

Ordinance #174

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA, PERTAINING TO THE REGULATION OF ANIMALS WITHIN THE CITY, PROVIDING KENNEL PERMIT/ANIMAL BREEDING PERMIT/AND NUMBER OF ANIMALS PERMIT REQUIREMENTS; RESTRICTING THE KEEPING OF WILD ANIMALS AND LIVESTOCK WITHIN THE CITY; PROVIDING IMPOUNDMENT PROCEDURES; AND PROVIDING FURTHER REQUIREMENTS FOR VICIOUS ANIMALS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROOKS, SOUTH DAKOTA:

Section 1. Keeping of Animals.

Section 2. Licensing.

Section 3. Immunization Required.

Section 4. Rabies Infection.

Section 5. Responsibility.

Section 6. Disturbing the Peace.

Section 7. Running at Large.

Section 8. Harboring of Stray Animals.

Section 9. Injured Animals.

Section 10. False Information.

Section 11. Vicious Animals.

Section 12. Commercial Kennels:

Section 13. Complaint or Citation; Impoundment.

Section 14. Repeal.

Section 1. Keeping of Animals

- a. It shall be unlawful to keep, maintain, harbor or possess more than four (4) domestic pets of any age. For purposes of interpreting this Section, canaries, parakeets, parrots, and other similar caged birds, as well as hamsters, gerbils, guinea pigs, ferrets, rabbits, and similar caged animals shall not be included under the definition of "domestic pets".
- b. It shall be unlawful to keep, maintain, harbor or possess: swine (including pot bellied pigs), sheep, cattle, horses, ponies, goats, poultry, llamas, or peacocks on any non-agricultural lot within the City.
- c. It shall be unlawful to keep, maintain, harbor or possess wild animals such as, but not limited to: skunks, fox, raccoons, birds of prey, coyotes, bears, wolves, wolf hybrids or the offspring of wild animals crossbred with domestic dogs or cats.
- d. Any person possessing more than four (4) domestic pets shall obtain a Conditional Use Permit issued by the City.
 1. To obtain a Conditional Use Permit, the applicant shall file an application, therefore, in writing on a form furnished by the Animal Control Officer or Finance Officer. Every application shall contain the following information:
 - A. Name and address of each owner of the property.

- B. Name, address, phone number and signature of the applicant.
 - C. The number of animals sought to reside on the property, together with the animal's species, age and breed
2. All applications for a conditional use permit shall be accompanied by a fee in the amount of \$250 which is payable to the City. No fee will be refunded.
 3. Any conditional use must be approved by the City Council.
 4. Prior to the approval of a Conditional Use Permit, the Animal Control Officer shall meet with the applicant to review the application. After review of the application, the Animal Control Officer shall make a recommendation to the City Council to either approve or not approve said application. The Animal Control officer's recommendation shall include a summary of the application, and the reasons and justification for either approval or disapproval of the application.
 5. The Finance Officer shall set the date, time and place for a public hearing to be held by the Council. The Authorized Official shall notify the applicant by mail, and shall post notices of the public hearing at the City Office no less than seven (7) days prior to the scheduled public hearing. No less than ten (10) days before the public hearing, the Finance Officer shall publish notice of the public hearing in a legal newspaper of the City.
 6. The factors to be considered in determining if a Conditional Use Permit shall be granted are:
 - A. If the use will endanger the public health, safety and general welfare or be otherwise detrimental to the public in terms of such factors as noise, sanitation and safety.
 - B. If the use will be injurious or detrimental to adjoining or abutting property.
 - C. Statements regarding approval/disapproval of surrounding neighbors relative to the address applied for.
 - D. Past history of animal control complaints relating to the animals of the applicant at the address for which the kennel is applied for.
 - E. Facility specifications/dimensions in which the animals are to be maintained.
 - F. Number, characteristics, type and breed of animals to be kept.
 - G. The City Council may require additional reasonable stipulations at their discretion to protect the health, safety, and general welfare in the issuance of such Conditional Use Permit. Specific conditions precedent to granting the use may be imposed which conditions may include:
 - i. Requiring structural features such as fences or enclosures.

durable collar. The tag need not be renewed on a yearly basis unless it has become lost or no longer readable.

Section 3. Immunization Required.

- a. Every dog, cat, or other animal held as a domestic pet in the City, six (6) months of age or older, is required to be immunized against rabies and distemper by a licensed veterinarian or other qualified person designated by the City. No dog or cat shall be licensed until the owner thereof presents a current, 1-year rabies and distemper shot certificate. Immunization against rabies and distemper shall be given at such intervals as to guarantee immunity.
- b. Any owner acquiring a dog, cat, or other animal held as a domestic pet by purchase, gift, birth, or otherwise shall have such animal immunized against rabies and distemper within one month following acquisition or within one month after the animal is six (6) months old, whichever last occurs.

Section 4. Rabies Infection.

- a. No person shall knowingly harbor or keep any animal infected with hydrophobia or rabies, or any animal known to have been bitten by an animal known to have been infected with hydrophobia or rabies.
- b. Any person who shall suspect that any animal in the City is infected with rabies or hydrophobia shall report his or her suspicion to the City Council, City Animal Control Officer, Humane Society or any other public safety official describing the animal and giving the name of the owner, if known; and if, upon examination by a licensed veterinarian it appears that the animal may have rabies or hydrophobia, the animal shall be impounded for observation and testing, and if the animal proves to be infected with the disease, the animal may be destroyed.
- c. If a licensed veterinarian shall determine that an animal found in the City is infected with rabies or hydrophobia, the mayor may, upon written advice from the health authorities that the public safety and general welfare require it, order by proclamation that all animals be muzzled when off the premises of the owner, and that all un-muzzled animals when found off the premises of the owner be immediately seized and impounded, and may further order that, after the proclamation has been published for forty-eight (48) hours, either by posting or printing in a newspaper of general circulation in the City, all animals found off the premises of the owner un-muzzled shall be seized, impounded, and destroyed, except that a designated City official may immediately kill any such un-muzzled animal, if with reasonable effort it cannot first be seized and impounded. All animals seized and impounded during the first forty-eight (48) hours after the publishing of any such proclamation, shall, if claimed within ten (10) days be returned to the owner thereof without any impounding charge or cost, if not infected with hydrophobia or rabies, but after the ten (10) days such animals may be destroyed.

Section 5. Responsibility.

Anyone walking an animal on public or private property other than his own must carry with him means of cleaning up any fecal matter left by the animal. If such animal defecates upon public or private property, the owner, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property. Animals used in parades or involved in law enforcement are exempt from this section.

Section 6. Disturbing the Peace.

- a. The owner or custodian of an animal shall not allow the animal to disturb the peace of any other person. Disturbing the peace shall include barking, howling, yipping, whining or otherwise creating any noise or disturbance sufficient to disturb the peace or tranquility of another.
- b. Upon receipt of a written or verbal complaint of any animal disturbing the peace, the City shall cause a warning letter to be issued to the owner or custodian of the animal asking the person for his or her cooperation in keeping the animal from disturbing the peace.
- c. Upon receipt of a second written or verbal complaint involving the same animal, the City or its authorized agent or representative of the Sioux Falls Humane Society shall be authorized to seize and impound the animal. In addition, failure to comply with the first complaint and warning letter described above shall constitute an offense and subject the owner or custodian for fine therefore. The owner or custodian shall pay all costs and fine(s) according to the terms of this Ordinance.

Section 7. Running at Large.

- a. The term "running at large" as referred to within this ordinance shall include any animal not restricted on property with a pen, building or leash. Any animal not restricted on property will be under the direct control of the owner or responsible person by use of a leash or other acceptable method whereby the animal cannot bother, threaten or disturb other persons, pets or property. Allowing more than one animal to run at large at any one time shall constitute more than one offense at that time.
- b. In addition to any complaint or citation, the City Council or its authorized City Official or agent, or the Sioux Falls Humane Society, or any law enforcement officer is hereby authorized to impound any animal running at large or otherwise in violation of any of the provisions of this Ordinance. If the animal is a licensed dog or cat, said person may, at his or her discretion, contact the owner and/or issue a citation in lieu of impoundment. Any impounded dog or cat transported to the Sioux Falls Humane Society will be kept and handled according to Humane Society procedures. If the impounded animal is not licensed, it will be transported immediately to the Sioux Falls Humane Society and be handled in accordance with Humane Society procedures for strays. No animal will be returned until all costs and fines are paid. The costs shall be the impound fee, daily shelter fee, the cost(s) of vaccination(s) and immunization(s), if necessary, and any other cost of the Humane Society or other impounding authority in capturing, impounding and otherwise dealing with the animal. Impoundment releases may be issued by the Municipal Finance Officer or other authorized City official or Humane Society official when all fines and fees are paid and proof of vaccinations furnished as stipulated in this Ordinance.

Section 8. Harboring of Stray Animals.

It is unlawful for any person to harbor or to keep any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the City Animal Control Officer. The City shall provide for the safe and humane custody of the animal.

Section 9. Injured Animals.

If an animal is injured and it's owner is not readily known, it will be the duty of the animal control officer to determine if that animal for humane reasons due to the extent of the injury and the suffering may be humanely destroyed. The City, Humane Society and animal control officer shall not be held liable in any way for this humane act.

Section 10. False Information.

It shall be unlawful for any person to give any false information or statement concerning the owner of any animal, concerning the condition or health of any animal, or in connection with the procuring of a license for any animal.

Section 11. Vicious Animals.

- a. The owner of an animal that bites a person and the person bitten shall report such occurrence to an animal control officer within 24 hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an animal control officer or may board said animal at a qualified veterinarian or humane society for a period of ten days from the date of bite. The owner of the animal shall bear the cost of confinement. The animal control officer may consent to confinement in the owner's premises, provided the type of confinement is approved by the City, but only if the owner can produce evidence of a current vaccination at the time the bite was inflicted.
- b. An authorized representative of the Sioux Falls Humane Society or any law enforcement officer may declare an animal to be vicious, 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, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack, or bites, inflicts or causes 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 apparent attitude of attack, or bites, or inflicts or causes injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, deliveryman, or other person or other animal who is on private property by invitation or permission of the owner or occupant of such property or who is lawfully 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 was committing a willful trespass or other unlawful act or 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, or otherwise where the animal control officer determines that the bite or injury was justified
- c. When an animal has been declared vicious, the City Animal Control 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 by mailing such notice by certified mail.
- d. The owner of an animal that has been declared vicious shall make application to the animal control office to register such vicious 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 18 years old.
 3. If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than 6 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 a diameter of more than 2 inches, in the case of a wooden fence the gaps shall not be more than 2 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. 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.
 6. 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 animal control.
 7. The owner shall present proof of current rabies vaccination and current city license of the animal to animal control.
 8. The owner shall present proof the animal has been altered to prevent reproduction to animal control.
- e. The vicious animal shall be impounded by animal control at the owner's expense until such time as all provisions of subsection (d) are complied with.

- f. If the conditions in subsection (d) are not complied within ten day of the mailing of the notice of declaration, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the City Animal Control Officer.
- g. 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 officer and impounded. If the animal cannot be captured, it may be destroyed.
- h. 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. 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.

Section 12. Commercial Kennels.

- a. A "commercial kennel" is defined as an establishment where there is collection of dogs or cats, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including any shop where dogs and cats are for sale.
- b. No commercial kennel may be maintained in a residential area or within 1000 feet of an area zoned for residential use.
- c. No person may operate a commercial kennel without a Commercial Kennel Permit. The annual fee for a Kennel Permit shall be \$250.00 per year.
- d. No Kennel Permit shall be issued until an inspection of the premises by a City authorized animal control officer finds compliance with the minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. The following standards must be met:
 - 1. Animal enclosures must be provided which allow adequate protection against all weather extremes. Floors of buildings, runs and walls, must be constructed with an impervious material to permit proper cleaning and disinfecting.
 - 2. Building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.
 - 3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
 - 4. Cages shall be of material and construction that permit adequate cleaning and sanitation.
 - 5. Cages shall be of an impervious, washable material, radiantlly heated, and shall have a resting board or some kind of bedding.
 - 6. Rooms shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.

- 7. Animals shall have ample exercise time and human contact.
 - 8. All animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
 - 9. Animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal
 - 10. All animals shall have fresh, potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.
- e. The animal control officer is authorized to inspect at any reasonable hour, the premises of a person holding a permit under this ordinance. By accepting a permit, the permittee is agreeing to surrender the premises for inspection at a reasonable time upon the request of an animal control officer.
 - f. Any permit issued pursuant to this Ordinance may be revoked if an animal control officer has reasonable cause to believe that the standards set forth in this Section are not being met, or if the permittee or the person caring for or having control of the kenneled animals has violated any Section of this Ordinance, or is in violation of any zoning, health and safety or building ordinance relating to the keeping, care or use of any animal.

Section 13. Complaint or Citation; Impoundment.

- a. In addition to proceeding under any other remedy available at law or in equity for a violation of a provision of this ordinance the City Animal Control Officer, the Sioux Falls Humane Society representative or any law enforcement officer shall be authorized to issue a complaint or citation for a violation of the animal ordinances of the City of Crooks. Any person who violates any animal ordinance of the City of Crooks is subject to a monetary penalty. The penalties for a first violation of this ordinance are as follows:

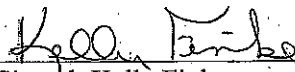
	<u>Fine</u>
1. Unlawful Keeping of Animals in violation of Section 1.	\$250.00
2. Failure to Obtain Permit in violation of Sections 1 and 12.	\$250.00
3. Failure to License in violation of Section 2.	\$50.00
4. Failure to Immunize in violation of Section 3.	\$50.00
5. Failure to Report Rabies in violation of Section 4.	\$50.00
6. Failure to be Responsible in violation of Section 5.	\$50.00
7. Disturbing the Peace in violation of Section 6.	\$50.00
8. Running at Large in violation of Section 7.	\$50.00

9. Harboring of Strays in violation of Section 8. \$50.00
10. Providing False Information in violation of Section 10. \$50.00
- b. A second or subsequent violation of the same provision of the ordinance within one year shall double the penalty for the second or subsequent violation.
- c. Upon issuance of a citation for Unlawful Keeping of Animals in violation of Section 1; Failure to Obtain a Permit in violation of Sections 1 and 12; Failure to License in violation of Section 2; Failure to Immunize in violation of Section 3, further failure to comply with the requirements of this ordinance within ten days shall constitute a subsequent offense.


Section 14 Repeal.

Ordinances No. 38, No. 57, No. 67 and No. 77 are hereby repealed. All other Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Adopted this 12th day of July, 2011.


Signed: Kelly Finke
Mayor, City of Crooks

ATTEST:


Linda D. Hunnel
Finance Officer, City of Crooks

Seal

First Reading: 14th day of March, 2011.

Second Reading: 12th day of July, 2011.

Publication Date: July 20, 2011

Effective Date: August 9, 2011