

AN ORDINANCE OF THE CITY OF CROOKS, SOUTH DAKOTA PERTAINING TO THE REGULATION OF ANIMALS WITHIN THE CITY, PROVIDING KENNEL PERMIT REQUIREMENTS; RESTRICTING THE KEEPING OF WILD ANIMALS AND LIVESTOCK WITHIN THE CITY; PROVIDING REVISED 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.

- a) The keeping of animals and fowl on any non-agricultural lot in the City shall not be in such a manner to be objectionable to the adjacent property owners. It shall be unlawful to keep, maintain, harbor or possess more than four (4) domestic pets of any age, unless such person has a valid kennel permit issued by the City. It shall be unlawful for any person to be intentionally involved in the breeding of pets or with the intention of selling them for a profit, regardless of the number of animals whelped, unless such person has a valid kennel permit issued by the City. For purposes of interpreting this Section, canaries, parakeets, parrots and similar caged birds, as well as fish shall not be included under the definition of "domestic pets". The annual fee for a kennel permit shall be \$250.00 per year. No kennel permit shall be issued until an inspection of the premises by a City authorized animal control officer finds compliance with Section 13 of this Ordinance.
- b) It shall be unlawful to keep, maintain, harbor or possess fowl such as ducks, geese, turkeys or chickens 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) It shall be unlawful to keep, maintain, harbor or possess swine (including pot-bellied pigs), sheep, cattle or horses on any non-agricultural lot.

Section 2. Complaint or Citation; Impoundment.

- a) Any person who violates any animal ordinance of the City of Crooks is subject to civil or criminal prosecution. In addition to a private citizen complaint, the Mayor, any Council person, the Sioux Falls Humane Society representative or any law enforcement officer agent shall be authorized to issue a complaint or citation for a violation of the animal ordinances of the City of Crooks. Owners allowing their animal(s) to run at large (as defined in Section 7) or otherwise violating any provision of these Ordinances, shall be fined a minimum of \$50.00 for the first offense and a minimum of \$100.00 for each additional offense committed within one (1) year. In addition, 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.
  
- c) 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.

### Section 3. Injured Animals.

If an animal is injured and 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 4. 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 5. Licensing.

Any owner or keeper of a dog or cat of the age of 6 months or over shall within 30 days of the acquisition of such animal or within 30 days of the time such animal becomes 6 months old, cause such animal to be licensed with the City. All applications for license certificates must be accompanied by a rabies immunization certificate and the licensing fee as determined by the City Council. A license certificate and tag shall be issued by an official of the City and such tag shall be firmly attached to a durable collar. The tag need not be renewed on a yearly basis unless it has become lost or no longer readable.

### Section 6. 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 7. Definition of "Running at Large".

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.

Section 8. Rabies Infection.

- a) 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, Pound Master or health officials describing the animal and giving the name of the owner, if known; and if, upon examination by the health authorities, it appears that the animal may have rabies or hydrophobia, the health authorities or City Council shall be authorized to impound such animal for observation and testing, and if the animal proves to be infected with the disease, the animal may be destroyed.
- b) When the health authorities shall have determined 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 dogs be muzzled when off the premises of the owner, and that all unmuzzled dogs 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 dogs found off the premises of the owner unmuzzled shall be seized, impounded, and destroyed, except that a designated City official may immediately kill any such unmuzzled dog, if with reasonable effort it can-

not first be seized and impounded. All dogs 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 dogs may be destroyed.

- c) 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.

Section 10. Reserved.

Section 11. Vicious Animals.

- a) 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.

- b) When an animal has been declared vicious, the owner shall be notified in writing of the declaration and shall comply with the following:
- 1) If the animal is indoors, the animal shall be under the control of a person 18 years of age or older.
  - 2) 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 18 years of age or older.
  - 3) If the animal is outdoors and unattended, the animal must be securely enclosed and locked in a pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If the pen does not have a bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must also provide the animal with adequate protection from the elements.
  - 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 shall carry \$100,000 liability insurance covering the medical and veterinary costs resulting from vicious actions or any other damage the animal may do or cause to be done. Such insurance shall name the City of Crooks as an additional insured for the sole purpose of receiving notification from the insurance company of any cancellation, termination or expiration of the policy.
  - 6) The owner shall present proof to the City animal control officer that the animal has current rabies vaccinations and a current city license.
  - 7) The owner shall present proof to the City animal control officer that the animal has been altered to prevent reproduction.

- 8) The owner or keeper shall immediately notify the City animal control officer if the animal is loose, unconfined, has attacked another animal or human being, has died or was sold or given away. If the animal has been sold or given away, the owner or keeper shall provide the name, address and telephone number of the new owner, who shall also comply with the provisions of this Ordinance.
- c) If the conditions in b) are not complied with, the animal shall be delivered to or seized by the Sioux Falls Humane Society at the owner's expense and the owner shall be ordered to appear in Court to show cause why this animal should not be destroyed.
- d) Any vicious animal found off the premises of its owner, other than as provided in this Article, shall be seized by the City official, agent or animal control officer and impounded. If the animal cannot be captured, it may be destroyed. If the animal has been seen running at large, or bites a person, or bites another animal, the City official, agent or animal control 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 should not be destroyed. If the owner of an animal fails to deliver the animal as ordered, the City official, agent or animal control officer shall use such means as is necessary to impound the animal.

Section 12. 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 Section 2a) of this Ordinance No. 77.

Section 13. Kennels.

- a) All persons required to possess a kennel permit shall, in addition to the other provisions of this Ordinance, comply 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 are to be of material and construction that permit adequate cleaning and sanitation.
  - 5) Cages are to be of an impervious, washable material, radiantly 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.

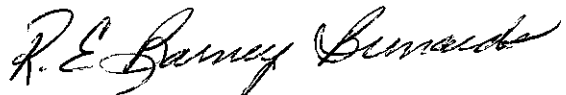


- 10) All animals shall have fresh, potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.
- b) The animal control officer is authorized to inspect at any reasonable hour, the premises of a person holding a kennel permit. By accepting a kennel permit, the permittee is agreeing to surrender the premises for inspection at a reasonable time upon the request of an animal control officer.
- c) 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 14. Ordinances No. 38, No. 57 and No. 67 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 8th day of January, 1996.

First Reading:	December 4, 1995.
Second Reading:	January 8, 1996.
Passage and Adoption:	January 8, 1996.
Publication:	January 17, 1996.
Effective Date:	February 6, 1996.



R. E. BARNEY BERNARDS  
Mayor

ATTEST:

  
VICKI BRIGHT  
Municipal Finance Officer

(Municipal Seal)