

## CHAPTER 2-4 DOGS

### 2-4-1 DEFINITIONS IN GENERAL

Words, when used in this chapter, unless the context otherwise plainly refers, shall have the meaning indicated:

1. **AT LARGE:** means off or outside of the premises belonging to the owner or keeper of such dog and not under the control of such owner, possessor, or keeper, or the agent or servant or member of his immediate family, by means of a leash, cord or chain not to exceed ten (10) feet in length, provided that an unleashed dog off the owner's premises shall not be deemed at large if he is under the immediate control of the owner or his agent.
2. **DOG:** means any member of the canine family, both male and female.
3. **LEASH:** means a cord, thong, or chain not more than ten (10) feet in length by which a dog is controlled by the person accompanying it.
4. **OWNER:** means a person owning, keeping or harboring a dog; the occupant of any premises to which a dog customarily returns is presumed to be the owner.
5. **PREMISES:** means the dwelling house and outbuildings and the lot or tract of land on which the same are situated and shall include and automobile or other vehicle in which the owner of the dog shall be an occupant or of which he shall have control, or in which any dog shall be situated with the consent of the owner of the vehicle.
6. **QUALIFIED PERSON:** means any person granted a permit by the governing body of the City to vaccinate animals against rabies.
7. **VACCINATION:** means the injection by a veterinarian or other qualified person of vaccine approved by, and administered in accordance with, the provisions of this article and the resolutions of the governing body of the City.
8. **VETERINARIAN:** means any licensed practitioner of veterinary medicine licensed to practice such profession in the state.
9. **POUND MASTER OR HUMANE OFFICER:** 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 the Title.
10. **ANIMALS:** means any dogs, cats, or other domesticated creatures.
11. **ANIMAL CONTROL OFFICER:** that person duly appointed to the position by the City Council or a properly trained employee of the Humane Society responsible for the animal control within the City.
12. **EXOTIC ANIMALS:** rare or different from ordinary domestic animals including reptiles, skunks, birds of prey, wolf hybrids and the offspring of wild animals crossbred with domestic dogs and cats, but not including parrots, toucans or other tame and domesticated birds.

### 2-4-2 LICENSING OF ANIMALS

All animals kept, harbored or maintained, in the City of Howard, shall be licensed and registered if over six months of age on or before the first day of July of each year or as such animal becomes six months of age if subsequent thereto. Animal licenses shall be issued by the Finance Officer upon payment of a fee in an amount to be established by

resolution of the City Council. The owner shall state at the time application is made for such license and upon such forms as the Finance Officer may provide for such purpose the owner's name and address, and the name, breed, age, color and sex of each animal owned or kept by him, and present to the Finance Officer a record by a veterinarian that the animal has been vaccinated for rabies as provided hereafter. This section includes, but is not limited to dogs and cats. Violation of this ordinance is punishable by a fine or by imprisonment, or both.

#### 2-4-3 CONDITIONS FOR ANIMAL LICENSE

As a condition to the issuance of an animal license, the person making such application shall furnish a certificate from a licensed veterinarian that the animal sought to be licensed has been vaccinated for and made immune to rabies within the previous year.

#### 2-4-4 RABIES VACCINE IN GENERAL

On or before July first of each year, every owner shall have his animals vaccinated against rabies, except in cases where an animal shall have been properly vaccinated with the type of vaccine known as the modified live virus, chick embryo origin or another type of vaccine having a longer immunization period and approved by resolution of the governing body of the City. The vaccination required by this section need not be repeated during the time for which the animal is effectively immunized as determined by the veterinarian or other qualified person granting a permit under this title.

#### 2-4-5 CITY ANIMAL TAGS

Upon payment of the license fee, as set by resolution of the City Council, the Finance Officer shall issue to the owner a tag for each animal so licensed. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Animal tags shall not be transferable from one animal to another and no refunds shall be made on any animal license fee because of death of the animal or the owner's leaving the City before expiration of the license period.

#### 2-4-6 RABIES CERTIFICATES AND TAGS

A veterinarian or qualified person, who vaccinates any animal, shall issue to the owner thereof a vaccination certificate. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing veterinarian or other qualified person. A second copy shall be sent to the City Finance Officer for safekeeping.

Each certificate shall bear the name and address of the veterinarian or other qualified person who issued it and a statement containing the description and name of the animal immunized, the type of vaccine used, the date of the vaccination, the date on which the period of effective immunization will expire, and a serial number. The veterinarian or qualified person shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. Said tag shall be affixed by the owner of the animal to the collar or harness of the said animal for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the animal.

#### 2-4-7 ALIEN VACCINATIONS

Any owner who has had his animal vaccinated against rabies in another state or municipality by the proper authority therein shall not be required to have such animal re-vaccinated during the current year when the animal is brought into this municipality; provided, that the requirements of such state or municipality under which the vaccination was made were of a standard which is equal or greater than those required by this article, and further provided that such animal wears a tag affixed to his collar or harness bearing the date of such vaccination.

#### 2-4-8 RABIES OBSERVATION

If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies or has bitten any individual not a member of the owner's family such animal shall be confined and shall be placed under the observation of a veterinarian at the expense of the owner for a period of at least ten days or as ordered by said veterinarian. The owner shall notify the police of the fact that his discretion the chief of police is empowered to have such animal removed from the owner's premises and placed under observation for a period of ten days at the expense of the owner in the City pound. It shall be unlawful for any person knowing or suspecting an animal as having rabies to allow such animal to be taken off his premises without the written permission of the chief of police. Every owner, or other person, upon ascertaining an animal is rabid shall immediately notify the chief of police who shall either remove the animal or summarily destroy it.

#### 2-4-9 QUARANTINE

Whenever the governing body of the City or the health officer thereof, has reason to believe that there is danger that rabies may spread within the municipality, the board shall publish a notice requiring owners of animals, and other specified animals in the area designated, to confine the animals for such period as may be necessary to prevent the spread of rabies, The board of health, or health officer appointed by the governing body of the City or the governing body shall have the authority to quarantine for a period not to exceed ninety (90) days, any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed fifteen (15) days, any animals which has bitten a human being or which exhibits symptoms of rabies. Whenever an animal bites with rabies or is destroyed because of its having been suspected of being rabid, the owner thereof, whether the animal has been previously quarantined or not, shall at his own expense, send the head of such animal to a proper laboratory for examination. All confinement imposed shall be by means of chain, not a rope, and of sufficient strength to hold such animal securely. Any such other circumstance is hereby declared a nuisance.

#### 2-4-10 ANIMALS RUNNING AT LARGE

It shall be unlawful for any person, firm or corporation to allow any animal, owned, controlled or harbored by any person to run at large on the streets, alleys, or property of any other person within the City limits. Any person having an animal within the City limits shall have it tied, leashed or otherwise controlled upon their property. It shall be unlawful for any person to allow an animal off the premises without the animal being

held in leash. Violation of this ordinance is punishable by a fine or by imprisonment, or both.

#### 2-4-11 LEASHES

A leash, according to this title is leather cord or chain not more than ten (10) feet in length of sufficient strength to control the animal. Any animal riding in an automobile is considered to be on the owner's property.

#### 2-4-12 DISTURBING THE PEACE

The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises any time of the night or day.

- a. Violation of this ordinance is punishable by a fine or by imprisonment, or both.

#### 2-4-13 VICIOUS ANIMALS

- (a) An animal may be declared to be vicious by the health board, 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 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) 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 health board declares an animal to be vicious, the City Finance officer shall notify the owner of such declaration in writing that such animal must be registered as a vicious animal within five business days after the receipt of such written notice. Said notice shall be served either in person or mailing such notice by certified mail.
- (c) The owner of an animal that has been declared vicious shall make application to the City Finance office to register such vicious animal and shall comply with the following:

- (1) The owner of the animal shall notify City Finance 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 changes 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 six 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 the diameter of more than two inches; in the case of a wooden fence the gaps shall 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 secure to the sides, the sides shall be imbedded in to the ground or concrete.
  - d. The pen or structure shall protect the animals 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 at cost of the owner. 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 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 City Finance office.

- (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 within, 5 days from the day of the incident the animal shall be euthanized in a humane manner and proof of euthanasia filed with City Finance office.
- (f) Any vicious 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 law enforcement and impounded. If the animal has been running at large, or bites a person, or bites another animal, the animal control officer or any law enforcement 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.

#### 2-4-14 ENFORCING OFFICER OR CITY AGENT DEFINED

Any animal control officer appointed by the City Council shall be defined as an agent of the City, or as an enforcing officer, both of which shall have power under this title. The Council may choose the Chief of Police when filling this position.

#### 2-4-15 RIGHT OF ENTRY IN PURSUANT

When in immediate pursuit of any animal found to be at large in the City, an animal control officer or a City police officer, or other person designated by the governing body to apprehend offending animals, may enter upon the premises of the owner of such offending animal for the purpose of apprehending such animal, provided that, for the purposes of this section, the word premises shall not be construed to include the inside of any dwelling.

#### 2-4-16 IMPOUNDMENT

Any animal found running at large contrary to the provisions of this title may be impounded in the City pound or other suitable place. The person in charge upon receiving any such animal shall make a complete registry, entering the breed, color and sex of the animal and whether it is licensed. If licensed he shall enter the name and address of the owner and the number of the license tag. As soon as practical after the impounding of any animal, the owner shall be notified, or if the owner of the animal is unknown, notice shall be given by posting in the City Finance Officer's office describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of the license fee, if unpaid and all costs and charges incurred by the City of Howard, for the impounding, notice and maintenance of said animal. The Council is empowered to set and establish a schedule of charges, as they may from time to time by resolution deem appropriate. It shall be the duty of the person in charge to keep all animals so impounded for a period of three (3) days. If at the expiration of three days from the date of notice to the owner or the posting of notice such animal shall not have been redeemed, by the owner, than any other person may, upon compliance with the terms of this title, redeem such animal from the pound and become the lawful owner

thereof. If no person redeems the animal, it may, in the discretion of the animal control officer, be destroyed.

#### 2-4-17 KENNEL LICENSES ISSUED

The City Finance Officer, upon receipt of an application showing the owner's name and address, the name, breed, age, color and sex of each animal kenneled by the owner, a certificate signed by a qualified veterinarian that each animal has been vaccinated and payment of the appropriate license fee, as established by the City Council, shall issue a kennel license to the owners of animal kennels. All animals housed in a licensed kennel shall be exempt from the other licensing provision of this ordinance.

#### 2-4-18 RELEASING SHELTERED ANIMALS

No person shall unlawfully release, or assist in releasing any animal from the City impoundment facility. A violation of this ordinance is punishable by a fine or by imprisonment, or both.

#### 2-4-19 CRUELTY TO ANIMALS

No person shall willfully or negligently mistreat, abuse or neglect in a cruel or inhumane manner any animal or fowl.

#### 2-4-20 STRAY ABANDONED OR UNKEPT ANIMALS

No person shall harbor or keep any stray animals. Animal's known to be strays shall be reported to the animal control officer and/or police officer immediately.

#### 2-4-21 UNLAWFUL TO POISON

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 the same is accessible to any such animal.

#### 2-4-22 CITY POUND MASTER IN GENERAL

The City Council is hereby authorized to provide for the appointment of an animal control officer for the enforcement of this Title, for the impounding, destroying, and disposal of animals, and for a schedule of fees to be charged for services rendered, and for a monthly amount to be paid by the City for this service.

#### 2-4-23 INTERFERENCE WITH PERFORMANCE OF DUTIES

No person shall hinder, delay or obstruct the animal control officer, his assistant or any law enforcement officer when engaged in capturing, securing, or impounding any animal or animals.

#### 2-4-24 REPORT OF SUSPECTED CASES – GENERALLY

Any person who shall suspect that any animal in the cities infected with rabies shall report said animal to the animal control officer, the police, the police department or the health department describing the animal and giving the name and address of the owner if known.

#### 2-4-25 SAME – BY VETERINARIANS

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

#### 2-4-26 SAME BY PHYSICIANS

Physicians within the City immediately upon treatment of any person bitten by an animal shall report such information to the police department or animal control officer.

#### 2-4-27 DESTRUCTION OF RABID ANIMALS

Any rabid animal may be destroyed upon written confirmation of rabies by a licensed veterinarian or physician by the persons:

1. The police officer.
2. Any person appointed by the City Council under the provisions of this chapter.

Any rabid animal may be destroyed by any licensed veterinarian or physician upon diagnosing rabies in said animal without written authorization from any person or authority. If it is not reasonable under the circumstances to impound or to attempt to seize an animal reasonably believed to be rabid, the police officer or animal control officer of any authorized person has permission to destroy the animal immediately in any humane manner.

#### 2-4-28 NUMBER OF PETS LIMITED

It is unlawful for any person to have or to keep more than four (4) 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. The City humane society, veterinarian officers and retail pet stores are exempt from the provisions of this section. Those domestic pets that are licensed by the City as of May 1, 1993 are exempt.

#### 2-4-29 DISPOSITION OF ABUSED ANIMALS

In cases where an animal or animals have been seized by the animal control officer based upon cruelty, neglect or abandonment, such animal may be adopted to another owner or humanely euthanized thereby extinguishing all property right of the existing owner following the procedures as hereinafter provided:

1. Upon seizure of the animal or animals, the animal control officer shall serve notice upon the existing owner, if the identity of said existing owner is known, informing said existing owner of the animal control officer's intent to have said animal disposed of.

The existing owner shall have three days to:

1. Declare in writing and deliver to the animal shelter keeping said animal or animals.
  - a. Notice of said existing owner's intent to maintain ownership of the animal or animals and to object to the adoption or euthanasia thereof, and;
  - b. Notice that said existing owners will pay when due all impoundment, board and veterinary costs until such time as the animal or animals shall be released to said existing owner or be adopted or euthanized.

2. Pay all impoundment, board and veterinary costs up to the date of the owner's declaration of intent to maintain his ownership of said animal or animals to the animal control shelter.

Upon notification of said existing owner's intent to maintain ownership of the animal or animals and the existing owner's objection to the adoption of euthanasia of the animal or animals, said existing owner shall continue said payments to the animal control shelter for impoundment, board and veterinary costs on a weekly basis until such time as the animal or animals shall be release to said existing owner, or be adopted or euthanized. If, after three days, the existing owner of the animal of animals fails to declare the hereinbefore stated intent, or if the existing owner fails to make any payment in a timely manner, or if the identity of said existing owner is unknown or notification to said existing owner cannot be made, ownership of the animal or animals will revert to the animal shelter.

#### 2-4-30 EXOTIC OR WILD ANIMALS

- A. No person shall keep an animal of a species prohibited or protected by Title 50 Code of Federal Regulations, or by the State of South Dakota.
- B. No person shall keep a exotic or wild animal in such a manner as to constitute a likelihood of harm to the animal, or animals or humans; which is vicious, dangerous, noxious or naturally inclined to do harm or constitute a public or private nuisance, except in a zoo, animal shelter, circus, amusement show or educational facility for which adequate protection devices shall be provided to prevent the animal from escaping or injuring the public.
- C. No person shall allow any exotic or wild animal to run at large unattended.
- D. Any exotic or wild animal that is at large will be impounded by the animal control officer. If the animal control officer cannot capture the animal, the animal may be destroyed.
- E. The owner shall bear all costs of impoundment and board of the animal.

#### 2-4-31 RESPONSIBILITY

- A. No person shall create or maintain any condition or operate any equipment or keep any animal fowl, pet or insect under his jurisdiction in such a way that such condition or operation causes or is likely to cause the transmission of diseases from animals or insects to man.
- B. No owner, keeper, caretaker, or attendant of an animal shall allow 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, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property.
- C. Anyone walking an animal on public or private property other than his own must carry with him visible means of cleaning up any fecal matter left by the animal. Animals used in parades or involved in law enforcement are exempt from this section.

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