to any such animal. (SDCL 9-29-11)
- 5-3-9 Stray, Abandoned, or Unkept Animals. No person shall harbor or keep any stray animals or abandon any animal within the City. Animals known to be strays shall be immediately reported to the animal control officer, a law enforcement officer or authorized official. (SDCL 9-29-12)
- 5-3-10 Number of Pets Limited. It shall be unlawful for any person to have or to keep more than five domestic pets over the age of six months, except birds and fish, on any lot or premises in the City, unless such person residing on or in the lot or premises has a valid kennel license issued by the City.