

ORDINANCE NO. 174

AN ORDINANCE PROVIDING FOR THE LICENSING AND CONTROL OF DOGS

BE IT ORDAINED BY THE TOWN OF EGAN, SOUTH DAKOTA:

GENERAL PROVISIONS

Section No. 1. Definitions.

- a. Owner – Includes any person harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns.
- b. At Large – Means to be off the premises of the owner and not under control of someone by a leash.
- c. Animal Control Officer – Anyone appointed to this position by the Board of Trustees.

Section No. 2. Disturbance or Nuisance. No person owning or possessing any dog shall permit or allow such dog 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.

No owner, keeper, caretaker or attendant of a dog shall allow that dog to defecate on public or private property other than their own. If such dog does defecate upon public or private property, the owner, keeper, caretaker or attendant shall immediately clean the fecal material from such public or private property.

Section No. 3 Biting and Vicious Dogs Vicious dogs are defined as any 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 whether on public or private property, providing that the animal has not been provoked to do so by teasing, tormenting, abusing or assaulting the animal.

1. An animal may be declared to be vicious by the Board of Trustees, Law Enforcement or Animal Control Officer or the attending physician of any victim of any animal bite or scratch.
2. 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 the premises occupied by the owner or keeper of the animal.
3. When an animal is declared to be vicious as provided above, the City shall notify the owner or keeper of such declaration in writing that such animal is vicious which notice shall be served either in person or by mailing such notice by certified mail.
4. The owner or keeper of an animal that has been declared vicious must then comply with the following:

- a. If the animal is outdoors and attended, the animal shall be muzzled, on leash no longer than six (6) feet and under the control of a person over 18 years of age.
- b. If the animal is outdoors and unattended, the animal must be locked in an escape proof kennel approved by Law Enforcement or an animal control officer. Minimum standards shall include the following:
 - (1) Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of a wooden fence, the gaps shall not be more than two (2) inches.
 - (2) Any gates within such a pen or structure shall be locked and of such design to prevent the entry of children or the escape of the animal.
 - (3) The required pen or structure shall have a top and bottom with both secured to the sides.
 - (4) The pen or structure shall protect the animal from the elements.
 - (5) The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects within the reach of the animal.
 - (5) A sign denoting a vicious animal 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.
- c. The owner or keeper shall comply with the licensing requirement of the City Ordinances and present proof of a current rabies vaccination.
- d. The owner or keeper of a vicious animal shall provide proof of liability insurance for the minimum amount of \$100,000.
- e. The vicious animal may be impounded by the City at the owner's or keeper's expense until such time as all provisions are outlined above are complied with but no longer than 10 days. If provisions are not complied within 10 days the animal shall be disposed of according to Section 14.
- f. Any vicious animal found off the premises of its owner or keeper, other than as provided for in this Ordinance, may be seized by any person authorized by the City of Egan to do so and impounded and humanely euthanized. If the animal cannot be captured, it will be euthanized.

LICENSING

Section No. 4 License. It shall be unlawful for any person within the Town of Egan to keep, maintain, or have in their custody or under his control, any dog, which is over 4 months old, without having obtained a license from the Finance Officer.

Section No. 5 Application. Any person or persons desiring to keep, maintain, or have in his custody or control any dog within the Town of Egan shall on or before the 1st day of January in each year make application to the Finance Officer for a license to keep a dog. Such application shall be in writing, stating the name, sex, color and other distinguishing characteristics of such dog and the name of the owner thereof, which application shall be made on a printed form furnished by the Finance Officer and shall be filed with said Finance Officer.

Section No. 6 Rabies vaccination required. No dog license tag shall be issued to any owner or person in possession of any dog who does not present to the Finance Officer 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 is effectively immunized.

Section No. 7 Fee, Tag. The applicant shall, at the time of making such application, pay to the Finance Officer an annual license fee of \$5.00 for each neutered dog and \$10.00 for each un-neutered dog or such fee as the Board of Trustees shall establish from time to time.

Section No. 8. Issuance of Tag. It shall be the duty of the Finance Officer, at the time of the issuance of the license herein provided for, to furnish to said applicant a metallic, fiber, or plastic tag for each dog for which such license is issued, upon which tag shall be stamped or engraved the registered number of the dog and the year when registered.

Section No. 9. Use of Tag. It shall be the duty of the owner or keeper of any dog to place a collar around the neck of each dog, on which collar shall be securely fastened the tag furnished by the Finance Officer. In case of the loss of any tag issued by this ordinance, the Finance Officer is authorized to issue a duplicate tag when application has been made stating the original tag has been lost and payment of the actual cost of the duplicate tag has been made.

Section No. 10 Dogs at Large. It shall be unlawful for any person to permit or allow a dog to run at large within the city limits of the Town of Egan.

IMPOUNDMENT

Section No. 11 Impoundment. Any authorized person appointed by the Board of Trustees of the Town of Egan is empowered to impound any dog if the owner of the dog cannot be located or is not available to take immediate possession of the dog. For purposes of this section, a dog is considered at large if it is not on a leash and is upon or returns to its owner's premises, and its owner is not present at such premises.

Section No. 12. Notice to Owner. Owners will be notified within 24 hours of impoundment if ownership can be established by reasonable means. The owner may redeem dog impounded within 5 days by paying all costs incurred. Dogs not redeemed by the owner may be disposed of by humane means or given to the Humane Society for adoption.

Section No. 13. Redemption of Dog. The owner (or his representative) of any impounded dog may redeem his dog by providing proof of ownership and proof of current rabies vaccination and licensing. The owner is responsible for paying any and all impoundment and related fees including, but not limited to boarding fees and all costs incurred by the animal control officer.

If such dog has not been vaccinated and licensed, the owner may redeem such dog provided that, within 5 days, the owner vaccinates and licenses such dog. A \$25.00 vaccination deposit will be paid to animal control until proof of vaccination is provided. Upon presentation of proof of vaccination, the \$25.00 deposit will be refunded. Failure to do so will result in re-impoundment of the dog.

Section No. 14. Disposition. All dogs impounded under the provisions of this ordinance and remaining unclaimed for 5 days may be placed for adoption, or without notice, disposed of by humane means by an animal control officer.

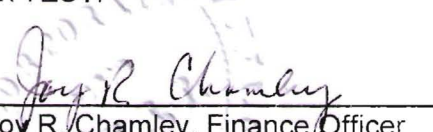
Section No. 16 Repeal. All previous ordinances or parts of ordinances heretofore passed by the Town Board of Trustees, which conflict with this ordinance are hereby repealed, and this ordinance shall become effective and in force from and after its passage, approval, and publication as provided by law.

First Reading: June 21, 2006
Second Reading: September 19, 2006
Publication: September 27, 2006
Effective: October 17, 2006



Tom Steinhauer, Chairman, Board of Trustees

ATTEST:



Joy R. Chamley, Finance Officer