

TITLE 8 ANIMAL CONTROL IN BROWN COUNTY

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CHAPTER 8.01 STATEMENT OF PURPOSE

8.0101 For the purpose of controlling animals and protecting the public in those areas located within Brown County, the following Animal Control Ordinance is hereby adopted.

CHAPTER 8.02 DEFINITIONS

8.0201 For the purpose of this Title, certain terms or words used herein shall be interpreted as follows:

Animal Control Officer: The patrol officer with police authority, whose duty it is to apprehend animals throughout his jurisdiction within the County whose owners are in violation of this ordinance. He responds to complaints about violations and delivers the animals to the Animal Shelter. The Brown County Sheriff shall act as Animal Control Officer jointly with the Control Officer of this ordinance.

Animal Shelter: Any premises designated by action of the County for the purpose of impounding and caring for all animals found running at large in violation of this ordinance.

At Large: Any dog or other domesticated animal shall be deemed to be at large when it is off the property of its owner and not under control of a competent person.

Control Officer: The owner and/or operator of the Animal Shelter as hereinafter provided, who is a contractor with the County for sheltering and destroying animals. The Brown County Sheriff's Office is charged with the overall enforcement of this ordinance. The owner/operator shall follow this ordinance and any treatment or legal orders of the Sheriff or his Designee to provide destruction of the animals being handled. He exercises supervision and control over the animal delivered to the shelter by the Sheriff or Designee.

Domesticated Animals: Any animal shall be deemed domesticated when it is maintained/kept for purposes of pleasure or potential profit or if individual ownership is otherwise asserted.

Exposed to Rabies: A dog has been exposed to rabies within the meaning of this ordinance, if it has been bitten by or been exposed to any animal known to be or suspected of being infected with rabies.

Kennel: Any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling, or boarding dogs.

Owner: Any person, group of persons, or corporation owning, keeping, or harboring a dog.

Restraint: A dog is under restraint within the meaning of this ordinance if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

Spayed Female: Any bitch, which has undergone surgery to prevent conception, whose owner can provide suitable proof of such surgery.

CHAPTER 8.03

ENFORCEMENT

8.0301 Enforcement. The provisions of this ordinance shall be enforced by the Brown County Sheriff's Office, the Brown County States Attorney's Office or the Animal Control Officer, who shall be supervised in the performance of their duties by the Brown County Sheriff.

No person shall hinder, delay or obstruct any animal control officer, his/her assistant, or any law enforcement officer when such officer is engaged in performance of an official duty.

CHAPTER 8.04

RABIES VACCINATIONS

8.0401 The owner of each dog shall have proof that the dog has been vaccinated for rabies and shall have a tag attached to a suitable collar with date/year that applies.

The owner will also provide proof that the Rabies Vaccinations are kept current within guidelines established by Veterinarian.

If a dog is with the owner hunting or working farm animals, the collars may be removed. But, if asked by proper authorities, the owner shall show proof of rabies vaccination.

Failure to comply with the provisions of this section may result in charges being filed.

8.0402 In the event that a Rabies tag issued by a dog shall be lost, the owner shall obtain a duplicate tag.

8.0403 No person shall use for any dog, a Rabies tag or evidence of vaccination for Rabies, issued for any other dog.

CHAPTER 8.05 TAG AND COLLAR

8.0501 The Rabies tag shall be stamped with the number and the year for which issued. Every dog shall at all times wear a choke chain, collar, or harness to which is attached its Rabies tag unless actively engaged in hunting with its owner, or is a working farm animal.

CHAPTER 8.06 RESTRAINT

8.0601 The owner shall keep his dog or other domesticated animals under restraint at all times and shall not permit such dog or other domesticated animals to be at large off the premises or property of the owner unless under the control of a competent person. It shall be unlawful for any dog owner to keep or have within County limits a dog that habitually or repeatedly chases, snaps at, or attacks at livestock, poultry, pedestrians, bicyclists, vehicles or turns over garbage pails or damages gardens, flowers, vegetables, or conducts itself to be a public nuisance.

CHAPTER 8.07 ANIMAL SHELTER

8.0701 The County shall provide for or maintain a suitable shelter for the impounding of dogs and other animals. Such shelter shall be so constructed that animals of different kinds and of different sizes and sexes may be segregated, and shall be maintained in a safe and sanitary condition. Such shelter may either be constructed and operated by the County, or the County may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed and watered and treated in a humane manner.

CHAPTER 8.08 IMPOUNDMENT AND DISPOSITION OF ANIMALS

8.0801 All dogs or other domesticated animals found running at large that constitute a public nuisance, shall be taken up to the animal control officer, and impounded in the animal shelter or other suitable shelter, and there confined in a humane manner for a period of not less than three days. Animals impounded and not claimed by their owners at the expiration of three days may be disposed of in a humane manner by the shelter operator, except as hereinafter provided in the cases of certain animals. When dogs or other domesticated animals are found running at large, and their ownership is known to the Animal Control Officer or owner of shelter, such dogs or other domesticated animals need not be impounded, but the Animal Control Officer may at his discretion, cite the owners of such dogs or other domesticated animals to appear in court and answer charges of violations of this ordinance or the animals may be released with a warning for the first offense and the second offense shall be cited to court. Immediately upon impounding dogs or other domesticated animals, the Animal Control Officer shall make every reasonable effort to notify the owners of such dogs or other domesticated animals so impounded and inform such owners of such dogs or other domesticated animals so they may regain possession of such animals. If a dog shall be wearing a rabies tag, the Animal Officer shall, immediately after impounding such a dog, and before destroying or disposing of it, ascertain the name of the owner from the records of the rabies tag and inform such owner of the conditions whereby he may regain possession of such dog, upon paying all costs of impoundment. If any owner has requested his dog or domesticated animal be destroyed, the same shall be humanely destroyed at the owner's expense; under no circumstances shall it be sold or given to any person or persons.

CHAPTER 8.09 REDEMPTION AND DESTRUCTION OF IMPOUNDED ANIMALS

8.0901 The owners shall be entitled to regain possession of any impounded dogs or other domesticated animals, except hereinafter as provided in the case of certain dogs upon compliance with the provisions contained in this Ordinance and the payment of the fees and charges provided for in this Ordinance. Any animal impounded under the provisions of this Ordinance and not reclaimed by its owner within three days may be humanely destroyed in a manner prescribed by the owner of the shelter or placed in the custody of some person deemed to be a responsible and suitable person to be the owner of such animal. After fees are obtained, the shelter may destroy any sick or injured animal which has been impounded without holding it for three days if its condition is such and makes its earlier destruction necessary or desirable. All animals destroyed shall be destroyed by a humane procedure but not by shooting.

CHAPTER 8.10 IMPOUNDMENT FEES

- 8.1001 Any dog or other domesticated animal impounded herein may be reclaimed as herein provided upon payment by the owner of the costs of impoundment fees to the shelter for each dog or other domesticated animal impounded plus any costs for veterinarian services rendered and cost of board.
- 8.1002 Impoundment fees shall be kept by the Shelter and no charge shall be made to the County. A record is to be kept of these fees and is to be furnished to the Brown County Sheriff's Office. No dog will be released unless it has a current rabies vaccine record.
- 8.1003 No person shall avoid payment of impoundment fees, veterinarian services, or rabies observation costs, by stopping payment on any check.

CHAPTER 8.11 RABIES CONTROL

- 8.1101 Every animal which bites a person shall be promptly reported to the Animal Control Officer, and shall thereupon be securely quarantined at the direction of the Animal Control Officer for a period of not less than ten days, and shall not be released from such quarantine except by written permission of the Animal Control Officer. Such quarantine may be at the shelter designated at the County Animal Shelter, or at the owner's operation, in a veterinary hospital of his choice, located in Brown County, either place at the expense of the owner. In the case of stray animals, or in the case of animals whose ownership is not known, such quarantine shall be at the shelter designated as the County Animal Shelter.
- 8.1102 The owner upon demand made by the Animal Control Officer shall forthwith place in the custody of a licensed veterinarian any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies and upon compliance of provisions set forth in this ordinance.
- 8.1103 When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observations, the Animal Control Officer shall immediately send or cause to be sent the head of such animal to a competent laboratory for pathological examination, and shall notify the proper public health officers of reports of human contacts and the diagnosis made of the suspected animal.
- 8.1104 When one or both reports give a positive diagnosis of rabies, the Animal Control Officer may recommend an area quarantine for a period of thirty (30) days, and upon the invocation of such quarantine, no animal shall be taken into such area or permitted to be in that area, during such period of quarantine unless so advised by the State Health Department.
- 8.1105 Every unvaccinated animal bitten by an animal showing positive symptoms of rabies shall be forthwith destroyed or shall, at the owner's option and expense, be held under not less than six (6) months.
- 8.1106 In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.
- 8.1107 No person shall kill, or cause to be killed, any rabid animal, any animal suspected or having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the County Limits without written permission from the Animal Control Officer. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Officer. The Animal Control Officer 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 destruction as required herein when demand is made therefore by the Animal Control Officer.
- 8.1108 Every other having knowledge that his animal has bitten or is suspected of biting a human being, shall forthwith report the same to the Animal Control Officer for disposition of said animal, under the provisions of this Ordinance.

CHAPTER 8.12 REPORT OF BITE CASES

8.1201 Report of Bite Cases. It shall be the duty of every physician, or other practitioner, to report to the Animal Control Officer, the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

CHAPTER 8.13 RESPONSIBILITIES OF VETERINARIANS

8.1301 It shall be the duty of every licensed veterinarian to report to the Animal Control Officer his diagnosis of any animal observed by him as a rabies suspect. All quarantined animals must be reported to the Animal Control Officer.

CHAPTER 8.14 EXEMPTIONS

8.1401 Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this Ordinance, except where such duties are expressly stated. The licensing and vaccination requirements of this ordinance shall not apply to any animal belonging to a non-resident of the County and kept within the County for not longer than thirty (30) days, provided all such dogs shall at all times while in the County, be kept within a building enclosure or vehicle, or be under restraint by owner.

CHAPTER 8.15 INVESTIGATION

- 8.1501 For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, the Animal Control Officer, or any Deputy Sheriff is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog, or the tags of such dog. It is further provided that the Animal Control Officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his opinion, it requires humane treatment.
- 8.1502 The Animal Control Officer or any member of the Brown County Sheriff's Office is hereby authorized and empowered to follow and enter upon any enclosure or lot within the limits of the County in quest of any animal suspected of being affected by rabies, or to apprehend any dog which he has observed to be running at large.

CHAPTER 8.16 INTERFERENCE

8.1601 No person shall interfere with, hinder, or molest any official in the performance of any duty of his office, or seek to release any animal in the custody of the Animal Control Officer except as herein provided.

CHAPTER 8.17 RECORDS

8.1701 It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the impoundment, and disposition of all animals coming into his custody. It shall be the duty of the Animal Control Office to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him and his investigation of same. It shall be the duty of the Animal Shelter to keep, or cause to be kept, accurate and detailed records of all dogs/cats impounded and destroyed or released, which records shall be open to inspection at reasonable times by such persons responsible for similar records of Brown County, South Dakota, and shall be audited annually in the same manner as other County records are audited.

CHAPTER 8.18 TEASING AND MOLESTING

8.1801 It shall be unlawful for any person to tease, molest, bait, or in any way bother any dog not belonging to him or not legally under his control.

CHAPTER 8.19 TRANQUILIZERS

8.1901 The Animal Control Officer, or his duly appointed employees or any member of the Brown County Sheriff's Office is hereby authorized to use, operate, and possess such services that are designed to propel projectiles for the purpose of subcutaneous injections of tranquilizers, depressants, or other drugs into animals.

**CHAPTER 8.20 ABANDONMENT OF ANIMALS AND ALLOWING ANIMALS TO
ROAM FREELY**

8.2001 It shall be unlawful for any person to abandon any dog or other domesticated animal, or intentionally or through gross negligence allow such animals to freely roam upon a public right of way or upon the property of another. Violation of this ordinance shall also be deemed a public nuisance. (Ordinance 093 amendment).

CHAPTER 8.21 PUBLIC NUISANCE

8.2101 If any person owning or keeping more than five (5) dogs and failing to keep such dogs within the confines of his own property such failure should amount to a public nuisance and be subject to the provisions of SDCL 21-10-5 et.seq.

CHAPTER 8.22 DOGS IN PACKS

8.2201 Any officer authorized under this Ordinance to enforce the terms thereof, or any Peace Officer, as defined by 23A-45-9.7 or Conservation Officer, as defined by SDCL 41-2-11, shall have authority to dispatch or destroy dogs in packs which are actively chasing, barking, harassing or attacking any livestock, poultry, big game animal, small game animal, or game birds, if in his opinion all other means of controlling or subduing such pack would fail. Three (3) or more dogs shall constitute a pack.

CHAPTER 8.23 VICIOUS ANIMALS

8.2301 An animal is declared to be vicious within the meaning of this Ordinance when a propensity to attack or bite human beings or other animals shall exist and is known or thought reasonable to be known to the owner. No vicious animal shall be allowed off the premises of its owner unless muzzled and on a leach, in charge of the owner or a member of the owner's immediate family over sixteen (16) year of age.

Any vicious animal, which is found off the premises of its owner other than provided herein, shall be seized by any animal control officer or law enforcement officer and impounded.

PROVIDED: if the animal cannot be captured, it may be destroyed; **PROVIDED FURTHER:** if the animal has been seen running at large, or bites a person and it can be witnessed, the animal control officer or law enforcement officer may order the owner to deliver the animal to a county animal control shelter within twenty-four (24) hours and the owner ordered to appear in Court to show cause why this animal should not be destroyed; **PROVIDED FURTHER:** the owner of the animal shall be ordered to pay all accompanying costs associated with the animals destruction, should such action be ordered.

CHAPTER 8.24 COUNTY ANIMAL CONTROL OFFICER

8.2401 There may be a person designated by the County Commissioners as County Animal Control Officer whose duties and jurisdiction are herein described:

1. The County Animal Control Officer will have as his geographic jurisdiction an area extending beyond the City limits of Aberdeen, said area to specifically include the balance of Brown County. The balance of Brown County, with the exception of any area within an incorporated municipality where a city ordinance is in effect, shall be under the jurisdiction of the Brown County Sheriff.

CHAPTER 8.25 GEOGRAPHIC JURISDICTION

8.2501 This ordinance providing for the control of dogs shall apply to all of Brown County, State of South Dakota, except for those areas incorporated within any municipality where a city ordinance exists.

CHAPTER 8.26 SANCTIONS

8.2601 Violations of this County Ordinance shall be deemed a Class 2 Misdemeanor.