

Chapter 14
ANIMALS
ARTICLE I. IN GENERAL

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.

~~Animal control department~~ *Community service unit* means the unit charged with animal control ~~department of for~~ the City of Brookings.

~~Animal control officer~~ *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. A chicken is not a domestic animal.

Fowl means chickens, ducks, geese, turkeys, pheasants, quail, partridge, guineas, or other like domestic birds.

Game bird means any bird that is hunted chiefly for sport or taken for food or raised for profit.

Guard dog means any dog which is utilized to protect property.

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 ~~owning, keeping, harboring or having under their control one or more dog, cat, rabbit or other animal.~~ 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. This includes dogs, cats, guinea pigs, hamsters, rats, mice, ferrets, birds other than fowl, rabbits, reptiles (other than those expressly prohibited by this code in section 14-225), amphibians, invertebrates, and species that a reasonable person would consider a pet. Fowl and livestock are not pets. The keeping of fowl or livestock including, but not limited to, swine, cattle, cows, sheep, horses, mules, or goats shall not be governed by this section of the code but shall be governed by other applicable sections of this code.

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. Unwanted Stray or surrendered animals.

- (a) *Acceptance; conditions.* The city animal shelter will accept ~~unwanted-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.
- (b) *Fees.* The fee for acceptance of animals at the city animal shelter will be determined from time to time by resolution of the city council.

Sec. 14-3. Disturbance of peace.

The owner or caretaker of an animal shall not allow the animal to disturb the peace and quiet of the city or of any person.

Sec. 14-4. Animals on school grounds, property, or recreation areas.

No owner or caretaker shall permit their animal to be either upon any school property except upon the express permission of the school principal or their designee, or upon any public park unless the animal is in the control of the owner or caretaker by a leash. If a dog is participating in an organized event or activity in a public park under the supervision of its owner or caretaker it may be off its leash during the event or activity.

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

- (a) ~~An animal control officer~~ 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 ~~animal control officer~~ 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 ~~animal control officer~~ community service officer shall euthanize the animal by humane means and obtain laboratory confirmation of rabies.
- (~~de~~) 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 ~~animal control officer~~ community service officer for confinement and testing of the animal in accordance with the provisions of this chapter.
- (~~ef~~) 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 ~~animal control officer~~ community service officer.
- (~~gf~~) The ~~animal control officer~~ 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. ~~An animal control officer~~ 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. 14-6. Number of pets limited.

It is unlawful for any person or caretaker to have or keep more than six domestic pets, including, but not limited to, dogs, cats and rabbits over the age of four months, except birds and fish, upon any lot or premises in the city, unless such person or caretaker resides within the lot or premises and has a valid pet shelter or kennel license issued by the city. The city animal shelter and veterinarian offices are exempt from the provisions of this section.

Sec. 14-7. Unattended animals in standing or parked vehicles; ~~A~~ authority to remove ~~and~~ L 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 ~~an animal control officer~~ a community service officer or police officer. Removal of an unattended animal by ~~an animal control officer~~ 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 ~~animal control department~~ 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. 14-9. Public nuisance.

Any animal will be considered a public nuisance if such animal is destroying or defacing property or is disturbing any person. Any owner or caretaker of such animal will be held responsible for allowing such public nuisance to occur.

~~Secs. 14-10—14-40. Reserved.~~

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

Sec. 14-41. Cruelty to animals generally.

No person may cruelly beat, torture or injure any animal, nor overload any working animal, nor shall any person willfully or negligently abuse, mistreat or neglect any animal.

Sec. 14-42. Teasing, baiting or harassing.

It is unlawful for any person to tease, bait or harass any animal.

Sec. 14-43. Humane care of animals.

An owner or caretaker shall provide their animal with sufficient food and water, proper shelter, humane care, treatment and veterinary care when needed to prevent suffering. No person may mistreat any animal nor shall any animal be abandoned. An owner or caretaker may take an animal they no longer desire to care for to the city animal shelter.

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 ~~warfin~~ warfarin rodenticide.

Sec. 14-45. Instigating or allowing fights between animals.

No person may allow any fighting between animals, birds or fowl of any kind. No person may keep any house, pit, or other place for the purpose of allowing or holding fights between animals, birds or fowl. No person may instigate or encourage any animal, bird or fowl to attack, bite, wound or worry another animal, bird or fowl for any bet, stake, reward or entertainment.

Sec. 14-46. Injured or ill animals.

Whenever ~~an animal control officer~~ a community service officer encounters a stray animal suffering pain, the ~~animal control officer~~ 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. ~~If ownership of the animal cannot be determined, the animal control officer shall impound the animal for five days unless it appears that a longer impoundment will lead to identification of the owner or caretaker. If the owner or caretaker cannot be located, the animal may be euthanized by humane means without notice.~~

(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. 14-47. Restraint of animal in a vehicle.

An animal within a vehicle upon a public street or confined in a parked vehicle in a public parking lot shall be restrained as necessary so the animal cannot reach outside the confines of that vehicle.

~~**Secs. 14-48—14-80. Reserved.**~~

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)

Sec. 14-81. Proximity of livestock to dwellings.

No person may keep any horse, cow, goat, sheep or other livestock, or erect or maintain any building or enclosure for use in keeping any such animals within 125 feet of any church, school or other public building or within 125 feet of any dwelling, store or

building used or occupied as a residence of any person other than that of the owner or caretaker of such animals.

Sec. 14-82. Proximity of fowl to dwellings.

~~It is unlawful for any person to~~ No person may keep, ~~enclose,~~ or house ~~any guinea fowl, ducks, geese, turkeys or other domestic fowl~~ fowl, except pigeons, and except falcons and hawks in the possession of a state and federally licensed handler in any house, pen, coop or enclosure or other building situated within a distance of 125 feet of any church, school or other public building, ~~or within 125 feet of any dwelling, store or other building used or occupied as a residence of any person other than that of the owner or caretaker of such fowl.~~ unless otherwise authorized under applicable zoning regulations.

Sec. 14-83. Swine.

No person may place, keep or maintain live hogs or other swine within the city, except such hogs as are kept in railroad cars for shipping purposes, or in pens within butcher shops and kept for the purpose of immediate shipment or slaughter, or at South Dakota State University for purposes of breeding or experimentation, or at commercial research and development facilities, or at animal health clinics, or temporarily exhibited for educational events.

Sec. 14-84. Sanitary condition required.

No person may keep or maintain any building or enclosure where livestock or ~~domestic~~ 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.

Sec. 14-85. Keeping of bees.

- a. *Definitions.* The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter.
 1. *Apiary.* Any place where one or more colonies of bees are kept.
 2. *Bees.* Any insect stage of the common honeybee, *Apis mellifera* L, or any species of bees which is allowed in SDCL Chapter 38-18.
 3. *Colony.* The bees in any hive, including queens, workers, and drones.
 4. *Hive.* Any frame hive, box hive, box, barrel, log gum, skep, or any other container which may be used as a domicile for bees.
 5. *Hobby beekeeper.* A person who engages in hobby beekeeping.
 6. *Hobby beekeeping.* The activities associated with keeping, controlling, harboring, and/or maintaining one or more colonies of bees.
- b. *Location of hives.*

1. *Proximity to residences.* No person shall establish or maintain any hive or keep any bees on the premises within 15 feet of any dwelling. This restriction does not apply to residences located on the same lot as the hive.
 2. *Hive placement.* All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of persons on adjacent properties or in the public right-of-way. Hives shall not be located within ten feet of any side or rear lot line. Hives shall not be placed within any drainage easement on the property. Hives shall not be located within a front yard. The entrance of the hives shall face the primary residence of the Hobby Beekeeper.
- c. *Number of hives.*
1. It shall be unlawful to keep more than four hives on any tract, lot, or parcel within the city.
- d. *Nuisance prohibited.* Notwithstanding compliance with the requirements of this article, it shall be unlawful for any person to keep any colony or colonies in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others, interfere with the normal use and enjoyment of any public property or property of others, or so as to create a nuisance to others. Public nuisances under this section may be abated in accordance with the provisions in Brookings Ordinance Chapter 22 and State law.
- If a colony is found to be a nuisance, the hobby beekeeper must relocate or destroy all hives within 30 days of the final nuisance determination.
- e. *Compliance with all applicable laws.* Beekeepers shall register all apiaries with the state as required by SDCL Chapter 38-18. Beekeepers shall comply with all applicable Federal and state laws, including but not limited to those provisions found within SDCL Chapter 38-18.
- f. *Spraying.* The city is not liable for any damage to bees, hives, colonies, or hobby beekeeping operations resulting from the city's use of spray to manage mosquitos or noxious weeds on public rights-of-way or other public property.
- g. *Remedies for nuisance.* In the case of a violation of this chapter, the city may elect to destroy a hive and/or relocate a colony, if there is an immediate need to protect public safety, or may require the hobby beekeeper to destroy or relocate a colony. Such circumstances shall be present when there is (1) a colony not residing in a hive structure intended for beekeeping; (2) a dangerous swarm of bees that poses an immediate risk to the safety of humans; or (3) a colony residing in a standard or man-made hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.

Sec. 14-86. Pigeons.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings provided in this section, except where the context clearly indicates a different meaning:

Dwelling means a building or portion thereof, designed or used exclusively for occupancy of at least one person.

Garage means an enclosed building or space designed or used for the storage of personal motor vehicles and other customary household articles which are owned and used by the occupants of the building to which it is accessory.

Lot means a plot or parcel of land, or group of abutting and contiguous parcels of land, established by survey, plat or deed, occupied or to be occupied by a dwelling.

Pigeon means any kind of pigeon, whether wild or kept as a pet, or for hobby purposes such as breeding, showing or sporting.

(b) *Limit in dwellings or garages.* No person may keep or cause to be kept more than five pigeons within any dwelling or garage in the city.

(c) *Limit upon lots.* No person may keep or cause to be kept upon any lot within the city more than a total of 25 pigeons.

Sec. 14-87. Livestock running at large.

No person may allow any horses, cattle, swine, sheep, goats or other domestic animals to run or be at large within the city.

Sec. 14-88. Fowl at large.

It is unlawful for any person to permit or allow any ~~guinea fowl, ducks, geese, turkeys or other domestic fowl, except pigeons and except falcons and hawks in the possession of a state and federally licensed handler, except pigeons and except falcons and hawks in the possession of a state and federally licensed handler, to~~ run or be at large within the city.

Sec. 14-89. Picketing.

No person may stake out any domestic animal in such manner as to permit such animal to go upon any street, alley or sidewalk within the city or to approach within 125 feet of any dwelling or building within the city which is used or occupied as a residence of any person other than that of the owner or caretaker of such animal.

Sec. 14-90. Keeping of game birds prohibited.

No person may keep or have any game birds, including but not limited to, pheasants, geese, ducks, quail and partridge in any house, pen, coop or enclosure or other building situated within a distance of 125 feet of any church, school or other public building or within 125 feet of any dwelling, store or other building used or occupied as a residence of any person other than that of the owner or caretaker of such fowl.

Secs. 14-91—14-120. Reserved.

ARTICLE IV. DOGS AND CATS

DIVISION 1. GENERALLY

Sec. 14-121. Dogs running at large.

~~It is unlawful for any person to permit or allow a dog to run at large within the city. All dogs must be restrained in such a manner so they cannot run at large within the city.~~

(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.

~~The animal control officer~~ 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) ~~Any animal control~~ A community service officer or police officer may remove and impound ~~any~~the animal which is disturbing the peace when the owner or caretaker of the animal cannot be located. ~~If an animal control~~ 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.

~~An animal control officer~~ 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. ~~Vicious or biting dogs.~~ Restricted animals.

~~(a) An animal may be declared to be a biting, dangerous or vicious animal by at least two persons which may include law enforcement and animal control officers, utility personnel or veterinarians or, alternatively, the attending physician of a victim of an animal bite or scratch may request such declaration pursuant to the following guidelines:~~

~~(1) An animal which, in a vicious or aggressive manner, approaches a person or animal in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or animal upon the streets, sidewalks or any public grounds, parks or other public places in the city; or~~

~~(2) An animal, while on private property, approaches a person or animal in a vicious or aggressive manner, in an apparent attitude of attack, or bites, inflicts injury, or otherwise attacks a postal worker, meter reader, service person, journeyman, delivery person, or other such person, or another animal, provided such person or animal is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner or occupant of such private property.~~

~~(3) No animal may be declared biting, dangerous or vicious if the injury or damage is sustained by any person or animal who is committing a willful trespass or is not authorized to be upon the premises occupied by the owner or caretaker of the animal, or who is teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.~~

~~(4) The following conditions shall also be considered:~~

~~a. The nature or severity of the attack or bite.~~

~~b. Whether the dog has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to a person or another animal.~~

~~c. Previous incidents of a similar nature.~~

~~(b) When the animal in question is declared to be biting, dangerous or vicious, an animal control officer shall notify the owner of such declaration in writing that such animal must be registered as a biting, dangerous or vicious animal. The notice shall be served upon the animal's owner or caretaker either in person or by mail.~~

~~(c) The owner or caretaker of an animal that has been declared to be biting, dangerous or vicious shall register the dog as a biting, dangerous or vicious animal and shall comply with the following:~~

~~(1) The owner or caretaker of the animal shall notify the city animal control department of any changes in the following:~~

~~a.—Ownership of the dog;~~

~~b.—Name, address and telephone number of the new owner;~~

~~c.—Address change of the owner or any change concerning where the dog is kept;~~

~~d.—Any changes in the health status of the animal; and~~

~~e.—The death of the animal.~~

~~(2) If the dog is indoors, the dog shall be in the control of a person who is over 18 years old.~~

~~(3) If the dog is outdoors and attended, the dog shall be muzzled, on a leash no longer than six feet and under the control of a person who is over 18 years of age.~~

~~(4) If the dog is outdoors and unattended, the dog must be locked in an escape proof kennel approved by the city animal control department.~~

~~(5) The owner shall present proof of current rabies vaccination and current city license of the dog to the animal control department and shall be required in the future to maintain current and up-to-date rabies vaccination and license.~~

~~(6) The owner shall present proof to the animal control department that the dog has been altered to prevent reproduction.~~

~~(d) The biting, dangerous or vicious dog shall be impounded by the city animal control department for a period of not longer than 30 days at the owner's expense until such time as all provisions of subsection (c) of this section are fully performed.~~

~~(e) If the conditions of subsection (c) of this section are not fully performed within the 30 days allowed, the dog shall be euthanized in a humane manner and proof of euthanasia shall be filed with the city animal control department.~~

~~(f) Any biting, dangerous or vicious dog found off the premises of its owner, other than as provided for in this article, may be seized by an animal control officer, or any police officer or sheriff's deputy and impounded. If the dog cannot be captured it may be destroyed. If the dog has been running at large, or bites a person or another animal, the animal control officer, any police officer or sheriff's deputy may order the owner to deliver the dog to the city animal shelter within 24 hours and the owner [shall be] required to appear in court to show cause why the dog shall not be destroyed. If the owner of the dog fails to deliver the dog as ordered, an animal control officer, any police officer or sheriff's deputy may use such means necessary to impound the dog.~~

(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. 14-127. Guard dogs.

- (a) *Designation.* The owner or caretaker of a dog whose purpose is to guard and protect property must designate that their dog is a guard dog at the time of obtaining a city dog license.
- (b) *Signs.* It shall be the responsibility of the owner or caretaker of a guard dog to post appropriate warning signs indicating that there is a guard dog upon the premises.
- (c) *Confinement.* The guard dog shall be confined to the premises protected by such dog.

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 ~~an animal control officer~~ 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 ~~an animal control officer~~ a community service officer -to declare ~~a dog~~ 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 ~~the animal control officer~~ 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. ~~The animal control officer~~ 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) ~~The animal control officer~~ 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. 14-13~~40~~—14-150. Reserved.

DIVISION 2. LICENSING REQUIREMENTS

Sec. 14-151. Required.

It is unlawful for any person within the city to keep, maintain or have in their custody or under their control any dog or cat which is over the age of three months without first having obtained a license for the dog or cat from an authorized agent of the city.

Sec. 14-152. Application.

Any person desiring to keep, maintain or have in their custody or control within the city, any dog or cat, shall, on or before December 31 of each year, make an application to an authorized agent of the city for a license to keep such dog or cat. Such application shall be in writing, stating the name, sex, color and other distinguishing characteristics (e.g., such as guard dog) of such dog or cat and the name of the owner or caretaker thereof. The license application shall be made on a printed form furnished by an authorized agent and shall be filed with an authorized agent of the city.

Sec. 14-153. Rabies vaccination required.

No dog or cat license tag may be issued to any owner or caretaker of any dog or cat who does not present to an authorized agent at the time of making application for such license, a certificate of vaccination against rabies by a veterinarian duly licensed to practice veterinary medicine within any state. The certificate must show the date of such vaccination and must state the period of time for which the dog or cat is effectively immunized, which period of immunization shall be for at least one year from the date of issuance of the license tag.

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 ~~annual~~ 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.

Sec. 14-155. Authorized agent's fee.

If the license fee is collected by a veterinarian authorized by the city, the veterinarian may charge an additional fee in the amount established by resolution of the city for their services in issuing such license.

Sec. 14-156. Issuance of tag.

It is the duty of an authorized agent of the city, at the time of issuance of the license provided in this article, to provide to the applicant a tag for each dog or cat for which a license is issued. The license tag shall be stamped or engraved with the registered number of the dog or cat and the year for which the license is issued.

Sec. 14-157. Dog or cat to wear tag.

It is the duty of the owner or caretaker of any dog or cat to place a collar around the neck of each dog or cat, on which collar shall be securely fastened a current license of the city.

Sec. 14-158. Duplicate tag.

In the event the license tag is lost, an authorized agent of the city is authorized to issue a duplicate tag upon application for the replacement tag. The actual cost of the duplicate tag shall be paid at the time a replacement license tag is issued.

Secs. 14-159—14-180. Reserved.

DIVISION 3. IMPOUNDMENT AND REDEMPTION

Sec. 14-181. Notice to owner or caretaker.

The owner or caretaker of any dog or cat which is impounded under the provisions of this article shall be notified that their dog or cat has been impounded within 24 hours if the owner's or caretaker's identity and location can be obtained by reasonable means.

Sec. 14-182. Impoundment fees.

Fees for the impoundment of any dog or cat shall be determined from time to time by resolution of the city council, which shall be on file in the city clerk's office.

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 ~~animal control officer~~ 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. 14-184. Redemption by person other than owner or caretaker.

If the owner or caretaker of any dog or cat impounded under the provisions of this article fails to redeem their dog or cat within five days after such impoundment, any other person may, upon complying with the provisions of this article, redeem such dog or cat from the animal shelter and become the lawful owner or caretaker of such dog or cat thereafter.

Sec. 14-185. Disposition.

~~All dogs and cats impounded under the provisions of this article and remaining unclaimed after five days of impoundment, unless impounded for a longer specified time by order of an animal control officer, may be placed for adoption or, without notice, euthanized by humane means.~~

(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 ~~an animal control officer~~ a community service officer, the ~~animal control officer~~ 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 ~~an animal control officer~~ 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. 14-187. Pickup and transportation fee.

An animal pickup and transportation fee will be charged for every animal picked up from outside the limits of the city and impounded at the animal shelter of the city.

~~Secs. 14-188—14-220. Reserved.~~

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

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 ~~animal control department~~ community service unit.

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

The ~~animal control department~~ 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. 14-224. Prohibited generally.

It is unlawful for any person to keep, maintain or have in their possession or under their control within the city any poisonous reptile or any other dangerous animal, hybrid animal or carnivorous wild animal or reptile, or vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities.

Sec. 14-225. Prohibited animals enumerated.

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

Dangerous animal means any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it escaped from secure quarters. The term "dangerous animal" also includes any domestic animal, reptile or fowl which, because of its size or vicious propensity or other characteristic, constitutes a danger to human life or property if it escaped from secure quarters.

(b) *Prohibited animals.* It is unlawful for any person to keep, maintain or have in their possession or under their control within the city any of the following animals:

- (1) Any animal which has been declared to be protected or endangered by the U.S. Department of Interior;
- (2) All poisonous animals, including rear-fang snakes;
- (3) Badgers (mellinae);
- (4) Bears (ursidae);
- (5) Beavers (castoridae);
- (6) Canids, that is: wolves, foxes, coyotes, jackals, dingos, raccoon dogs;
- (7) Civet (viverrines);
- (8) Civet or raccoon dog (nycterevtes procyonoides);

- (9) Constrictor snakes;
- (10) Crocodilians, that is: alligators, crocodiles, caimans, caviars;
- (11) Eagles, hawks, owls (falconiformes) except falcons and hawks in the possession of a state and federally licensed handler;
- (12) Edentata, that is: anteaters, tamanduas, sloths, armadillos;
- (13) Emus (casuariiformes);
- (14) Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots, bobcats;
- (15) Game cocks and other fighting birds;
- (16) Hyenidae (hyenas);
- (17) Marsupials, that is: opossums, Tasmanian wolf, kangaroos, koalas, wombats;
- (18) Muskrats (ondatra);
- (19) Ostriches (struthio);
- (20) Porcupine (hystricomorpha);
- (21) Primates (nonhuman), that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
- (22) Procuonids, that is: raccoons, coatis, kinkajous, ring-tailed cats, pandas;
- (23) Rheas (rheiformes);
- (24) Skunks (mephitinae);
- (25) Squirrels (sciuridae);
- (26) Sharks (chondrichthyes);
- (27) Swine (suidae);
- (28) Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu;
- (29) Water buffalo (bubalus);
- (30) Wart hogs (phacochoerus aethiopicus);
- (31) Weasels;
- (32) Wolverines (gulo gulo);
- (33) Woodchucks (marmota monas);
- (34) Any other dangerous animal.

Sec. 14-226. Exception for medical and education institutions.

The provisions of sections 14-224 and 14-225 of this article do not prohibit the possession or keeping of an animal which is in the possession of faculty or staff of

South Dakota State University and is kept within the South Dakota State University campus for testing, research or educational purposes and is confined in a cage or enclosure adequate to prevent its escape or the possession or keeping of an animal which is a circus animal or the temporary display of an animal participating in a licensed circus event or temporary display. The possession or keeping of an animal at South Dakota State University and the possession or keeping of a circus animal or an animal on temporary display are permitted if:

- (1) Their location conforms to the provisions of the zoning ordinances of the city.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters constructed to prevent their escape.
- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

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 a law enforcement police officer or animal control officer community service officer of the city and to the Brookings County Sheriff.

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

~~Any person violating any provision of this article shall be subject to a fine of \$200.00 for each offense, and e~~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. 14-229. Public nuisance.

The possession or keeping or any animal prohibited by this article is declared to be a public nuisance.

Sec. 14-230. Animals declared as a biting, dangerous or vicious animal 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 SHELTERS

DIVISION 1. GENERALLY

Sec. 14-261. Definitions.

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

Pet shelter means a pen, cage, enclosure or accessory structure used for the purpose of harboring four to 30 pets, such as rabbits, chinchillas or similar animals at least four months of age, other than dogs, cats, poultry or domestic livestock.

Sec. 14-262. Right of entry.

~~An~~ A community service officer ~~animal control 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.

Sec. 14-263. Commercial pet shelter prohibited.

It is unlawful to maintain or operate a pet shelter as a commercial enterprise in the city. A pet shelter operated by a nonprofit organization which complies with this article is an authorized pet shelter.

Sec. 14-264. Number of pets.

It is unlawful to keep or shelter more than 30 pets over four months of age in a pet shelter.

Sec. 14-265. Adequate facilities required.

It is unlawful to maintain or operate a pet shelter without adequate pens, feeders and waterers.

Secs. 14-266—14-290. Reserved.

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 ~~animal control department~~ 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 ~~animal control officer~~ 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 an ~~animal control officer~~ community service unit -and shall be filed with ~~an animal control officer~~ the community service unit.

Sec. 14-293. Inspection.

An inspection of the sanitary conditions of a proposed shelter by ~~the~~ an animal control officer 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 ~~animal control department~~ 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. 14-295. Right of appeal.

If a pet shelter license is not issued upon initial application therefor, or is revoked, the applicant may appeal the decision to the city council. Any decision of the city council will be a final decision.

Sec. 14-296. Revocation.

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

- (1) Substantiated complaints to ~~an animal control officer~~ a community service officer by adjacent neighbors about odor or noise.
- (2) Unsanitary conditions as determined by ~~an animal control officer~~ 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

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.