

## **TITLE THREE**

## **ANIMALS**

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### **CHAPTER 3-1**

### **DEFINITIONS**

#### **3-1-1        DEFINITIONS IN GENERAL**

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

|               |  |
|---------------|--|
| 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 of his agent. |
| Dog:          | Means any member of the canine family, both male and female.   |
| 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.  |
| 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.  |
| Premises:     | Means the dwelling house and outbuildings and the lot or tract of land on which the same are situated and shall include an 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.   |
| Qualified     | Means any person granted a permit by the governing body of the city to vaccinate animals against rabies.   |
| 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.   |
| Veterinarian: | Means any licensed practitioner of veterinary medicine licensed to practice such profession in the state.  |

## **CHAPTER 3-2**

### **DOGS**

#### **3-2-1**

##### **LICENSING DOGS**

Every household within the corporate limits of the City owning or possessing a dog of the age of six (6) months or more shall pay the City Finance Officer an annual license fee in the sum of \$3.00. Such annual license fee shall be paid on or before the first day of May of each year, or within thirty (30) days of taking residence within the City, or within thirty (30) days of obtaining a dog/dogs, and the same are beyond the age of six (6) months. The City Finance Officer shall, upon payment and upon sufficient proof of the required rabies vaccination issue the owner thereof a license tag. Such license tags shall be immediately attached to such dog by means of a collar or other reasonable permanent method. The purpose of this statute is for the health and safety of the citizens and to prevent the nuisance of multiple dog ownership. A fine of twenty-five dollars (\$25.00) per dog shall be imposed for failure to license each dog as stated herein.

#### **3-2-2**

##### **CONDITIONS FOR A DOG LICENSE**

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

#### **3-2-2**

##### **RABIES VACCINATIONS IN GENERAL**

On or before July 1 of each year, every owner shall have his dog or cat vaccinated against rabies, except that in all cases where an animal shall have been properly vaccinated with the type of vaccine known as the modified live virus of chick embryo origin or other type vaccination 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 dog is effectively immunized as determined by the veterinarian or other qualified person granting a permit under this title.

#### **3-2-4**

##### **OUT OF STATE ANIMALS**

Any owner who has had his dog vaccinated against rabies in another state or municipality by the proper authority therein shall not be required to have such dog re-vaccinated during the current year when 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 dog wears a tag affixed to his collar or harness bearing the date of such vaccination.

### **3-2-5**

#### **CERTIFICATES AND TAGS**

A veterinarian or qualified person, who vaccinates the dog, shall issue to the owner thereof a vaccination certificate. The vaccination certificate shall be prepared and issued in triplicate; one copy is to be retained by the issuing veterinarian or other qualified person. A second shall be given to the City Finance Office; the third may be kept by the dog's owner. 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 the kind and name of the dog immunized, the type of vaccine used, the date of the vaccination, the date on which the period of effective immunization will expire, and the 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 dog to the collar or harness of the said dog 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 dog. A fine of \$25.00 per dog shall be imposed for failure to vaccinate a dog as required herein.

### **3-2-6**

#### **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 City Council shall publish a notice requiring owners of dogs, 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 animal which has bitten a human being or which exhibits symptoms of rabies. Whenever a dog dies with rabies or is destroyed because of its having been suspected of being rabid, the owner thereof, whether the dog has been previously quarantined or not, shall at his own expense, send the head of such dog to a proper laboratory for examination. Any confinement imposed shall be by means of a chain, and not a rope of sufficient strength to hold such an animal. Under these circumstances, any animal not confined is hereby declared to be a nuisance.

### **3-2-7**

#### **BARKING OR HOWLING DOGS**

Dogs which bark and/or howl excessively, whether during day light or night time hours, within city limits, are hereby declared a nuisance, and such a disturbance when reported to the City will result in the following action taking place:

##### **First Complaint:**

**Upon receiving a written complaint regarding barking dog/dogs, the City of Hosmer will send a letter to the owner of the barking dog/dogs instructing him/her to immediately abate the nuisance which has been reported.**

##### **Second Complaint**

**Upon receiving a second written complaint regarding barking dog/dogs, the City of Hosmer will send a letter to the owner of the barking dog/dogs informing him/her of the complaint and that the matter will be addressed by the City Council at the next meeting (notification of date and time of meeting will be provided to the owner of the dog/dogs). At such meeting,**

**the City Council will conduct a hearing concerning the matter and determine if a nuisance exists.**

**If it is found that a nuisance exists, the City shall:**

- 1. Declare the barking dog/dogs to constitute a nuisance**
- 2. Order that the owner of the dog/dogs pay a fine of \$50.00**
- 3. Order that a subsequent violation will automatically result in a \$100.00 fine.**
- 4. Further order that future subsequent violations will automatically result in the dog/dogs being impounded and disposed of according to law (a local animal shelter will be used if at all possible to avoid disposal of the animal).**
- 5. Any other remedy determined by the City Council to be appropriate under the circumstances.**

### **3-2-8**

#### **FEMALE DOGS IN HEAT**

All female dogs kept within the city during periods of heat shall be confined to the premises of the owner, or if taken from such premises, shall be kept upon a leash.

### **3-2-9**

#### **DOGS RUNNING AT LARGE**

It shall be unlawful for any person, firm or corporation to allow any dog, owned, controlled or harbored by said persons, firm or corporation, to run at large on the streets, alleys or property of any other person within the city limits of Hosmer, South Dakota. Such a dog shall be declared a nuisance, and in abatement, may be destroyed. Any person having a dog within the city limits shall have it tied, leased, or otherwise controlled upon their property, the dog cannot run at large off the property. It shall be unlawful for any person to allow a dog off the premises without the animal being held in leash.

Violation of this ordinance shall result in a fine of not less than one hundred dollars (\$100.00) nor more than three hundred dollars (\$300.00).

### **3-2-10**

#### **LEASH: DEFINITION OF**

A leash according to this title is a chain not more than ten (10) feet in length, of sufficient strength to control the dog. A dog in an automobile is considered on the owner's property.

### **3-2-11**

#### **VIOUS DOGS: DEFINITION OF; CONFINEMENT AND GENERAL RULE**

Any dog who has bitten a person or who has the propensity to attack or bite human beings is hereby defined to be fierce, dangerous and vicious. No dog with the above mentioned propensities shall be allowed to run at large upon the premises of any person other than the owner. If such an animal is found to be running at large, it shall be impounded, and shall not be released except upon the approval of the chief of police, after the payment of fees set forth to cover the costs of impounding.

Any dog with the above mentioned propensities, which cannot be impounded safely may be immediately destroyed by any law enforcement officer acting in the line of duty.

**3-2-12****IMPOUNDMENT: GENERAL RULES AND DISPOSITION**

- A. Any dog found in the city in violation of any of the provisions of this Article shall be impounded by any law enforcement officer of the city or by any person appointed by the governing body of the city as its agent and employee for that purpose, and placed in the city animal pound or other suitable place provided by the city for that purpose. The Chief of Police or any officer of the Police Department or the animal control officer appointed by the governing body shall, within twenty-four (24) hours following the impounding of such dogs, notify the owner of the animals having been impounded and of its confinement in the custody of the city. If the owner of the animal is unknown, such police officer shall post written notice in the City Finance Office, describing the animal and stating a time and place where the animal was apprehended, and how the same may be recovered by the owner.
- B. Unless the dog is recovered and all charges paid for its upkeep by the owner or person having charge thereof, and unless such dog is registered and licensed as provided by this Code, it shall be sold or destroyed in the most humane manner possible after the expiration of forty-eight (48) hours from the time when notice is posted stating that the dog was apprehended and impounded; Provided, however, that any dog which has been diagnosed by a licensed veterinarian to be suffering from rabies or any dangerous contagious disease, such animal shall be immediately destroyed.
- C. The Chief of Police or any animal control officer appointed by the governing body shall collect a sum to be determined by the City Council for each dog impounded and the additional sum per day, for keeping any dog which has been apprehended or impounded, and such officer shall not release any dog until such charges have been paid, and until said dog has been duly registered and licensed, if need be, as provided by this title.

**3-2-13****RIGHT OF ENTRY IN PURSUANT**

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

**3-2-14****ENFORCING OFFICER OR CITY AGENT DEFINED**

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

**3-2-15****INTERFERENCE WITH PUBLIC OFFICIALS**

It shall be unlawful for any person, firm, or corporation to interfere with, or hinder any official in the performance of his official duties or to release any animal held in custody of the city. Any violation of this ordinance shall constitute a misdemeanor punishable by fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) or confinement in the county jail not to exceed thirty (30) days or both fine and imprisonment.

**3-2-16****NUMBER OF DOGS ALLOWED PER HOUSEHOLD**

It shall be unlawful for any person, firm, or corporation to possess more than four (4) dogs in any household, unless such person, firm or corporation first applies for and receives a special permit from the City Council allowing for such household to possess more than four (4) dogs. Violation of this ordinance shall result in a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).

## **CHAPTER 3-3**

### **CATS**

#### **3-3-1**

##### **AUTHORITY TO CATCH AND IMPOUND**

The city police officer or an animal control officer of the city is hereby authorized, upon complaint of a resident of said city, to catch upon the property of the complainant, such cats as may be causing a nuisance thereon and impound such cats in a suitable place for the care of the animal.

#### **3-3-2**

##### **IMPOUNDMENT, NOTICE AND DISPOSAL AUTHORITY FOR IDENTIFIED CATS**

Upon impoundment of a cat without identification, the animal control officer shall, within twenty-four hours of such impoundment, notify the owner of the cat's impoundment, how the cat may be recovered, and that it must be picked up within forty-eight (48) hours or the cat will be sold or destroyed in the most humane way possible.

#### **3-3-3**

##### **IMPOUNDMENT NOTICE AND DISPOSAL AUTHORITY FOR UNCLAIMED CATS**

Upon impoundment of a cat without identification, the animal control officer shall post a written notice at the City Finance Office in the city, describing the cat and stating the approximate time and place where such cat was apprehended, and how the same may be recovered by the owner. Unless recovered by the owner, said cat may be sold or destroyed in the most humane manner possible after the expiration of forty-eight (48) hours from the time when notice of apprehension and impoundment was given or posted.

#### **3-3-4**

##### **CONTROL OF DISEASED CATS**

Any cat which has been diagnosed by a licensed veterinarian to be suffering from rabies or a dangerous contagious disease shall not be released, but may be destroyed forthwith or otherwise held or disposed of according to the recommendation of the veterinarian.

#### **3-3-5**

##### **RELEASING SHELTERED ANIMALS**

No person shall unlawfully release, or assist in releasing, any dog, cat or other animal from the city impoundment facility. A violation hereof shall be punishable by no more than two hundred dollars (\$200.00).

#### **3-3-6**

##### **LICENSING CATS**

Every household within the corporate limits of the City owning or possessing a cat of the age of six (6) months or more shall pay the City Finance Officer an annual license fee in the sum of \$3.00. Such annual license fees shall be paid on or before the first day of May of each year, or within thirty (30) days of taking residence within the City, or within thirty (30) days of obtaining a cat/cats, and the same are beyond the age of six (6) months. The City Finance Officer shall, upon payment and upon sufficient proof that said animal has been properly vaccinated for rabies issue the owner thereof a license tag. The purpose of this statute is for the health and safety of the citizens and to prevent the nuisance of multiple cat ownership. A fine of twenty-five dollars

(\$25.00) per cat shall be imposed for failure to license each cat as stated herein.

**3-3-7**

**FEMALE CATS IN HEAT**

All female cats kept within the city during periods of heat shall be confined to the premises of the owner, or if taken from such premises, shall be kept in a kennel.

**3-3-8**

**NUMBER OF CATS ALLOWED PER HOUSEHOLD**

It shall be unlawful for any person, firm, or corporation to possess more than four (4) cats in any household, unless such person, firm or corporation first applies for and receives a special permit from the City Council allowing for such household to possess more than four (4) cats. Violation of this ordinance shall result in a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).

## **CHAPTER 3-4**

## **LIVESTOCK**

### **3-4-1**

#### **LIVESTOCK DEFINED**

The term "livestock" shall mean any animal which is raised for normal agricultural purpose. The term does not include rabbits, but does include, although not exclusively, hogs, cattle, sheep, horses, etc.

### **3-4-2**

#### **LIVESTOCK EXCLUDED FROM CITY LIMITS**

No person shall be permitted to keep livestock of any kind within city limits except temporarily (24 hours) or in connection with the buying or selling of the same or in conjunction with the Hosmer Veterinary Clinic.

### **3-4-3**

#### **LIVESTOCK PREMISES**

Under the exception which is laid out in § 3-4-2 above, if a person does keep livestock within city limits, he or she shall maintain the premises in a healthful manner, keeping the area sanitary by controlling noxious odors, flies and other pests therein.

### **3-4-4**

#### **LIVESTOCK CONFINEMENT**

Anyone having livestock under the Hosmer City Code § 3-4-2 exception, must keep the same from running at large.

## **CHAPTER 3-5**

### **ANIMAL DRAWN CONVEYANCES**

#### **3-5-1**

##### **ANIMALS USED FOR BUSINESS**

Individuals operating an animal drawn conveyance for amusement or fee within the city of Hosmer shall obtain a license to conduct such business. The license fee will be fifty-dollars (\$50.00) and must be renewed annually.

#### **3-5-2**

##### **INSURANCE FOR LIABILITY PURPOSES**

All persons operating a business under § 3-5-1 must acquire public liability insurance in an amount to be determined by the town council. The insurer must insure himself, employees and the town of Hosmer against liability for personal injury, death or property damage arising out of the ownership, occupancy or use of animals upon the public right of way.

#### **3-5-3**

##### **REQUIRED APPARATUS FOR ANIMALS**

All persons operating a business with the use of animals under § 3-5-1 shall clean-up and remove all manure droppings from the city right of way.

## **CHAPTER 3-6**

### **WILD, UNDOMESTICATED OR EXOTIC ANIMALS**

#### **3-6-1**

##### **KEEPING OF WILD, UNDOMESTICATED OR EXOTIC ANIMALS PROHIBITED**

No person shall be allowed to keep live, wild, undomesticated, exotic or animals bred for fighting, which are venomous, constricting, prone to bite or attack, or otherwise inherently dangerous to human beings as pets within the city limits of the city of Hosmer. It shall be considered a nuisance and shall be unlawful for any person to keep, maintain, or to sell native fur-bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic cats, crocodiles, alligators, venomous insects, venomous spiders, venomous reptiles, constricting snakes, venomous snakes or dogs bred for fighting. However, a licensed veterinarian, a game warden, or other person specifically licensed or authorized by the State of South Dakota may keep or maintain such animals for the purpose of providing care and treatment for injured or abandoned animals or birds.

#### **3-6-2**

##### **ABATEMENT AND PENALTY FOR KEEPING OF WILD, UNDOMESTICATED OR EXOTIC ANIMALS**

Any person found to be in violation of §3-6-1 by the chief of police of the city of Hosmer is thereby constituting and harboring a nuisance and shall be forthwith ordered by the chief of police to abate said nuisance within three (3) days. Failure to abate said nuisance within three (3) days from notice thereof, shall result in a \$100.00 fine for each day the nuisance continues, in addition to costs incurred by the city in having the nuisance abated.