

CITY OF AURORA

ORDINANCE NO. 227

AN ORDINANCE AMENDING ORDINANCE 217 REGARDING THE KEEPING AND CONTROL OF ANIMALS IN THE CITY OF AURORA, SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF AURORA that this ordinance supersedes all other animal ordinances of the City of Aurora.

ARTICLE I. General

Section 1. Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings herein ascribed to them.

Animal - "Animal" shall mean dogs, cats, rabbits, to include all animals and pets; however, for the purpose of Article IV, rabies control or this ordinance, "Animal" shall mean any animal which may be infected with rabies.

Animal Control Officer(s) - The officer(s) approved by the City of Aurora and sworn in for the purpose of enforcing this ordinance, whose duty it is to enforce the ordinance and South Dakota state laws relating to cruelty, abuse, and injury to animals. The animal control officer(s) may be employees of the City of Aurora or the City of Aurora may contract with a municipality or other suitable person, firm, or corporation.

At Large - Any animal shall be deemed to be at large when it is off the property of his or her owner and not under control of a competent person.

Owner - Any person, group of persons, or corporation owning, keeping, or harboring an animal or animals.

Animal Control Officer - The animal control officer performs or causes to be performed the professional services required in the care, treatment, or euthanasia of the animals being handled, and is responsible for keeping all record of rabid animals, animal bites, and rabies related quarantines. The animal control officer may be an employee of the City of Aurora or the City of Aurora may contract with a municipality or other suitable person, firm, or corporation, to provide same.

Section 2. Enforcement

A. The provisions of this ordinance shall be enforced by the Brookings County Sheriff's Department or the animal control officer who shall be supervised and assisted in the performance of duties by the Brookings County Sheriff's Department.

B. The animal control officer or County Sheriff or deputies may issue citations for violations of this ordinance or may issue warning tickets requiring correction of a violation.

C. No person may hinder, delay, or obstruct any law enforcement officer or animal control officer in the lawful performance of any duty under this ordinance, or seek to release any animal in the custody of the animal control officer as provided herein.

D. Any person, firm, or corporation violating any provision of this ordinance shall be punishable by a fine of not more than two hundred dollars (\$200.00).

E. If the animal control officer determines that it is necessary to impound an animal from its owner's property, the animal control officer shall obtain an order for the impoundment from the court having jurisdiction or written permission from the owner of such animal. However, the animal control officer may impound an animal from its owner's property without obtaining such order or written permission in the following circumstances:

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

F. This ordinance shall apply to all of the City of Aurora, State of South Dakota.

G. Each of the provisions of this ordinance is separate and if any provision or any part of any provision hereof is held illegal or invalid, the remaining provisions shall not be affected thereby and shall remain in full force and effect.

Section 3. Animal Shelter

A. It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of the finding, impoundment, and disposition of all animals coming into their custody.

B. It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records of: (1) all bite cases reported to him and his investigation of the same, (2) all citations and warning tickets issued by him, and (3) all investigations conducted by him concerning reported violations or the state law regarding inhumane treatment of animals.

C. It shall be the duty of the animal control officer to keep, or cause to be kept, accurate and detailed records or all moneys belonging to the city, which records shall

be open to inspection at reasonable times by such person(s) responsible for similar records of the City of Aurora, South Dakota, and shall be audited annually in the same manner as other City of Aurora records are audited.

D. It shall be the duty of the animal control officer to keep, or cause to be kept, records of all animals quarantined for rabies observation, reported cases of rabies, animal bites, and proceedings regarding vicious and dangerous and biting dogs and cats and other animals within the City of Aurora.

ARTICLE II. Regulations

Section 1. Dogs and Cats At Large

No owner may permit his or her dog or cat to be at large.

Section 2. Striking Animal with Motor Vehicle

Any person who, as the operator of a motor vehicle, strikes a dog or cat shall at once report the accident to the appropriate law enforcement agency or animal control officer.

Section 3. Disturbance of Peace

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

Section 4. Disturbance or Nuisance

No person owning or possessing any dog or cat shall permit or allow such dog or cat to disturb the peace and quiet of the neighborhood by continuous barking, or by making other loud or unusual noises, or by becoming a public nuisance by destroying or defacing property or causing injury to persons or domestic animals.

Section 5. Teasing and Baiting, etc.

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

Section 6. Poisoning of Animals Unlawful

It shall be unlawful for any person to willfully or maliciously administer or cause to be administered poison of any sort whatsoever to any animal 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.

Section 7. Keeping of Vicious, Dangerous, and Biting Dog

A. Vicious and dangerous biting dog defined—for the purpose of this ordinance, a vicious and dangerous biting dog is any dog or other canidae which, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude or attack, or bites, inflicts injury, assaults, or otherwise attacks a human being upon the streets, sidewalks, or any public grounds or places or attacks other dogs or cats OR any

dog or other canidae which, on private property, when unprovoked, in a vicious or terrifying manner, approaches in apparent attitude of attack, or bites, or inflicts injury or otherwise attacks a mailperson, meter reader, service person, journey person, delivery person, or other employed person who 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 of such private property.

B. No person may own, harbor, or keep within the City of Aurora any vicious, dangerous biting dog or cat, except according to the provisions of this section.

C. A formal committee of at least two (2) persons which may include, but is not limited to law enforcement and animal control officers, may make a determination that a dog or cat is vicious and dangerous and biting after taking the following into consideration:

1. The nature and severity of the attack.
2. Whether the dog or cat has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to another animal or person.
3. Previous incidents of like nature.

D. After such declaration, the owner of the dog shall be notified in writing of the declaration and of required containment procedures or facilities for mentioned animal, which may include muzzle, double fence, or enclosed cage.

E. A dog or cat that has bitten any person or has exhibited a propensity to attack or bite human beings and this propensity to attack or bite human beings is known to the owner shall not be allowed off the premises of its owner unless muzzled and on a leash in the control of the owner or a member of the owner's immediate family who is over sixteen (16) years of age. Any dog or cat that has been declared to be a biting dog or cat and is subsequently found off the premises of its owner and not muzzled and on a leash controlled by an appropriate person may be seized by any person and upon delivery to the proper authorities, may upon establishment of the biting character of said dog or cat, be humanely disposed of by an animal control officer or other person or persons authorized by the City of Aurora. A complaint may also be issued for violation of this ordinance.

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

Section 8. Animals on School grounds or Recreation Area Restricted

No owner shall permit their animal to be upon school property when school is in session, or upon any public park unless the animal is in the control of the owner by

leash or similar device, except when a dog or cat is participating in an organized event or activity.

Section 9. Cruelty to Animals

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

Section 10. Humane Care of Animals

Any owner shall provide their animal with sufficient food and water, proper shelter, humane care and treatment, and veterinary care when needed to prevent suffering. No person shall mistreat any animal nor shall any animal be abandoned. An owner may take an animal they no longer desire to care for to the animal control shelter and leave it only after appropriate fees have been paid to the shelter.

Section 11. Fights Between Animals

No person shall engage in or allow any fighting between animals, birds, or fowl or any kind upon their premises or premises in their possession or under their control in the city. No person shall keep any house, pit, or other place to be so used in permitting fights between animals, birds or fowl. No person shall 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.

Section 12. Injured or Ill Animals

Whenever an animal control officer encounters a stray animal in suffering and pain and the owner is known, the animal control officer shall take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner. If ownership of the animal cannot be determined, the animal control officer shall impound the animal for five (5) days unless it appears the impoundment of the animal shall cause more pain and suffering, if the owner cannot then be located, the animal may be disposed of by humane means without notice.

Section 13. Responsibility for Damage Done by Animals

The owner of any animal shall be held strictly responsible for any damage their animal does to other persons or property.

ARTICLE III. Impoundment & Disposition of Animals

Section 1. Impoundment of Animals at Large

A. All animals found running at large shall be taken by the animal control officer and impounded at the animal shelter and there confined in a humane manner for a period of not less than five (5) days, unless claimed by their owner(s). Animals impounded and not claimed by their owner(s) at the expiration of five (5) days may be disposed of at the discretion of the animal control officer or the County Sheriff, except as herein provided in the cases of certain animals.

B. When animals are found running at large and their ownership is known to the animal control officer, such animal(s) need not be impounded but the animal control officer may, at his discretion, issue a citation to the owner of such animal(s).

C. Immediately upon impounding any animal, the animal control officer shall make every reasonable effort to notify the owner of the animal so impounded and inform that owner of the conditions whereby he may regain possession of his animal. If an animal shall be wearing a rabies tag or other identification, the animal control officer shall, immediately after impounding such animal and before destroying or disposing of it, ascertain the name of the owner from the records of the veterinarian or other information at his disposal and inform that owner of the conditions whereby he may regain possession of his/her animal. If the owner does not appear to retain possession of his/her animal within a twenty-four (24) hour period, the owner shall be issued a twenty-four (24) hour reclaim letter in which said owner will be required to reclaim their animal within said time or animal shall be put up for adoption or euthanized by appropriate means.

D. If any owner has requested in writing that his/her animal be destroyed, the same shall be humanely destroyed by a South Dakota state certified veterinarian. Under no circumstances shall it be sold or given to any person or persons. The owner may be charged a fee for the humane destruction of his animal. The owner shall take the animal to a veterinary of their choice to be euthanized and the cost shall become the responsibility of the owner or owners.

Section 2. Redemption and Destruction of Impounded Animal(s)

The owner shall be entitled to regain possession of any impounded animal except as herein provided in the cases of certain animal(s) upon compliance with the provisions contained in Article IV Rabies Control of this ordinance and payment of the fees and charges provided for in the ordinance. Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within five (5) days may be humanely destroyed by the animal control officer or adopted to the custody of some person(s) deemed to be a responsible and suitable person(s) to be the owner of such animal. The animal control officer may destroy any sick or injured animal or feral cat which has been impounded if that animal is not wearing any rabies tag, license tag, or other identification, without holding it for five (5) days or it's condition is such as makes it's destruction necessary or desirable. All animals destroyed shall be destroyed by a humane procedure.

Section 3. Impoundment Fees

Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the City of Aurora any and all fees and fines and deposits required to reclaim such animal. The established fee for each animal reclaimed shall be determined by the City of Aurora. There will also be additional charges if veterinarian services are required and rendered.

ARTICLE IV. Rabies Control

Section 1. Rabies Vaccination

No dog or cat may be kept or harbored within the city without having a current rabies vaccination designated for the species by the United States Department of Agriculture and administered as recommended by the current “compendium of animal rabies control” prepared by the National Association of State Public Health Veterinarians. Such vaccination shall be administered by or under the supervision of a licensed veterinarian only.

Section 2. Bite Cases, Quarantine, and Rabid Animals

A. For purposes of this section, “Veterinarian shall mean any veterinarian licensed to practice in the state of South Dakota”.

B. It shall be the duty of every physician or other practitioner to report to the animal control officer or shelter the names and addresses of persons treated for bites inflicted by animals along with such information as will be helpful in rabies control.

C. Every owner having knowledge that his animal has bitten or is suspected of biting a human being shall forthwith report same to the animal control officer or County Sheriff for disposition of said animal under the provisions of this ordinance.

D. All quarantine procedures and all procedures for management of animals that have bitten humans, animals exposed to rabies, and rabid animals will be in accordance with the current “compendium of animal rabies control” promulgated by the National Association of State Public Health Veterinarians, Inc. In case of conflict between said compendium and this ordinance concerning said quarantines and procedures, the recommendation in compendium will take precedence over this ordinance.

E. Any animal shall be considered unvaccinated unless **proof** of a current rabies vaccination effected not less than thirty (30) days prior to the bite is provided within twenty-four (24) hours of the bite. Any unvaccinated animal that has bitten any person may be euthanized by order of the Brookings County Sheriff, animal control officer, or the State Department of Health if, based on sound medical judgments, a greater risk to human life exists by not doing so. In making such a determination, the following facts may be considered:

1. The history of the animal, including the possibility of its exposure to rabies.
2. The vaccination record of the animal.
3. The health of the animal.
4. The nature, location, and seriousness of the bite.
5. The circumstances surrounding the bite.
6. The tolerance of the person bitten to the vaccines used for treatment.

F. Any dog or cat which bites or attacks a person shall be quarantined at the direction of the animal control officer or County Sheriff or veterinarian for a period of not less than ten (10) days. During quarantine the animal shall be securely confined and apart from contact with any other animal or humans other than the caretaker. If the dog or cat has bitten or attacked while on the premises of the owner and has a current rabies vaccination, the animal control officer may, if it is determined that the facilities are adequate and the owners are responsible persons, quarantine the animal on the owner's premises. The quarantined animal must, at all times be available for inspection during the quarantine period and shall be evaluated by a veterinarian at the first sign of illness. If other confinement is required, the owner shall surrender the animal for the quarantine period to the animal shelter or shall place it in a veterinary hospital; either confinement shall be at the owner's expense. If animal is not currently vaccinated, **the animal shall be quarantined at a veterinary hospital or the animal shelter only.**

G. At the end of the specified quarantine period, the animal will be examined by a veterinarian at the owner's expense. If the veterinarian finds that the animal is showing no clinical signs or symptoms known to be present in active cases of rabies, the animal will be released from quarantine and may be reclaimed by the owner. The veterinarian shall so notify the shelter and animal control officer. The owner will be required to vaccinate reclaimed animal if not currently vaccinated.

H. Any stray animal that bites a person, if its **ownership cannot** be ascertained within forty-eight (48) hours of the bite, shall be **euthanized** and sent to a **competent laboratory to be examined for rabies**.

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

J. When any animal has been diagnosed by a veterinarian as being rabid or dies during quarantine or rabies observation, the veterinarian or animal control officer shall immediately send the head or entire body of such animal to a competent laboratory for pathological examination and shall notify the proper public health officials and the County Sheriff and animal control officer of reports of human contacts and the diagnosis made of the suspected animal.

K. Every owner whose animal is bitten or scratched by an animal showing positive symptoms of rabies, or by a wild or carnivorous mammal or bat not available for testing, shall have that animal examined by a veterinarian. Said animal shall be euthanized, quarantined, or observed at the owners expense according to the guidelines in the current "compendium of animal rabies control."

L. Any persons who kills or causes to be killed any rabid animal, or animal suspected of having been exposed to rabies, or any animal biting a human, shall immediately report same to the **animal control officer or the County Sheriff**. No

person may sell, give away, remove from the City of Aurora, or otherwise dispose of such animal without written permission from the animal control officer or the County Sheriff. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the animal control officer. The animal control officer or veterinarian shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or euthanasia as required herein when demand is made by the animal control officer or the Brookings County Sheriff.

Adopted this 10th day of July, 2006.

Fred Weekes, Mayor

ATTEST:

Patricia Solsaa
Finance Officer

First Reading: June 5, 2006
Second Reading: July 10, 2006
Vote: Yeas: 4 Neas: 0
Adopted: July 10, 2006