

## CHAPTER 10 – GENERAL LICENSING & LICENSING BOARDS

### ARTICLE 3 - ANIMALS

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**Section 10-3-101 to 199, inclusive. Animals - general provisions.**

**Section 10-3-101 Definitions.**

1. "**Animal control officer or pound master**" shall mean the person designated to be responsible for the care and maintenance of the animal pound and who shall work with other law enforcement officials in the enforcement of this chapter.
2. "**Animal control officer**" shall mean the person designated by the city commission to impound any animal, or animals, running at large and who shall work under the direction of the chief of police in the enforcement of this chapter.
3. "**At large.**" Except on property designated by the City as an animal off leash area, an animal shall be deemed to be running at large when off or away from the premises and not under the control of the owner, possessor, keeper, agent, servant, or a member of his immediate family by a leash.
4. "**Dog or cat families**" shall mean, but not be limited to, dogs, cats, coyotes, foxes, skunks and raccoons.
5. "**Leash**" shall mean a cord, thong, rope, chain or other material by which an animal is controlled by the person accompanying it.
6. "**Owner**" shall mean any person, group or corporation harboring or keeping an animal and the occupant of any premises upon which an animal remains or to which it customarily returns is presumed to be harboring or keeping the animal within the meaning of this chapter.
7. "**Unnatural Food Source**" shall mean any amount of grain, fruit, vegetables, nuts, hay, salt, mineral, food blocks or other similar edible material which has the effect of attracting deer for the purpose of eating the material. "Unnatural Food Source" does not include growing plants or the natural remainders of the growing plants.
8. "**Vicious animal**" An animal is declared to be vicious within the meaning of this chapter when a propensity to attack or bite human beings or other animals shall exist and is known or ought reasonably to be known to the owner.

**Source:** R.O. Pierre, 1957, 8.0501; Ord. No. 788, 1968; Rev. of Ord., 1990; Ord. No. 1612, 2007; Ord. No. 1653, 2009;

**Statutory reference:** Generally, SDCL 9-29-12, animals running at large - pounds - dog licenses.

**Cross reference:** Section 8-2-104, et. seq., offenses related to animals and fowl.

**Section 10-3-102 Procedures and fees for animal licenses - issuance and wearing of tags.**

It shall be unlawful for any person within the City to keep, maintain or have in his custody, or under his control, any animal of the dog or cat families over four months of age without first having obtained a certificate issued by a licensed veterinarian showing that such dog or cat has been vaccinated or inoculated with a recognized anti-rabies vaccine according to the vaccine manufacture's guidelines. All animals must have a current vaccination.

A numbered metal or plastic tag issued by the veterinarian shall be attached to the animal and a copy of the certificate issued by the veterinarian shall be presented to the Police Department.

**Source:** R.O. Pierre, 1957, 8.0502; Ord. No. 820, 1970; 799, 1969; 788, 1968; 994, 1978; 1228, 1989; Ord. No. 1541, 2003

**Section 10-3-103 Unlawful to allow any animal to run at large - impoundment.**

(1) It shall be unlawful for any owner or other person having custody thereof, to permit any animal to run at large at any time within the limits of the city and any police officers or duly employed animal control officer is hereby authorized to impound any such animal found running at large in the city. An animal within the automobile of its owner or person in charge thereof shall be deemed upon the owner's property.

(2) It shall be unlawful for any owner or other person having custody thereof, to permit an animal to defecate on public or private property other than his own. If such animal does defecate upon public or private property, the owner or other person having custody thereof, must immediately and thoroughly clean the fecal material from such property.

**Source:** R.O. Pierre, 1957, 8.0503; Ord. No. 788, 1968; 689, 1960; Ord. No. 1257, 1990; Ord. No. 1654, 2009;

**Section 10-3-104 Appointment of animal control officer and pound master - one person may perform both functions.**

The commission is authorized to appoint a person whose duty it shall be to impound any animal or animals, running at large, contrary to the provisions of this chapter. Said person shall be designated as the animal control officer.

The commission is authorized to appoint a person whose duty it shall be to operate and maintain an animal shelter, or pound. Said person shall be designated as the pound master and said officer may be the same person who has been designated as the animal control officer.

**Source:** R.O. Pierre, 1957, 8.0504; Ord. No. 788, 1968; Rev. of Ord, 1990.

**Section 10-3-105 Unlawful to interfere with enforcement officer.**

No person shall hinder, delay, obstruct or tamper with traps set by the animal control officer, his assistants, or any law enforcement officer when engaged in capturing, securing or impounding any animal or animals.

**Source:** R.O. Pierre, 1957, 8.0505; Ord. No. 788, 1968; 689, 1960; Rev. of Ord., 1990.

**Section 10-3-106 Commission may contract for the enforcement of this article - powers of health officer.**

The commission may enter into a contract with a person, association or humane society to establish, operate and maintain an animal shelter or pound in and for the city for the enforcement of this article for the impounding, destroying and disposal of animals. The Chief of Police shall have access to such shelter or pound at all times for purposes of inspection of the impounded animals, buildings and facilities.

**Source:** R.O. Pierre, 1957, 8.0506; Ord. No. 788, 1968; Rev. of Ord., 1990.

**Section 10-3-107 Treatment of impounded animals - notice to owners of tagged animals.**

All animals captured and conveyed to the animal shelter or pound, whether operated and maintained by the City or by a contractor shall be kept with humane treatment and supplied with sufficient food and water for a period of at least five (5) days unless sooner reclaimed by the owner or person in charge thereof. The owners of all animals having current rabies tags shall be notified within twenty-four (24) hours thereof of the capture and impoundment of said animal.

**Source:** R.O. Pierre, 1957, 8.0507; Ord. No. 788, 1968; 1099, 1983; 1189, 1987; Rev. of Ord, 1990.

**Section 10-3-108 Fees paid upon release for impoundment and keeping of animals.**

When the owner or claimant of any animal so impounded shall desire to reclaim such animal, such animal may be released upon payment to the police department, of fees set out in a schedule to be approved by the City Commission and as presented and on file at the city business office. No previous offense occurring more than two years prior to the date of the offense being charged shall be used to determine that the offense being charged is a second or third subsequent offense.

All ordinances or parts thereof in conflict herewith are hereby repealed.

**Source:** R.O. Pierre, 1957, 8.0508; Ord. No. 788, 1968; 689, 1960; 994, 1978; 1099, 1983; Rev. of Ord., 1990; Ord. 1379, 1996; Ord. 1487, 2001; Ord, No. 1681,2010.

### **Section 10-3-109 Procedures for disposal of unclaimed animals.**

Any animal impounded under the provisions of this chapter and not reclaimed by its owner within five (5) days may be humanely destroyed by the animal control officer or authorized agent or placed in the custody of some person deemed to be a responsible person to be the owner of such animal. The animal control officer or authorized agent may destroy any sick or injured animal which has been impounded without holding it for five (5) days if its condition is such as makes its earlier destruction necessary.

**Source:** R.O. Pierre, 1957, 8.0509; Ord. No. 788, 1968; 689, 1960; 1030, 1979; 1099, 1983; 1189, 1987; Rev. of Ord., 1990.

### **Section 10-3-110 Confinement of female animals in heat.**

Every female of the dog or cat families in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female animal cannot attract other animals.

**Source:** R.O. Pierre, 1957, 8.0510; and, Ord. No. 788, 1968.

### **Section 10-3-111 Confinement, leashing and muzzling of vicious, dangerous or fierce animals.**

(A) An animal may be declared to be dangerous by the Animal Control Officer, Police Officer or licensed veterinarian, 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, 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 their 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 dangerous 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 an animal has been declared to be dangerous, the Animal Control Officer shall notify the owner of such declaration in writing within 3 business days. Said notice shall be served either in person or by mailing such notice by certified mail.

(C) If the owner or complainant disagrees with the finding of dangerousness, he or she may request, in writing, a hearing before the Dangerous Animal Review Board within 5 business days after receiving the Animal Control Officer's determination. The Board shall hold a hearing not less than 3 nor more than 10 business days after receiving the owner's or complainant's written request for such a hearing.

(D) Dangerous Animal Review Board.

(1) There is established a Dangerous Animal Review Board which shall have the authority to review findings and determinations made by the Animal Control Officer. The board shall consist of a city official as head of the board, a licensed veterinarian and a citizen of the community.

(2) The Dangerous 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.

(E) Upon a finding by the Dangerous Animal Review Board that an animal is declared dangerous, the animal must be registered as a dangerous animal within 10 days after the receipt of such determination. Said notice shall be served either in person or by mailing such notice by certified mail.

(F) The owner of an animal that has been declared dangerous shall make application to the Animal Control Office to register said dangerous 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 eighteen years old.
- 3. If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six feet and under the control of a person over eighteen 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 two inches, in the case of a wooden fence the gaps shall not be more than two 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 is to be reported to Animal Control.
- 6. A universal sign denoting a dangerous 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 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 vaccinations and current city license of the animal to Animal Control.

9. The owner shall present proof to Animal Control if the animal has been altered to prevent reproduction.

10. The animal shall wear an approved collar. The collar shall be fluorescent in color and indicate the animal to be dangerous.

(G) Any animal declared dangerous shall be impounded by Animal Control at the owner's expense until such time as all provisions in Section (f) are complied with.

(H) If the conditions in (F) are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the Pierre Police Department's Animal Control.

(I) Any dangerous animal found off the premises of its owner, 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.

**Source:** R.O. Pierre, 1957, 8.0511; and, Ord. No. 788, 1968; Ord. No 1377, 1996; Ord. No. 1655, 2009;

**Section 10-3-112 Confinement, treatment and observation of animals which have bitten or which are suspected of rabies.**

When any person owning an animal has been notified that said animal has bitten or in any way attacked any person, the owner must, within twenty-four hours, place the animal under the care and observation of the pound master, animal control officer or a licensed veterinarian for an adequate period for observation. At the end of the said observation period, the animal shall be examined by a licensed veterinarian and, if cleared by the said 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, or which has bitten or otherwise attacked any person, causing a wound with invasive trauma, shall be confined under competent observation for a period of time ending at least 10 days after the bite occurs. If there is no wound involving invasive trauma, and the animal has current rabies vaccination documentation, the animal shall be examined by a licensed veterinarian at the owner's expense and held for observation or released to the owner at the discretion of said veterinarian.

Any person who shall suspect that any animal in the city is infected with rabies shall report said animal to the animal control officer or pound master, the police department or the

health officer describing the animal and giving the name and address of the owner, if known. No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten or attacked by an animal known to have been infected with rabies.

Veterinarians within the city, receiving information or reports of suspected rabies in wild animals or domesticated animals shall report such information to the animal control officer or the police department of the city.

**Source:** R.O. Pierre, 1957, 8.0512; Ord. No. 788, 1968; Rev. of Ord., 1990.

**Statutory Reference:** SDCL 40-1-5.

**Section 10-3-113 Powers and duties of health officer to inspect animal pound or shelter. (REPEALED).**

**Source:** R.O. Pierre, 1957, 8.0513; Ord. No. 788, 1968; Rev. of Ord., 1990.

**Section 10-3-114 Unlawful to allow any animal to disturb the peace.**

The owner of any animal shall not suffer or allow the same to disturb the peace and quiet of the city or any person therein.

The animal control officer or any police officer may remove and impound any animal which is disturbing the peace of the City when the owner of the animal cannot be located. A notice advising the owner of the impoundment must be left on the premises.

**Source:** R.O. Pierre, 1957, 8.0514; Ord. No. 788, 1968; 767, 1966; Rev. of Ord., 1990.

**Section 10-3-115 Unlawful to maltreat, abuse or neglect any animal or fowl.**

No person shall willfully or negligently maltreat or abuse or neglect in a cruel or inhuman manner any animal or fowl.

The animal control officer or any police officer may remove and impound any abused or neglected animal when the owner cannot be located or when the owner fails to correct such abuse or neglect after notice.

**Source:** R.O. Pierre, 1957, 8.0515; Ord. No. 788, 1968; Rev. of Ord., 1990.

**Section 10-3-116 Unlawful to poison any animal.**

It shall be unlawful for any person to willfully or maliciously administer or cause to be administered poison of any sort to any animal.

**Source:** R.O. Pierre, 1957, 8.0516; and, Ord. No. 788, 1968.

**Statutory reference:** SDCL 9-29-11, cruelty to animals.

**Section 10-3-117 Unlawful to violate provisions of this article or interfere with officer enforcing the same.**

No person shall violate any of the provisions of this chapter or evade or attempt to evade the provisions hereof, or shall refuse to comply with the same or shall in any manner interfere with the animal control officer, any officer of the police department or any person engaged in carrying out the provisions of this chapter and in the discharge of the duties imposed thereby.

**Source:** R.O. Pierre, 1957, 8.0517; Ord. No. 788, 1968; Rev. of Ord., 1990.

**Section 10-3-118 Deer feeding prohibited.**

A. No person being the owner or occupant of any parcel of real property within the corporate limits of the city shall place thereon, or allow to remain thereon, any unnatural food source, nor shall any person place such unnatural food source upon the real property of another. It shall be an affirmative defense to any prosecution hereunder that the unnatural food source was placed not less than 5 feet above the ground and was not accessible to deer, or that the unnatural food source was placed in good faith for the purpose of feeding domestic livestock or pets by or at the request of a person owning or having responsibility for the domestic livestock or pets, or that the unnatural food source was placed in good faith for a purpose other than attracting deer and that the attraction of deer is only an incidental result.

B. Nothing in this section shall be construed to apply to any governmental agency or to any employee or authorized agent thereof in the course of his or her employment or agency. Specifically, nothing in this section shall be construed to prohibit the baiting of deer by authorized governmental agents in the furtherance of an approved plan to reduce deer population or in furtherance of an approved plan to entice deer out of the urban environment into a less urban and more natural environment.

**Source:** Ord. No. 1612, 2007; Ord. No. 1653, 2009;

**Sections 10-3-119 to 199, inclusive. Reserved.**