

ORDINANCE 26-011

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF BROOKINGS

BE IT ORDAINED AND ENACTED BY THE CITY COUNCIL OF THE CITY OF BROOKINGS, STATE OF SOUTH DAKOTA, as follows:

THAT CHAPTER 14, ARTICLE I, Sections 14-1, 14-2, 14-5, 14-7, 14-8, 14-10, 14-11, 14-12, 14-13, 14-14, 14-15 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings provided in this section, except where the context clearly indicates a different meaning:

Animal shelter means any building and facilities therein approved by the chief of police and the health authority for the impounding of animals.

Apparent attitude of attack means threatening and overtly aggressive actions of an animal that places a reasonable person in imminent fear of bodily injury, including, but not limited to, snarling, growling, elevated or exaggerated noise, combined with an attack-ready body position when the animal is approached.

At large means:

(1) An animal when off or away from the premises and not under the control of the owner, possessor, keeper, agent, servant, or a member of his or her immediate family by a leash.

(2) An animal when on the premises of the owner, possessor, keeper, agent, or servant if not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises.

Community cat means a cat that is feral; to include cats that do not have a specific owner but have established a community territory and receive limited support from time to time from various residents.

Community service unit means the unit charged with animal control for the City of Brookings.

Community service officer means a person designated by the city to act as a community service officer of the city.

Domestic animal means any animal that through long association with man has been bred to a degree that has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique

and different from wild individuals of its kind. *Handler* means a person who is responsible for and capable of controlling the operations of a guard dog.

Leash means a cord, thong, or chain by which an animal is controlled by the person accompanying it.

Owner or *caretaker* means any person harboring or keeping an animal and who is the head of the household of the residence or any adult residing thereat if any head of household is not present, or the person, owner, or manager in charge of the establishment or premises at which an animal remains or returns to.

Pet means any domestic animal kept in or near a household for the primary purpose of companionship for member(s) of the household and/or companionship for other such animals.

Serious injury means physical injury, which creates a substantial risk of death, causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

Slaughter means the act of killing fowl, rabbits, livestock, or any other animal for the purpose of food.

Stray animal means a domestic animal which, for the time being, has no identified owner.

Surrendered animal means an animal voluntarily given up by its owner for placement with a shelter or rescue organization, resulting in the transfer of ownership and legal rights over the animal to the receiving agency.

Sec. 14-2. Stray or surrendered animals.

- (a) Acceptance; conditions. The city animal shelter will accept stray or surrendered animals from residents of the County of Brookings for adoption or humane disposition provided that the appropriate fees are paid and authorization is given by the owner or caretaker of the animal.

Sec. 14-5. Confinement of animals which cause injury to persons; immunization against rabies required before release.

- (a) A community service officer, police officer or other person of proper authority is authorized and empowered to impound and confine any animal which they have reason to believe has bitten, scratched or otherwise injured any person.
- (b) Any animal that has the potential to carry rabies and that has injured any person shall be confined at the expense of the owner or caretaker of the animal for a period of 14 days in the manner directed by the community service unit or police department; however, if there is reason to believe that the animal is rabid, an additional confinement period may be ordered to determine whether the animal is rabid.

- (c) Any animal that has bitten or attacked that cannot be captured may be destroyed in a manner that the head is not damaged and can be submitted for a rabies examination to a laboratory.
- (d) If it is determined during the confinement period that the animal may have rabies and a tentative diagnosis is given by a licensed veterinarian, the community service officer shall euthanize the animal by humane means and obtain laboratory confirmation of rabies.
- (e) Every owner or caretaker having knowledge that their animal has bitten or is suspected of biting a human shall immediately report the incident to the city's community service officer for confinement and testing of the animal in accordance with the provisions of this chapter.
- (f) The owner or caretaker of any dog or cat confined under the provisions of this section may obtain release of their dog or cat from confinement upon demonstrating proof of a current rabies vaccination and proof of a current dog or cat license, and upon approval of the community service officer.
- (g) The community service unit or any designated city employee is authorized to enter upon private property for the purpose of enforcing this section. No person may conceal any animal or otherwise interfere with the proper enforcement of this section. A community service officer or any designated city employee may impound an animal for the purposes of rabies testing or when the owner or caretaker fails to comply with this section.

Sec. 14-7. Unattended animals in standing or parked vehicles; authority to remove and liability for removal.

No owner or caretaker shall leave a dog, cat or other small animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of such animal. The owner or operator of a vehicle containing an unattended animal will be contacted if possible before reasonable force is used to remove such animal by a community service officer or police officer. Removal of an unattended animal by a community service officer or police officer shall not constitute a violation of city ordinance.

Sec. 14-8. Stray, abandoned or unkept animals.

- (a) No person or caretaker shall harbor or keep stray animals. Animals known to be strays shall be immediately reported to the city community service unit by the person who observes the stray animal.
- (b) No person shall put out any food for the purpose of feeding or attracting any stray or abandoned animal. The placing of food to capture stray or abandoned animals by community service officers is not prohibited.

Sec. 14-10. Abandoned animals.

No person shall abandon an animal in the city. Authorized trap-neuter-return in accordance with this chapter is not abandoning an animal.

Sec. 14-11. Hunting prohibited.

No person shall hunt game in the city. GAME means any wild bird or animal hunted for sport or for use as food. HUNT means to pursue game while in possession of a firearm or weapon for sport, food or to kill. This section does not apply to police officers or community service officers in the discharge of their official duties, or to persons who are authorized by the chief of police and have been issued a special access permit by the state department of game, fish and parks for a specific area being hunted.

Sec. 14-12. Trapping of animals.

Without permission of the chief of police, no person shall set, allow to be set, or use any trap for the purpose of catching any animal, which trap could injure or kill any animal, except rodent traps in the interior of a building, and except by persons employed by or agents of the chief of police or city parks department for purposes of the city's health and welfare.

Sec. 14-13. Deer feeding prohibited.

- (a) No person being the owner or occupant of any parcel of real property within the corporate limits of the city shall place thereon, or allow to remain thereon, any unnatural food source, nor shall any person place such unnatural food source upon the real property of another or upon any public property. It shall be an affirmative defense to any prosecution hereunder that the unnatural food source was placed not less than five feet above the ground and was not accessible to deer, or that the unnatural food source was placed in good faith for the purpose of feeding domestic livestock or pets by or at the request of a person owning or having responsibility for the domestic livestock or pets, or that the unnatural food source was placed in good faith for a purpose other than attracting deer and that the attraction of deer is only an incidental result.
- (b) Nothing in this section shall be construed to apply to any act by a governmental agency or to any employee or authorized agent thereof in the course of his or her employment or agency. Specifically, nothing in this section shall be construed to prohibit the baiting of deer by authorized government agents in furtherance of an approved plan to reduce deer population or in furtherance of an approved plan to entice deer out of the urban environment into a less urban and more natural environment.

Sec. 14-14. Exemption for police dogs.

The provisions of this chapter shall not apply to any federal, state, or local law enforcement agency or dog used by or belonging to such agency, provided that such dog shall be vaccinated for rabies as required by this chapter, and a dog's handler shall have proof of such vaccination for display as may be required. Also, at any time such dog is off leash or otherwise at large, it shall be under the control of or in the performance of functions or duties for a law enforcement officer or handler acting on behalf of a law enforcement agency.

Sec. 14-15. Enforcement.

All provisions of this chapter related to animals may be enforced by a community service officer or police officer employed by the city of Brookings. A violation of any section may result in issuance of a citation or warning requiring corrections.

Secs. 14-16—14-40. Reserved.

ARTICLE II. CRUELTY TO ANIMALS AND RELATED OFFENSES

THAT CHAPTER 14, ARTICLE II, Sections 14-44, 14-46, 14-48 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

Sec. 14-44. Poisoning of animals.

Unless recommended by the chief of police it is unlawful for any person to willfully or maliciously administer or cause to be administered poison of any sort whatsoever to any animal on 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 animal. Rodenticides must be administered by a licensed exterminator, with the exception that anyone may administer a warfarin rodenticide.

Sec. 14-46. Injured or ill animals.

Whenever a community service officer encounters a stray animal suffering pain, the community service officer shall take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner or caretaker.

- (a) If an animal without identification is suffering, injured or otherwise diseased and the owner cannot be found, it will be the duty of the community service officer to determine if that animal, for humane reasons and due to the extent of the injury and/or the suffering, shall be destroyed. The city and community service officer shall not be held liable in any way for this humane act.
- (b) If an injured animal with a license tag issued by the city is picked up, it shall, if possible, be delivered to a licensed veterinarian. All expenses of the city and the veterinarian charges and fees must be paid by the animal owner.

Sec. 14-48. Removal of animal; exigent circumstances.

Any community service officer finding an animal or fowl mistreated as described in this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine the animal and to take possession of the animal, when in his or her opinion, the animal requires humane treatment.

Secs. 14-49 - 14-80. Reserved.

ARTICLE III. DOMESTIC ANIMALS (DOGS AND CATS EXCEPTED)

THAT CHAPTER 14, ARTICLE III, Section 14-84 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

Sec. 14-84. Sanitary condition required.

No person may keep or maintain any building or enclosure where livestock or fowl are kept unless the building or enclosure is kept at all times in a clean and sanitary condition and in accordance with the rules and regulations of the city.

ARTICLE IV. DOGS AND CATS

THAT CHAPTER 14, ARTICLE IV, Sections 14-121, 14-122, 14-123, 14-124, 14-125, 14-126, 14-128, 14-129, 14-130, 14-131, 14-132, 14-133, 14-134, 14-154, 14-183, 14-185, 14-186, 14-188, 14-189 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

DIVISION 1. GENERALLY

Sec. 14-121. Dogs running at large.

- (a) Except on property designated by the city as an animal off-leash area, it shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or her or under his or her control to be at large and to go in or upon the private premises of others or upon any public property.
- (b) Each violation of this section committed by an owner or caretaker on a separate and subsequent date shall be subject to enhancing penalty amounts as set forth by the city in the fine and fee schedule.
- (c) Community cats shall not be impounded for solely being at large.

Sec. 14-122. Impoundment of dogs.

A community service officer may impound any dog which is at large if the owner or caretaker of the dog cannot be located or is not available to take immediate possession of the dog. For purposes of this chapter, a dog is considered at large if it is not on a leash and is either off its owner's or caretaker's premises or is upon or returns to its owner's or caretaker's premises and its owner or caretaker is not present at such premises at such time.

Sec. 14-123. Disturbance of the peace.

- (a) The owner or caretaker of an animal may not allow the animal to create a disturbance by making loud continuous noises at any time of the day or night.
- (b) A community service officer or police officer may remove and impound the animal which is disturbing the peace when the owner or caretaker of the animal cannot be located. a community service officer or police officer removes an animal because of a disturbance and the owner or caretaker cannot be located, a notice advising the

owner or caretaker of the impoundment and complaint shall be left at the premises of the owner or caretaker.

Sec. 14-124. Emergency confinement.

A community service officer or the police chief, in an emergency, may order that all dogs and cats in the city be confined in such a manner as to make it impossible for such dogs and cats to bite any person, dog, cat or other animal. A statement declaring the confinement order shall be issued to all local news media and shall require confinement of all dogs and cats upon 24 hours' notice.

Sec. 14-125. Defecation disposal.

- (a) The owner, keeper, caretaker or attendant of a dog or cat which defecates upon public or private property other than their own shall immediately clean and remove the fecal material from such public or private property. Public property includes any boulevard, park or playground in the city.
- (b) Anyone walking an animal on public or private property other than his or her own must carry with him or her 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.

Sec. 14-126. Restricted animals.

- (a) An animal may be declared restricted by the chief of police or the attending physician of the victim of an animal bite or scratch may request the 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 or private grounds or places.
 - 2) No animal may be declared restricted 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.
 - 3) An animal that has been previously declared by another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a restricted declaration had the events occurred within the city of Brookings.
- (b) When the chief of police declares an animal restricted, the chief of police shall notify the owner of the declaration in writing that the animal must be registered as a restricted animal within 15 days after the receipt of the written notice. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) The owner of an animal that has been declared restricted shall make application to the community service office unit to register the restricted animal and shall comply with the following:
 - 1) The owner of the animal shall notify the community service unit 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; and
 - 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' 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 the community service officer. Minimum standards shall include the following:
 - a. Fencing materials shall not have openings with a diameter of more than 2". In the case of a wooden fence, the gaps shall not be more than 2".
 - b. Any gates within the pen or structure shall be lockable and of a 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; and
 - 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. The number and the veterinarian who injected the microchip are to be reported to the community service unit;
 - 6) A sign provided by or approved by the community service unit denoting a restricted 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. Said sign must warn the public as follows:

WARNING. RESTRICTED DOG ON THIS PROPERTY. DOG IS ONLY ALLOWED OUT OF HOUSE OR PEN WITH LEASH AND MUZZLE. THIS DOG HAS BEEN DECLARED RESTRICTED UNDER CITY OF BROOKINGS ORDINANCE.14-126. REPORT VIOLATIONS TO THE BROOKINGS POLICE DEPARTMENT COMMUNITY SERVICE UNIT (605-692-2113).

The sign must also include a picture or symbol that conveys the idea of a vicious dog to small children who cannot read;

- 7) The owner shall carry \$100,000 animal 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 insurance shall be filed with the community service unit;

- 8) The owner shall present proof of current rabies vaccination and current city license of the animal to the community service unit; and
 - 9) The owner shall present proof the animal has been altered to prevent reproduction to the community service unit.
- (d) The restricted animal shall be impounded by the community service unit at the owner's expense until a time as all provisions of division (c) above are complied with.
- (e) If the conditions in division (c) above are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with the community service unit.
- (f) Any restricted animal not in compliance with this article shall be seized by a community service officer or police officer and impounded. If the animal cannot be captured, it may be destroyed. A community service officer or police 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 shall not be destroyed. If the owner of the animal fails to deliver the animal as ordered, a community service officer or police officer shall use those means as are necessary to impound the animal.

Sec. 14-128. Sanitary conditions required.

No person may keep or maintain any building, enclosure, yard or kennel area where animals are kept unless it is kept at all times in a clean and sanitary condition and is not permitted to become stagnant, noxious or a nuisance. Failure to clean up unsanitary conditions after inspection and verbal or written notice by a community service officer constitutes a violation of this section.

Sec. 14-129. Appeal permitted.

- (a) Any party who is aggrieved by any action or decision of a community service officer to declare an animal as biting, dangerous or vicious may appeal the decision. The party who wishes to appeal is referred to as the "appellant." An independent hearing examiner, who must be a member in good standing of the state bar of South Dakota, shall be assigned to hear the appeal.
- (b) Appeals shall be commenced by filing a written notice of appeal either in person or postmarked within 15 days of the decision. The written notice of appeal shall be printed legibly or typed and contain the following information:
1. The reasons the appellant believes the decision is objectionable, incorrect or illegal;
 2. The type of claim or dispute involved and the time during which it accrued or occurred;
 3. The name, address and telephone number of the appellant;
 4. The number of the citation being appealed, if applicable;
 5. A statement indicating whether the appellant desires the administrative appeal hearing to be open or closed to the public. All administrative appeal hearings are presumed to be open to the public. If either party requests a hearing that is closed to the public, the party requesting the closed hearing must present good cause to the hearing examiner that

the public interest in having an open hearing is outweighed by the privacy interest involved in a particular case or that a closed hearing is legally required based upon the nature of the evidence to be presented at the administrative appeal hearing;

6. If the appellant is to be represented by a legal representative, the name, address and telephone number of the representative; and
 7. The signature of the appellant, legal representative and/or corporate agent.
- (c) There shall be no fee to file an appeal. Compliance with the above time limit and notice of appeal information requirements shall be jurisdictional prerequisites to any appeal. Failure to comply with any of these requirements shall be deemed to waive the right to a hearing.
- (d) If the appellant complies with the jurisdictional requirements for an appeal, then the city will take no further action to enforce the decision until the hearing examiner renders a final decision. However, the provisions for prior notice and hearing may be dispensed with when, in the opinion of a community service officer, immediate action is necessary to summarily abate a dangerous condition on public or private property or there is an imminent threat to life or safety on public or private property. A community service officer shall take only such action as is reasonably necessary to summarily abate the danger, and then the city will take no further action to enforce the decision until the hearing examiner renders a final decision.
- (e) A community service officer, or his or her designee, shall immediately deliver a copy of the appeal to the city attorney who will act as the city's legal counsel.

Sec. 14-130. Vicious animals.

- (a) An animal may be declared vicious by the chief of police under the following minimum guidelines:
- (1) An animal that in a vicious or terrorizing manner, engages in contributing pack behavior or bites, inflicts injury to, assaults, or otherwise attacks a person or other animal upon the streets, sidewalks, or any public or private grounds or places, resulting in the death of the person or other animal.
 - (2) An animal that, in a vicious or terrorizing manner, engages in contributing pack behavior or bites, inflicts injury to, assaults, or otherwise attacks a person or other animal resulting in:
 - a. A bite wound with one to four punctures from a single bite with at least puncture of which estimates indicate that more than 50% of the length of the canine teeth entered the victim's body;
 - b. Serious injury to the person or animal; or
 - c. A Level 4 or higher aggression incident on the Dunbar Aggression assessment Scale.
 - 3) An animal that has been previously declared in another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a vicious declaration had the events occurred within the city of Brookings.
 - 4) 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 chief of police declares an animal vicious, the chief of police shall notify the owner of the declaration in writing. The notice shall be served either in person or by mailing the notice by certified mail.
 - (c) It is unlawful for any person to own, harbor, or possess a vicious animal.
 - (d) Any animal declared vicious shall be euthanized in a humane manner and proof of euthanasia filed with the community service unit.
 - (e) Any animal declared vicious shall also have been deemed declared restricted for purposes of any administrative appeal.

Sec. 14-131. Dunbar aggression assessment scale.

- (a) Level 1. Animal growls, lunges, or snarls, but no teeth touch skin. Mostly intimidation or threatening behavior.
- (b) Level 2. Teeth touch skin but no puncture. May have red mark or minor bruise from the dog's head or snout, may have minor scratches from paws/nails. Minor surface abrasions or lacerations.
- (c) Level 3. Punctures one to three holes, single bite. No tearing or slashes. Victim not shaken side to side, bruising.
- (d) Level 3.5. Multiple Level 3 bites.
- (e) Level 4. Two to four holes from a single bite, typically contact/puncture from more than canines, which may have considerable bruising, black bruising, tears or slashing wounds indicating animal clamped down and held or shook head from side to side.
- (f) Level 5. Multiple bites at Level 4 or above. A concerted, repeated attack causing severe injury.
- (g) Level 6. Victim dead.

Sec. 14-132. Immediate notice of bite.

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately by the quickest means of communication give notice of such incident to the community service office unit or the police department and remain on the scene until the responding community service officer or police officer has indicated the person may leave.

Sec. 14-133. Duty to give information, render aid.

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately stop and give his or her name and address and shall render to any person injured reasonable assistance.

Secs. 14-134—14-150. Reserved.

DIVISION 2. LICENSING REQUIREMENTS

Sec. 14-154. Fee.

Before any license may be issued under the provisions of this article, the applicant shall pay to an authorized agent a fee for each dog or cat to be licensed.

- (a) The fee for such license shall be determined from time to time by resolution of the city council. All applications for license certificates must be accompanied by a rabies immunization certificate and the appropriate fee. The term of the license is as follows:
 - Cats 1 year or 3 years from date of issue depending on the rabies vaccination given.
 - Dogs 1 year or 3 years from date of issue depending on the rabies vaccination given.
- (b) The license shall take effect when issued. Each owner or keeper of a dog or cat must make application to renew the license prior to the expiration of the license, accompanied by a fee as set forth in the city fee schedule.

DIVISION 3. IMPOUNDMENT AND REDEMPTION

Sec. 14-183. Redemption of a dog or cat by owner or caretaker.

- (a) The owner or caretaker of any impounded dog or cat, upon satisfactory proof of ownership, may redeem their dog or cat upon payment of the impoundment fees and charges and upon proof of a current rabies vaccination and city license.
- (b) The owner or caretaker of any impounded dog or cat which has not been vaccinated or licensed under this article may redeem their dog or cat by providing satisfactory proof of ownership and by making a deposit with the community service unit in the amount established by resolution of the city council. The owner or caretaker will be allowed five days to vaccinate and license such dog or cat. Upon presentation within five days of a license issued under this article, the deposit will be refunded.
- (c) If such owner or caretaker fails to procure a certificate of vaccination and city license within five days, the deposit will be forfeited to the city and delivered to the city clerk's office, and the dog or cat shall be re-impounded.

Sec. 14-185. Disposition.

- (a) If an impounded animal is wearing a license or other means of identification, the animal shall be confined at the shelter for a period of five days, excluding Sundays and holidays.
- (b) If an impounded animal is not wearing a license or other means of identification, the animal will be impounded for no more than three days, excluding Sundays and holidays. The chief of police may authorize a community service unit or a designee to dispose of animals impounded under this subchapter after the impoundment period by any humane means.

Sec. 14-186. Alternate procedure.

If a dog or cat cannot be captured and the owner or caretaker is known to a community service officer, the community service officer may issue a notice to the owner or caretaker that their dog or cat is in violation of this article. The notice shall state the violation date, time, location, the breed if known and color of the dog or cat, the license number, if known, and the name and address of the owner or caretaker of such dog or cat, and the notice shall direct the owner or caretaker of such dog or cat to pay the impoundment fees as provided in this article either by mail or in person to the community service unit officer within ten days. Failure to pay the fees as provided in the notice shall constitute a violation of this ordinance.

Sec. 14-188. Interference with performance of duties.

No person shall hinder, delay, or obstruct an officer of the community service unit, his or her assistant, or any law enforcement officer while in performance of any duty of his or her office or when engaged in capturing, securing, or impounding any animal.

Sec. 14-189—14-220. Reserved.

ARTICLE V. WILD OR DANGEROUS ANIMALS

THAT CHAPTER 14, ARTICLE V, Section 14-221, 14-222, 14-223, 14-227, 14-228, 14-230 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

Sec. 14-221. Registration required.

In the interest of public safety, all wild animals and hybrid animals whose peers exist predominantly in a wild or nonresidential confined state and whose unconfined presence might constitute a danger to humans shall be registered with the community service unit.

Sec. 14-222. Providing registration information to relevant personnel.

The community service unit shall provide copies of all wild animal and hybrid registrations to the police department and other emergency rescue personnel who may have reason to enter the premises where wild animals are present for purposes of rescue operations resulting from a natural disaster or personal emergency.

Sec. 14-223. Running at large prohibited.

It is unlawful for any person to permit or allow any wild or hybrid animal to run at large within the city.

Sec. 14-227. Owner to report escape of dangerous animals or animals not indigenous to state.

The owner or caretaker of any member of a species of the animal kingdom that escapes from their custody or control and that is a dangerous animal or is not indigenous of this state or presents a risk of physical harm to persons or property shall immediately if possible and not later than one hour after they discover or reasonably should have

discovered the escape, report the animal to police officer or community service officer of the city and to the Brookings County Sheriff.

Sec. 14-228. Penalty for violation of article.

Each separate offense of any provision of this article shall be deemed committed once each day during the period of time a violation occurs or continues.

Sec. 14-230. Animals declared as a biting, dangerous or vicious by another governmental entity prohibited.

It is unlawful for any person or caretaker to keep, maintain or have in their possession or under their control within this city any animal which has been declared by another governmental entity to be a biting, dangerous or vicious animal.

Secs. 14-231—14-260. Reserved.

ARTICLE VI. PET SHELTER

THAT CHAPTER 14, ARTICLE VI, Sections 14-262, 14-291, 14-292, 14-293, 14-294, 14-296 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

DIVISION 1. GENERALLY

Sec. 14-262. Right of entry.

A community service officer or their authorized representative shall have the right to inspect any pet shelter at any reasonable hour for the purpose of enforcing the provisions of this article.

DIVISION 2. LICENSE

Sec. 14-291. Required.

It is unlawful for any person within the city to keep, maintain or operate a pet shelter without first having obtained a pet shelter license from the community service unit.

Sec. 14-292. Application; contents; form.

Any person who desires to maintain or operate a pet shelter shall, on or before December 31st of each year make application to the community service unit for a pet shelter license. The application shall be in writing, and shall state the name and address of the applicant, the location of the pet shelter, a description of the type and number of animals being harbored and the purpose of raising the animals. The application shall be made on a printed form furnished by a community service unit and shall be filed with the community service unit.

Sec. 14-293. Inspection.

An inspection of the sanitary conditions of a proposed shelter by the community service unit is required prior to issuance of the initial pet shelter license.

Sec. 14-294. Fee.

Before any license is issued under the provisions of this article, the applicant shall pay to the community service unit, a fee for each pet shelter to be licensed. The annual fee for a pet shelter license shall be as established by resolution of the city.

Sec. 14-296. Revocation.

A pet shelter license may be revoked for any of the following reasons:

- (1) Substantiated complaints to a community service officer by adjacent neighbors about odor or noise.
- (2) Unsanitary conditions as determined by a community service officer.
- (3) Submission of false information upon the application for a pet shelter license.
- (4) Any violation of the provisions of this article.

ARTICLE VII. RABIES CONTROL

THAT CHAPTER 14, ARTICLE VII, Sections 14-297, 14-298, 14-299, 14-300, 14-301, 14-302, 14-303, 14-304 of the Code of Ordinances and pertaining to Animals is hereby amended to read as follows:

Sec. 14-297. Cooperation of joint agencies.

The chief of police shall cooperate with the state department of health, the state livestock sanitary board, the United States Fish and Wildlife Service, the United States Public Health Service, the United States Department of Agriculture, state and local veterinary associations, and any other appropriate city, county, state or federal agency to reduce rabies in wildlife and domestic animals. The chief of police or public health authority may institute those additional measures for the control of rabies as may be deemed necessary by the board of health and the city council.

Sec. 14-298. Vaccination required.

- (a) Every dog, cat or other animal susceptible to rabies, held as a domestic pet in the city, six months of age or older, is hereby required to be vaccinated against rabies by a licensed veterinarian or other qualified person designated by the board of health. Any rabies vaccination that is not administered by a licensed veterinarian or other qualified person designated by the board of health shall not be recognized as the required vaccination. Vaccination against rabies shall be given at those intervals as designated by the board of health by resolution.
- (b) Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise shall have the animal vaccinated against rabies within one month following acquisition or when the animal reaches the age of six months.

Sec. 14-299. Keeping rabid animals.

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have come in contact with an animal known to have been infected with rabies unless the animal has current rabies shots. In that case the procedure stated in the current Compendium of Animal Rabies Control shall be followed.

Sec. 14-300. Report of suspected case; generally.

Any person who shall suspect that any animal in the city is infected with rabies shall report the animal to the community service officer, describing the animal and giving the name and address of the owner if known.

Sec. 14-301. Report of suspected case; veterinarians.

Veterinarians within the city receiving information or reports of suspected rabies in wild animals or domestic animals shall report the information to the community service officer.

Sec. 14-302. Report of suspected case; physicians.

Physicians within the city, immediately upon treatment of any person bitten by an animal, shall report the information to the community service unit.

Sec. 14-303. Destruction of rabid animals.

Any animal displaying symptoms or characteristics of rabies may be destroyed by the community service officer or a veterinarian upon authorization of the chief of police.

Sec. 14-304. Muzzling proclamation.

Whenever the health authority shall have determined that there is danger of the existence or spread of rabies in the city, he or she shall make the facts known to the mayor in writing. The mayor, upon receipt of the facts, may, by proclamation in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight hours after the publication of the proclamation, all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize the animals fail. All animals seized and impounded shall be held for observation for ten days, and if cleared by a licensed veterinarian, may be claimed by the owner and the owner must pay the expenses incidental thereto. Any animal not claimed may be disposed of pursuant to the provisions of this subchapter.

II.

Any or all Ordinances in conflict herewith are hereby repealed.

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CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk