

ORDINANCE 2, REVISED

AN ORDINANCE AMENDING MEADE COUNTY ORDINANCE 2 IN IT'S ENTIRETY, PROVIDING FOR THE REGULATION AND CONTROL OF DOMESTIC ANIMALS, NON-DOMESTIC ANIMALS AND LICENSING OF DOGS.

BE IT ORDAINED by the Meade Country Commissioners that Ordinance 2 of the Meade County Ordinances be revised to read as follows:

ARTICLE 1. GENERAL

Section 1. Definitions

For the purposes of this ordinance, the following words and phrases shall have the following meanings:

- Animal:** Any domesticated dog and non-domesticated dog.
- Animal Control Officer:** The officer(s) approved by the County Commission and sworn in for the purpose of enforcing this Ordinance, whose duty it is to enforce this Ordinance and South Dakota State Law relating to cruelty, abuse and injury to animals. The Animal Control Officer(s) may be employees of the County or the County may contract with a municipality or other suitable person, firm or corporation, that has no conflict of interest. The Meade County Sheriff shall act as Animal Control Officer jointly with any other person(s) named pursuant to this Ordinance.
- At Large:** Any animal shall be deemed at large when it is off the property or out of the vehicle of its owner and not under the control of a competent person.
- Owner:** Any resident (residing 30 days or more), any resident group of persons, or resident corporation owning, keeping or harboring an animal in this County.
- Animal Shelter:** Any premises designed by action of the Commissioners for the purpose of impounding and caring for all animals found in violation of this Ordinance.
- Kennel:** Lot or premises or portion thereof where an owner has three (3) or more animals, six months of age or older, are maintained, boarded, bred, or cared for, in return for any compensation, or kept for the purpose of sale. Also any person owning, possessing, keeping or desiring to keep or maintain within Meade County six (6) or more animals six months of age or older, will be deemed as operating a Kennel and shall comply with all the provisions of this Ordinance.

Section 2. Enforcement.

(a) The Meade County Sheriff's Office and/or the Animal Control Officer(s), who shall be supervised and assisted in the performance of their duties by the Meade County Sheriff, shall enforce the provisions of this Ordinance.

(b) The Animal Control Officer(s) or Sheriff may issue citations for violations of this Ordinance or may issue warning tickets requiring correction of violations.

(c) No person may hinder, delay or obstruct any Law Enforcement Officer or Animal Control Officer in the lawful performance of any duty under this Ordinance or seek to release any animal in the custody of the Animal Control Officer(s) or Animal Shelter, unless authorized herein.

(d) If the Animal Control Officer determines that it is necessary to impound an animal from its owner's property, the Animal Control Officer shall obtain an Order of the impoundment from the Court having jurisdiction or written permission from the owner of the animal. However, the Animal Control Officer may impound an animal from its owner's property without obtaining such Court Order or written permission under the following circumstances;

- 1) Said Animal is suspected of having rabies;
- 2) Said animal's life is in immediate jeopardy;
- 3) Said animal poses an immediate threat to the physical well being of other animals or humans;
- 4) Said animal has been observed at large by the Animal Control Officer and returns to private property and the Animal's owner is not present on that property to take control of said animal.

(e) An officer acting to enforce the provisions of this Ordinance may notify the animal's owner, verbally or in writing of their demand that the owner produce an animal, which is subject of an investigation, as well as the animal license.

(f) An Officer acting to enforce the provisions of this Ordinance may enter upon the premises where any dog is kept in a reportedly cruel or inhumane manner and demand to examine such dog and to take possession of such dog, if there is probable cause to believe a dog or dogs have been treated inhumanely.

(g) Officers acting to enforce this Ordinance may enter any enclosure or lot within the County limits when in pursuit of any animal suspected of being affected by rabies, or to apprehend a dog observed by the Officer to be running at large.

(h) This Ordinance shall apply to all of Meade County, South Dakota, except for the areas within any municipality.

(i) Each of the provisions of this Ordinance is separate and severable and if any provision or any part of any provision is held to be illegal or invalid, the remaining provisions shall not be affected thereby and shall remain in full force and effect.

Section 3. Records.

(a) It shall be the duty of the Animal Control Officer(s) or Animal shelter to keep, or cause to be kept accurate and detailed records of the apprehension, impoundment and disposition of all animals coming into their custody.

(b) It shall be the duty of the Animal Control Officer(s) to keep or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of the same. The animal control officer shall keep records of all citations and warnings tickets issued by him/her as well as all investigations conducted concerning reported violations of State Law regarding inhumane treatment of animals.

(c) It shall be the duty of the animal shelter to keep or cause to be kept records of all animals quarantined for rabies observation, reported cases of rabies, animal bites and proceedings regarding vicious dogs.

ARTICLE 2. REGULATIONS

Section 1. Dogs At Large.

(a) No owner may permit his/her dog to be at large.

(b) A dog that repeatedly chases, barks at, snaps at, or attacks pedestrians, bicycles, vehicles, livestock, poultry or repeatedly overturns garbage pails, damages gardens or crops shall be deemed a public nuisance, in violation of this Ordinance.

(c) Three (3) or more dogs running together and actively chasing, barking, harassing or attacking any livestock, poultry or big game animal shall constitute a "pack". Dogs in a "pack" are subject to immediate dispatch by an Officer empowered to act under this Ordinance, if, in the Officer's opinion, there or no other means of controlling or subduing the dogs.

(d) No person may abandon any dog upon the public right of way or upon the property of another.

Section 2. Noisy Dog(s)

No person may allow any dog(s) under his/her control to continually bark, howl, or make other loud or unusual noises to the great discomfort of the peace and quiet of the neighborhood in such continuous manner as to materially disturb or annoy persons who are or ordinary sensibilities.

Section 3. Teasing and Molesting.

It shall be unlawful for any person to tease, bait or in any way bother any animal not belonging to him or not legally under his/her control.

Section 4. Keeping a Vicious Dog(s).

(a) Vicious Dog Defined as follows;

(1) For the purpose of this Ordinance a vicious dog is any dog or other canine like animal which, when unprovoked, acts in a vicious or terrorizing manner, approaches in apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a human being upon the streets, sidewalks or any public grounds or places; or

(2) Any dog or other canine like animal, while on private property, when unprovoked, acts in a vicious or terrifying manner, approaches in apparent attitude of attack, or bites, or inflicts injury or otherwise attacks a mailperson, meter reader, service person, journey person, delivery person or other 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, or otherwise authorized by Law.

(b) No person may own, harbor or keep within the County, a animal previously deemed vicious, except according to the provisions of this section.

(c) If called upon by Animal Control Officer(s) to deem a dog vicious, a formal committee of at least three (3) non-Law Enforcement related County citizens will be sat, to make a determination if a dog(s) is/are vicious. Before making a determination the committee will consider the following after the Animal Control Officer presents the situation to them.

(1) The nature and severity of the attack.

(2) Whether the dog(s) has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to another animal or person.

(3) Previous incidents of like nature.

(d) If the outcome of the declaration is the dog(s) is vicious and containment is ordered, the owner of the dog(s) shall be notified in writing of the declaration and of required containment procedures or facilities for mentioned animal, which may include muzzle, chain, double fence or fully enclosed cage.

(e) If the dog(s) are deemed vicious by the committee and the recommendation is made to have the dog(s) destroyed, the dog(s) by the procedures within this section shall be seized (If not already impounded) by the Animal Control Officer(s) or Sheriff and impounded. But if the dog cannot be captured, it may be destroyed in a manner whereby the head is not damaged. If the dog has been seen running at large and/or has bitten a person or animal, the Animal Control Officer(s) or Sheriff may order the owner or custodian to deliver the dog(s) into the Animal Shelter within 24 hours and may order the owner to appear in Court to show cause why this dog(s) should not be destroyed and/or to pay any fine levied by the Court for violation of previous notice(s) of restraint for said dog. The dog's owner shall be responsible for costs of the dog(s) destruction.

(f) Any determination of viciousness may be appealed by the owner filing a written statement of appeal with the Meade County Sheriff or Animal Control Officer. This appeal shall stay any destruction of the dog(s) until further order of the Court. Said appeal must be in writing within three (3) days of determination.

(g) No dog(s) may be declared vicious if any injury or damage is sustained to any person who was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog(s); who was teasing, tormenting, abusing, or assaulting the dog(s); or who was committing or attempting to commit a crime.

Section 5. Domesticated, Non-domesticated and Hybrid animals.

(a) Definitions:

Domesticated animal: any of various animals domesticated so as to live and breed in a tame condition.

Non-Domesticated/Hybrid animal: an offspring of two animals of different races, breeds, varieties, or species where one parent is considered to be a non-domesticated breed.

(b) Requirements:

Non-domesticated and/or Hybrid animals shall be contained in a fully enclosed cage. Such animals must be leashed and in the control of a responsible party when not in the cage.

Non-domesticated and/or Hybrid animals resembling dogs, such as wolves, wolf-cross, coyotes or coyote-cross animals shall be subject to all other applicable provisions of this Ordinance, including but not limited to Section 2. Noisy Dog and Article 5. Licensing.

ARTICLE 3. IMPOUNDMENT AND DISPOSITION OF ANIMALS

Section 1. Impoundment of Dogs at Large

(a) All dogs found running at large shall be taken by the Animal Control Officer or Sheriff and impounded in the Animal Shelter, to be confined in a humane manner for a period of not less than three (3) days, unless sooner claimed by their owner(s). Animals impounded and not claimed by their owners at the expiration of three (3) days may be disposed of, at the discretion of the Animal Control Officer or designee, unless otherwise required by this Ordinance.

(b) When dogs are found running at large and the Animal Control Officer or Sheriff knows their ownership, such dogs need not be impounded. The Animal Control Officer or Sheriff may, at their discretion, cite the owners of such dog(s) to appear in Court to answer to charges of violating this Ordinance.

(c) Immediately upon impounding any dog, if the dog is wearing a rabies tag or other identification, the Animal Control Officer or Sheriff shall, before destroying or disposing of it, ascertain the name of the owner from the Meade County Treasurer's or veterinarian's records and inform that owner of the conditions whereby they may regain possession of the dog.

(d) If any owner has requested in writing that their animal be destroyed, the same shall be humanely destroyed. Under no circumstances shall the animal be sold or given to any person(s). The owner may be charged a fee for the humane destruction of the animal. Said fee to be determined by the individual performing the euthanization.

Section 2. Redemption and Destruction of Impounded Animals

(a) The owners shall be entitled to regain possession of any impounded animal, except as herein provided in the cases of certain animals, upon compliance with the provisions of this Ordinance. Any animal impounded under the provisions of this Ordinance and not reclaimed by its owner within three (3) days may be humanely destroyed by the Animal Control Officer, Sheriff or shelter manager, or sold or placed in the custody of some person deemed to be a responsible and suitable person to be the owner of such animal. The Animal Control Officer or Sheriff may destroy any sick or injured animal which has been impounded, if that animal is not wearing any rabies tag, license tag or other identification without holding it for three (3) days, if its condition is such as makes its earlier destruction necessary or desirable. All animals destroyed shall be destroyed by a humane procedure, other than shooting.

(b) Any dog adopted by a new owner must be spayed or neutered at the new owner's expense. Neutering or spaying is not intended to apply to original owners retrieving their own dog.

Section 3. Impoundment Fees

(a) Any impounded animal may be reclaimed as herein provided upon payment by the owner(s), directly to the designated shelter, a fee for board, plus any charges for veterinarian services rendered.

(b) Any animal impounded at the Sturgis/Meade County shelter will be subject to a fee set by the animal shelter.

ARTICLE 4. RABIES CONTROL

Section 1. Rabies Vaccination

No dog or cat may be kept or harbored within the County without having a current rabies vaccination designed for the species by the United States Department of Agriculture and administered as recommended in the current "Compendium of Animal Rabies Control" prepared by the National Association of State Public Health Veterinarians. A licensed Veterinarian shall document such vaccination.

Section 2. Bite Cases, Quarantine and Rabies Animals

(a) For the purposes of this section, "Veterinarian" shall mean any Veterinarian licensed to practice in the State of South Dakota or a licensed veterinarian at Ellsworth Air Force Base.

(b) It shall be the duty of every physician or other practitioner of the healing arts to report to the Animal Control Officer or Sheriff the names and addresses of person treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

(c) Every licensed Veterinarian shall report to an Animal Control Officer or Sheriff their diagnosis of any dog observed by them as a suspect of Rabies. All dogs quarantined as rabies suspects must be reported to an Animal Control Officer, or Sheriff.

(d) Every owner having knowledge that his/her animal has bitten or is suspected of biting a human being shall forthwith report same to the Animal Control Officer or Sheriff for disposition of said animal under the provisions of the Ordinance.

(e) All quarantine procedures and all procedures for management of animals that have bitten humans, animals exposed to rabies and rabid animals should be in accordance with the current "Compendium of Animals Rabies Control" promulgated by the National Associations of State Public Health Veterinarians, Inc. In case of conflict between said Compendium and this Ordinance concerning said quarantines and procedures, the recommendation is said Compendium will take precedence over this Ordinance.

(f) Any animal shall be considered unvaccinated unless proof of a current rabies vaccination is provided within twenty-four (24) hours of the bite. Any unvaccinated animal that has bitten any person may be euthanized by order of the State Department of Health if, based on sound medical judgments a greater risk to human life exists by not doing so. In making such a determination the following factors may be considered:

- (1) The history of the animal including the possibility of its exposure to rabies.
- (2) The vaccination record of the animal.
- (3) The health of the animal.
- (4) The nature, location and seriousness of the bite.
- (5) The circumstances surrounding the bite, including whether or not the bite was provoked.
- (6) The tolerance of the person bitten to the vaccines used for treatment.

(g) Any dog or cat which bites or attacks a person shall be quarantined at the direction of any veterinarian, Animal Control Officer or Sheriff for a period of not less than ten (10) days. The ten (10) day quarantine starts on the day following the bite. During the quarantine, the animal shall be securely confined and kept from contact with any other animal or humans other than the caretaker. If a dog or cat has current rabies vaccination and has bitten or attacked the owner or a family/household member while on the premises of the owner a veterinarian, Animal Control Officer or Sheriff acting pursuant to this ordinance may, if it is determined that the facilities are adequate and the owners are responsible, quarantine the animal on the owner's premises. In such a case, the owner must sign a statement/form on which the owner recognizes and assumes the responsibility that is involved with the quarantine of an animal that has bitten. The quarantined animal must at all times be available for inspection during the quarantine period and shall be evaluated by a veterinarian at the first sign of illness. If other confinement is required, the owner shall surrender the animal for the quarantine period to the Animal Control Officer or Sheriff for placement at either an Animal Shelter or in a veterinary hospital, either confinement to be at the owner's expense.

(h) At the end of the specified quarantine period, a veterinarian shall examine the animal, at the owner's expense. If the veterinarian finds that the animal is showing no clinical signs or symptoms known to be present in active cases of rabies the animal will be released from quarantine and returned to the owner. The veterinarian shall so notify the Animal Control Officer or Sheriff of the exam outcome.

(i) Any stray animal that bites a person, if its ownership cannot be ascertained within 48 hours of the bite, shall be euthanized and its head shall be removed by a veterinarian and sent to a competent laboratory to be examined for rabies.

(j) If a veterinarian during a routine examination discovers an animal that may have rabies but is unable to make a definite diagnosis the veterinarian shall have authority to require, at the owner's expense, any procedure or confinement necessary to make an accurate diagnosis.

(k) When any animal has been diagnosed by a veterinarian as being rabid or dies during quarantine or rabies observation, the veterinarian or Animal Control Officer shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the Sheriff of reported contacts between humans and animals with this animal. The Sheriff shall be notified of the diagnosis made of the suspected animal.

(l) Every owner whose animal is bitten or scratched by an animal showing positive symptoms of rabies or by a wild or carnivorous mammal not available for testing shall have that animal examined by a veterinarian. Said animal shall be euthanized, quarantined or observed at the owner's expense according to the guidelines in the current "Compendium of Animal Rabies Control".

(m) Any person who kills or causes to be killed any rabid animal or any animal suspected of having been exposed to rabies, or any animal biting a human shall immediately report same to the Animal Control Officer or Sheriff. No person may sell, give away, remove from the County or otherwise dispose of such animal without written permission from the Sheriff. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to an Animal Control Officer or Sheriff. The Sheriff shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or euthanasia as required herein when the Sheriff makes such demand.

ARTICLE 5. KENNEL LICENSING

Section 1. Kennel Licensing

(a) Every resident person, every resident group of persons, or resident corporation or business operating a kennel as defined in this ordinance shall pay an annual license fee of fifty (50) dollars. Licenses will be issued by the Meade County Treasurer, provided the use is in compliance with other Meade County Ordinances and State statutes. No kennel license shall be issued until the property has been inspected by the Animal Control Officer and the Treasurer receives a written report from the Animal Control Officer that the kennel meets the requirements of all County Ordinances, State statutes and is being operated in a humane manner. Person operating such kennels are not required to license individual animals as proved in this Ordinance. Kennel licenses shall be valid for one (1) year from the date of issuance.

(b) Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this section, except for boarding kennels.

(c) A non-resident person, non-resident groups of persons or non-resident cooperation or business cannot maintain, board, have bred or care for any animals for the return of any compensation or kept for the purpose of sale.

(d) Licensing must be conspicuously on display at the kennel location.

(e) Any person operating a kennel who habitually fails to keep those dogs within the confines of their property is deemed to be creating a public nuisance and in addition to the penalties in this Ordinance, may be subject to the provision of SDCL 21-10-5 et seq.

ARTICLE 6. PENALTY

Any person, firm or corporation violating any provision of this Ordinance shall be punishable by a fine, not to exceed \$500.00 dollars, and 30 days in a County jail, or both. Violation may also be subject to injunctive relief.

ARTICLE 7. DISPOSITION OF FEES

Section 1.

(a) All fees collected pursuant to this Ordinance shall be deposited in the General Fund of Meade County.

(b) The Meade County Treasurer shall provide the Meade County Commission with a report of licenses issued and fees collected, as requested but no less than once per year prior to budget finalization.

Dated this 6 day April 2011

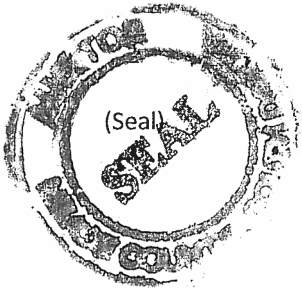


Chairman, Meade County Commissioners

Attest:



Lisa Schieffer, Meade County Auditor



First Reading : March 2, 2011

Second Reading: April 6, 2011 Adopted: April 6, 2011

Date Published: April 13 & 20th, 2011

Date Effective: May 10, 2011