

ORDINANCE NO. 98-2

TITLED: "DOG CONTROL ORDINANCE"

THE GOVERNING BODY OF BUTTE COUNTY DOES HEREBY ORDAIN AS FOLLOWS:

ARTICLE I

AUTHORITY AND APPLICATION

Section 1 - Authority

Pursuant to the authority granted by SDCL chapter 40-34, the following regulations are hereby adopted by the County Commissioners of Butte County, South Dakota.

Section 2 - Statement of Purpose

This ordinance is created for the purpose of:

- (1) creating an effective and efficient manner of enforcing laws relating to the controls of dogs;
- (2) describing what type of dog ownership will be deemed as a public nuisance pursuant to South Dakota statutes; and
- (3) establishing and enforcing an effective rabies control program within Butte County.

Section 3 - Application

No provision of this ordinance shall apply to any city or organized township within Butte County.

ARTICLE II

DOG KEEPING REGULATIONS AND PENALTIES

Section 1 -Definitions

The following words, terms and phrases, used herein, shall have the following meaning

OWNER, KEEPER OR HARBORER means any person, firm, corporation, or organization possessing, harboring, keeping, or having control or custody of a

dog or if the dog is owned by a person under the age of 18, that person's parent or guardian.

RUNNING AT LARGE means being upon any public highway, street, alley, park, or any other public land, or upon the property of another person, other than the owner, and not accompanied by and under the control of the owner, or any other person having custody of the dog.

ANIMAL CONTROL OFFICER means any one or more of the employees of the county designated by the county commission as an animal control officer.

ANIMAL SHELTER shall be any premise designated by action of the Butte County Commissioners for the purpose of impounding and caring for all dogs found running at large in violation of this ordinance.

VICIOUS DOG means:

- (1) Any dog, which, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a human being upon the streets, sidewalks or any public grounds or places; or
- (2) Any dog, 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, 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.

Section 2 - Dogs Running at Large

It shall be unlawful for the owner of any dog to permit such dog to run at large within Butte County.

Section 3 - Dog Disturbance

It shall be unlawful for the owner of any dog to allow such dog to repeatedly cause annoyance to the citizens, residents or other persons within Butte County by excessive barking, yelping, howling or other similar offensive noise for exceeded periods of time.

Section 4 - Penalty for Each Offense

Any person convicted of a violation of the provision of this article shall be fined:

- (a) Upon a first conviction of a violation of provisions of this article an owner, keeper or harborer shall pay a fine in the amount of \$13.50 and court costs in the amount of \$29.50.
- (b) Upon a second conviction of a violation of the provisions of this article an owner, keeper or harborer shall pay a fine in the amount of \$38.50 and court costs in the amount of \$29.50.
- (c) Upon a third conviction of a violation of the provisions of this article an owner, keeper or harborer shall pay a fine in the amount of \$83.50 and court costs in the amount of \$29.50.

ARTICLE II

IMPOUNDMENT OF DOGS RUNNING AT LARGE AND DOGS CREATING A DISTURBANCE

Section 1 - Impoundment of Dogs

Every dog found running at large, as defined in Article I, Section 1, or found to be a disturbance, as stated in Article I, Section 3, may be taken by an animal control officer and impounded in the county animal shelter and there be confined in a humane manner for a period of not less than three (3) days.

Section 2 - Notice to Owner, Keeper or Harborer

The owner, keeper or harborer of any dog impounded under the provisions of this ordinance, if their identity and location can be obtained by reasonable means, shall within twenty-four (24) hours be notified that their dog has been impounded.

Section 3 - Impoundment Fee

There is hereby established an impoundment fee for each dog impounded. Such fee shall be determined by resolution of the County Commissioners and shall be on file with the Butte County Auditor.

Section 4 - Redemption of Dog by Owner, Keeper or Harborer

The owner, keeper or harborer of any dog impounded, upon satisfactory proof of ownership, may redeem their dog upon payment of impound fees and fines and upon proof of a current rabies vaccination.

The owner of any impounded dog which has not been vaccinated under this Ordinance, may redeem their dog by making a deposit of twenty-five (\$25.00) with an Animal Control Officer and be allowed five (5) days to get such vaccination. Upon presentation within five (5) days of a vaccination receipt being issued, the deposit shall be refunded.

If the owner fails to procure a certificate of vaccination, the dog shall be impounded again.

Section 5 - Redemption of Dog by Person Other Than Owner, Keeper or Harboring

If the owner, keeper or harboring of any dog impounded under the provisions of this Article fails to redeem their dog within three (3) days after impoundment, any other person may, upon complying with the provisions of this Article, redeem such dog from the animal shelter and become the lawful owner of such dog.

Section 6 - Disposition of Unredeemed Dogs

All dogs impounded under the provisions of this Article and remaining unclaimed after three (3) days of impoundment may be placed for adoption or disposed of by humane means by the Animal Control Officer without notice.

Section 7 - Alternative to Impoundment

When dogs are found running at large or creating a disturbance and their ownership is known to the Animal Control Officer, such dogs need not be impounded, but the Animal Control officer, may at his or her discretion, cite the owner, keeper or harboring of such dogs to appear in court to answer to the violations of this ordinance.

ARTICLE IV

OWNERSHIP CREATING A PUBLIC NUISANCE

Section 1 - Ownership of More Than Five Dogs

Any person owning, keeping or harboring more than five (5) dogs and failing to keep such dogs within the confines of his or her own property, creates a public nuisance and may be subject to the provisions of SDCL 21-10-5, 21-10-6 and 21-10-9.

Section 2 - Ownership of a Vicious Dog

Any person owning, keeping or harboring a vicious dog, as defined in Article I, Section 1, creates a public nuisance and may be subject to the provisions of SDCL 21-10-5, 21-10-6 and 21-10-9.

ARTICLE V

RABIES PREVENTION

Section 1 - Rabies Vaccination Required

The owner, keeper or harborer of a dog shall have the dog vaccinated against rabies by a veterinarian as required to ensure such vaccination.

Section 2 - Reporting and Confinement of Dogs that Bite

If any dog bites another animal or any person, it shall be the immediate duty of the owner, keeper or harborer to notify an Animal Control Officer, who shall in turn, confine such dog for a period of not less ten (10) days with a veterinarian or at a dog pound at the owner's expense. An Animal Control Officer shall keep a record concerning the circumstances of the biting and the place where the animal is being confined.

If the owner, keeper or harborer of a dog which has bitten another animal or person provides a certificate or like documentation that the dog has received a rabies vaccination as mandated by a veterinarian, the dog may not have to be confined for a period of ten (10) days.

ARTICLE VI

SEVERABILITY

The provisions of this Ordinance shall be severable, and if any provision hereof shall be held to be unconstitutional, invalid or illegal, by any court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this Ordinance.

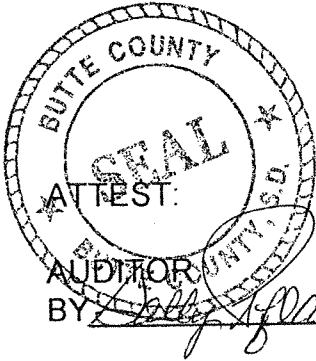
FIRST READING - OCTOBER 6, 1998

SECOND READING - NOVEMBER 4, 1998

THIS ORDINANCE WILL BECOME EFFECTIVE ON THE TWENTIETH DAY AFTER ITS COMPLETED PUBLICATION.

THIS ORDINANCE WAS PASSED BY A MAJORITY VOTE OF THE
BUTTE COUNTY COMMISSIONERS.

DATED THIS 4th DAY OF November, 1998.



Leo R. Sironello
CHAIRMAN, BOARD OF BUTTE
COUNTY COMMISSIONERS