CHAPTER 11
ANIMALS

ARTICLE 1
INTRODUCTION

Section 1: Possessing Pets

The purpose of this chapter is to describe the conditions and requirements allowing citizens to keep animals within the City of Geddes, and to describe the City's responsibilities to its citizens regarding the humane and appropriate keeping of animals within the City.
Authority SDCL 11-4-1

Section 2: Animals as Nuisances

The keeping of animals on any personal land in the City shall not be on a scale creating a nuisance. It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured or abandoned birds and animals by people licensed for that purpose) or to sell native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic cats, or venomous snakes.
Authority SDCL 21-10-5

Section 3: Owner Responsibility

No person shall create, or maintain any condition, or operate any equipment, or keep any animal, fowl, pet, or insect under his jurisdiction in such a way that such condition or operation causes, or is likely to cause, the transmission of diseases from animals or insects to man.
Authority SDCL 40-1-27

ARTICLE II
DEFINITIONS

Section 1: Terms Defined

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

Section 2: Definitions

Animal - Any live creature, both domestic and wild, except humans. "Animal" includes fowl, fish and reptiles.

Animal Control Officer - The person, or persons, designated by the governing body to be responsible for the care and maintenance of the animal shelter and to work with other law enforcement officials in the enforcement of this chapter.
Animal Shelter – The building and facilities therein approved by the City Council and the Animal Control Officer for the impounding of animals.

Anti-Escape - Any housing, fencing, or device which a guard dog cannot go over, under, through, or around.

At Large -
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 immediate family by a leash cord, or chain not to exceed ten (10) feet in length, provided that an unleashed animal off the owner's premises shall not be deemed to be at large if he is under the immediate control of the owner or his agent.

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.

Cruelty - Any act or omission whereby unjustifiable physical pain, suffering or death, of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter, or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in siphoned quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

Disturbance - The act of disturbing the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises.

Dog - means any member of the canine family, both male and female.

Housing - means any location where the pet is kept.

Impound - Taking into custody of an animal by any law enforcement officer, Animal Control Officer, or any authorized representative thereof.

Leash - A cord, thong, or chain by which an animal is controlled by the person accompanying it.

Nuisance - The act of destroying or defacing property or causing injury to persons or domestic animals.

Owner - Any person keeping, maintaining, or having in their custody or control, an animal. The occupant of any premises on which an animal remains, or to which it customarily returns, daily for a period of ten (10) days is presumed to be keeping the animal within the meaning of this chapter.
Premises - means the dwelling house and outbuildings and the lot or tract of land on which the same are situated and shall include an automobile or other vehicle in which the owner of the animal shall be an occupant or of which he shall have control, or in which any dog shall be situated with the consent of the owner of the vehicle.

Qualified Person - means any person granted a permit by the governing body of the City to vaccinate animals against rabies.

Vaccination - means the injection by a veterinarian or other qualified person of vaccine approved by and administered in accordance with the provisions of this chapter and the resolutions of the governing body of the City.

Veterinarian - means any licensed practitioner of veterinary medicine licensed to practice such profession in the state.

Vicious Animal -
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 grounds or places provided that the animal has not been provoked to do so by teasing, tormenting, abusing or assaulting the animal.

2. An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person, or other animal 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.

3. 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.

ARTICLE III
GENERAL REGULATIONS

Section 1: Permitted Animals

Animals purchased from a licensed pet store in the State of South Dakota are allowed by this chapter and may be kept in the City. Nothing in this section shall be deemed to prohibit the keeping of domestic cats (felis domesticus), European polecats or ferrets (Mustela putorius foro), and domestic dogs (Canis familiaris), as long as license or permit procedures are followed. Authority SDCL 9-30-2
Section 2: Prohibited Animals

Livestock, native species, and exotic pets are prohibited within the City of Geddes. Common animals hereby identified as prohibited shall include but is not limited to: cattle, sheep, goats, horses, alligators, crocodiles, caimans, raccoons, skunks, foxes, bears, sea mammals, poisonous snakes, hybrids, members of the feline species other than domestic cat (felis domesticus), members of the canine species other than domestic dog (canis familiaris) excepting the breed of dog commonly known as pit bull (members of the Molosser family), domestic fowl of the order Galliformes (chickens, turkeys, grouse, pheasants), and the order Anseriformes (ducks and geese), or any other animal that would require a standard of care and control greater than that required for customary household pets.
Authority SDCL 9-30-2

Section 3: Number of Animals

It is unlawful for any person to have, or to keep, more than four permitted animals over the age of six months, except birds and fish, on any lot or premises in the City, unless such person residing on or in the lot or premises has a valid kennel license issued by the City. The City, veterinarian offices, and licensed pet stores are exempt from the provisions of this section.
Authority SDCL 9-30-2

Section 4: Running at Large

It shall be unlawful for any owner of a dog to allow his dog to run at large at any time beyond the limits of the land of its owner, and upon the streets, sidewalks, or other public or private property. For the purpose of this section, a dog shall be considered not to be at large whenever the dog is under the immediate control of a person by means of a leash, chain, cord or rope not more than ten (10) feet in length and of sufficient strength to control the dog.
Authority SDCL 9-30-2

Section 5: Cruelty Prohibited

No owner of any animals shall permit such animals to be subjected to cruelty.
Authority SDCL 40-1-27

Section 6: Defecation Removal

No owner of any animals shall allow such animals to defecate on public or private property other than his own. If such animal does defecate on public or private property, the owner must immediately and thoroughly clean the fecal matter from such property.

Anyone walking an animal on public or private property other than his own must carry with him visible means of cleaning up any fecal matter left by the animal. Animals used in parades, involved in law enforcement, or utilized as service animals are exempt from this subsection.
Section 7: Abandonment Prohibited

No person shall abandon an animal in the City.

Section 8: Stray or Abandoned Animals

No person shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the Animal Control Officer.

Section 9: Transmission of Disease

No person shall create or maintain any condition, or operate any equipment, or keep any animal, fowl, pet, or insect under his jurisdiction in such a way that such conditions or operations causes, or is likely to cause, the transmission of diseases from animals or insects to man.

Section 10: Poison

Unless recommended by the Animal Control Officer, it shall be unlawful for any person to:

1. Willfully administer, or cause to be administered, poison of any sort whatsoever to any animal, that is the property of another with the intent to injure or destroy such animal, or

2. Willfully place any poison or poisoned food where the same is accessible to any such animal.

Section 11: Disturbing the Peace

1. The owner, or custodian of an animal, shall not allow the animal to create a disturbance by making loud noises any time of the night or day.

2. Any Animal Control Officer or police officer may remove and impound any animal which is disturbing the peace when the owner of the animal cannot be located. A notice advising the owner of the impoundment shall be left on the premises.

3. Any person having custody or control of any female dog or cat in heat shall be required to keep such dog or cat confined in a building, secure enclosure, veterinary hospital, or boarding kennel so that it cannot attract or come into contact with another animal on public or private property except for controlled breeding purposes.
Section 12: Trapping of Animals

No person without permission of the Animal Control Officer or agent of the City of Geddes 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 agents of a governmental authority for purposes of the City's health and welfare. Authority SDCL 9-30-2

Section 13: 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 law enforcement officers or Animal Control Officers or agents of the City of Geddes in the discharge of their official duties. Authority SDCL 9-30-2

ARTICLE IV
LICENSING AND IMMUNIZING REQUIREMENTS

Section 1: License & Vaccination

1. Any owner or keeper of a dog or cat of the age of six months or over shall, within 30 days of the acquisition of such animal or within 30 days of the time such animal becomes six months old, obtain an appropriate license. All owners of licensed pets shall renew each license annually in the same manner as the original issuance.

2. On or before January 1st of each year, every owner shall have his cat or dog vaccinated against rabies, except that in all cases where any animal shall have been properly vaccinated with a type of vaccine accepted and approved by the usual and customary veterinarian practices and South Dakota law; the vaccination required by this section need not be repeated during the time for which the dog is effectively immunized as determined by the veterinarian, or other qualified person granting a permit under this article.

3. Any owner who has his animal vaccinated against rabies in another state or municipality by the proper authority therein shall not be required to have such animal revaccinated during the current year when brought into this municipality, provided that the requirements of such state or municipality under which the vaccination was made were of a standard not lower than those required by this article, and further provided that such animal wears a tag affixed to his collar or harness bearing the date of such vaccination. Authority SDCL 9-32-11, 40-1-26
Section 2: License Application

Applications shall be made on a form furnished by the City Finance Officer and shall be filed with said City Finance Officer. Such application forms shall require the applicant to provide:

1. The breed, sex, color and other distinguishing characteristics of said dog or cat, the pet's name, and the name of the owner thereof.

2. A statement that said dog or cat has no vicious propensities so far as known to the application.

3. A certificate by a registered Veterinarian showing that such dog or cat has been inoculated or has a continuing immunity against Rabies within six (6) months of such application.

The license fees shall be paid on, or before, the first day of January each year, and the City Finance Officer shall, upon payment and upon sufficient proof of the required vaccination, issue the owner thereof a license tag for each dog and cat for which such license is issued. The tag shall be stamped or engraved with the registered number of the dog or cat and the year when registered. It shall then be the duty of the owner of the dog or cat to place a collar around the neck of such animal so owned and kept by him, on which collar shall be securely fastened a tag so furnished by the City Finance Officer. In case of the loss of any tag so issued, the said City Finance Officer is authorized to issue a duplicate thereof upon payment of the actual cost of same upon application being made and upon satisfactory proof that such tag has been lost.

Licenses issued pursuant to this Section are valid from January 1 through December 31. Costs will be prorated by quarters.

The owner shall contact animal control to report change of ownership, loss, or death of a licensed animal.
Authority SDCL 9-32-11

Section 3: Fee Schedule

The City Council may in special circumstances, after a hearing by the board, exempt the license fee in individual cases. Unless an exemption has been secured the fee for an original and a renewal dog or cat license shall be as determined by a resolution of the City Council. $10.00

In the case of spayed or neutered animals, the applicant must furnish a registered Veterinarian's statement confirming that fact.
Authority SDCL 9-32-11

Section 4: Agent Fees
Places of business designated by the governing body to make available animal licenses to owners may charge up to $1.00 for each new or renewal license in order to defray the costs of providing the licensing service and the recordkeeping expense associated therewith.
Authority SDCL 9-32-11

Section 5: Immunizations

Every animal, except fowl, fish, and reptile, authorized by this chapter held as a domestic pet in the City, three (3) months of age or older, is hereby required to be immunized against rabies by a licensed veterinarian or other qualified person. Immunization against rabies shall be given by such intervals to guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine and based upon the recommendations and approval of the state veterinarian or the administering veterinarian. Any owner acquiring an animal authorized by this chapter by purchase, gift, birth, or other method shall have such animal immunized against rabies immediately after acquisition or when the animal reaches the age of three (3) months. In the event no immunization serum is available for a particular animal, then it need not be immunized.
Authority SDCL 40-1-26

Section 6: Certificates and tags

A licensed veterinarian who vaccinates the animal shall issue to the owner thereof a vaccination certificate. The vaccination certificate shall be prepared and issued in triplicate: one (1) copy to be retained by the owner or custodian; one (1) copy to be retained by the issuing veterinarian or other qualified person; and one (1) copy to be furnished to the City Finance Officer. Each certificate shall bear the following information:

A. The name and address of the veterinarian or other qualified person who issued it;
B. A statement containing a description, kind, and name of the animal immunized;
C. The type of vaccine used;
D. The date of the vaccination;
E. The date on which the period of effective immunization will expire; and
F. A serial number.

The veterinarian shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. Said tag shall be affixed to the collar, or harness on the animal. No one except the owner, or his duly authorized agent, shall remove the collar, or harness, with the attached tag from the animal.
Authority SDCL 9-32-11

ARTICLE V
RABIES PREVENTION AND ELIMINATION
Section 1: Rabid Animals

No person shall knowingly keep any animal infected with rabies or any animal that has been bitten by an animal that has been infected with rabies.
Authority SDCL 40-12

Section 2: Report of Suspected Rabies Cases

Any person who shall suspect that any animal in the City is infected with rabies shall report said animal to the Animal Control Officer, or the local law enforcement, describing the animal and giving the name and address of the owner if known.
Authority SDCL 40-12

Section 3: Impoundment for Observation

Anytime the Animal Control Officer or any law enforcement officer suspects an animal within the City is infected with rabies, the City may require it to be impounded for observation as hereinafter provided. The City shall serve notice to the owner of such animal. If the owner cannot be contacted, the City shall publish a notice requiring the owner of such animal to confine the animal for a period of time as may be necessary to prevent the spread of rabies.

When any owner of an animal has been notified that the animal has bitten or attacked any person, the owner must within 24 hours place the animal under the care and observation of the Animal Control Officer, or a licensed veterinarian. The City, or its Health Officer, shall have the authority to quarantine for a period of not less than ten days, and not to exceed ninety (90) days, any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed thirty (30) days any animal which has bitten a human being, or which exhibits symptoms of rabies. The Animal Control Officer, or any law enforcement officer, may, if he feels the facilities are adequate and if the owner is a responsible person, quarantine the animal on the owner's premises. In this case the owner must sign a statement and understand the responsibility and assume the liability that is involved with the quarantine of an animal that has bitten. The quarantined animal must at all times be available for inspection during the quarantine.

At the end of the minimum ten-day observation period, the animal shall be examined by a licensed veterinarian and, if cleared, may be reclaimed by the owner and the owner must pay the expenses incurred incident thereto.

Any animal impounded or placed for observation, showing active signs of rabies, suspected of having rabies or known to have been exposed to rabies shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis. If the animal shows signs of rabies under impoundment, the animal may be destroyed in such a manner that the head is not damaged and can be submitted for a rabies examination to a laboratory.
Authority SDCL 40-12

Section 4: Destruction of Rabid Animals
Any animal reasonably believed to have rabies, and if, under the circumstances, it is not reasonable to impound or to attempt to seize that animal for the purpose of further observation, a law enforcement officer or the Animal Control Officer may destroy the animal. The owner shall pay any expense incident to the impoundment, destruction, and diagnosis of rabid animals thereof. Neither the City, nor any person authorized by this section shall be liable for the destruction of any animal when done under circumstances as set forth in this chapter. Authority SDCL 40-12

Section 5: Contracting for Care

The City Council is hereby authorized to enter into any contract with any person, association or corporation for the housing, care, disposition or destruction of animals impounded under the provisions of this Chapter. Authority SDCL 40-12

ARTICLE VI
VICIOUS ANIMALS

Section 1: Declaration

An animal may be declared to be vicious by the City Council, law enforcement officers, or the attending physician or physician’s assistant of the victim of an animal bite or scratch may request such a declaration, under the definition provided herein. Authority SDCL 40-34-4

Section 2: Notification

When the City Council, law enforcement officer, and/or attending physician declares an animal to be vicious, the City Council, law enforcement officer, agent determined by the city, and/or attending physician or physician’s assistant shall notify the owner or agent of the owner of such declaration in writing that such animal must be registered as a vicious animal within five business days after the receipt of such written notice. Said notice shall be served either in person or by mailing such notice by certified mail. Authority SDCL 40-34-4
Section 3: Registration

The owner of an animal that has been declared vicious shall make application to the City Council to register such vicious animal and shall notify the City Council of any changes in the following:

1. Ownership of the animal;
2. Name, address and telephone number of a new owner;
3. Address change of the owner or any change in where the animal is housed;
4. Any change in the health status of the animal; and
5. Death of the animal.

Authority SDCL 40-34-4

Section 4: Compliance Required

The owner or keeper of an animal that has been declared vicious then must comply with the following:

1. If the animal is kept indoors, the animal shall be under the control of a person over 18 years of age.
2. If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six (6) feet and under the control of a person over 18 years of age.
3. If the animal is outdoors and unattended, the animal must be locked in an escape proof kennel approved by the Animal Control Officer or his representative.

Authority SDCL 40-34-13

Section 5: Animals off Premises

Any vicious animal which is found off the premises of its owner, other than as provided in this Chapter, shall be seized by the Animal Control Officer, a police officer, or an agent designated by the City of Geddes, and impounded. If the animal cannot be captured, it may be destroyed. If the animal has been seen running at large, or bites a person and it can be witnessed, the Animal Control Officer, a police officer, or an agent of the City may order the owner to deliver the animal to the custody of the City or other predetermined location within 24 hours and the owner ordered to appear in before the City Council to show cause why this animal should not be destroyed.

Authority SDCL 40-34-13

Section 6: Kennel Standards

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 pen or structure shall be lockable 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 reach of the animal.
6. A sign denoting a vicious 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.

Authority SDCL 40-1-26

Section 7: Insurance

The owner shall carry a minimum of $500,000 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 such insurance shall be filed with the Animal Control Officer or agent of the City of Geddes.

Authority SDCL 40-1-26

Section 8: Identification

The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The microchip number and the veterinarian who injected the microchip are to be reported to the Animal Control Officer.

Authority SDCL 9-32-11

Section 9: Sterilization

The owner shall present proof the animal has been altered to prevent reproduction to the Animal Control Officer.

Section 10: Impounding

The vicious animal shall be impounded by the animal control officer or a law enforcement agency at the owner's expense until such time as all provisions of Article VI are met.

Authority SDCL 40-1-37 and SDCL 40-1-2.5

Section 11: Euthanization

If the conditions outlined above are not complied with, then the owner shall euthanize the animal in a humane manner. Proof of euthanasia shall be filed with the City Finance Office.

Authority SDCL 40-1-37 and SDCL 40-1-2.5

Section 12: Prosecution

The owner may be subject to prosecution for failure to comply. Animals impounded under this section shall be dealt with as provided herein.

Authority SDCL 40-34-4
ARTICLE VII
ENFORCEMENT

Section 1: Authority

The Animal Control Officer, any law enforcement officer, or other person of proper authority is hereby authorized and empowered to enforce all provisions of this Chapter. Authority SDCL 9-19-3.

Section 2: Interference Prohibited

No person shall hinder, delay, or obstruct any person in their ability to enforce the provisions of this Chapter. Authority SDCL 9-19-3.

Section 3: Right of Entry

Any Animal Control Officer, law enforcement officer, or agent of the City of Geddes 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 such animals and to take possession of such animals when in his opinion the animal requires humane treatment. Authority SDCL 40-1-5

Section 4: Right of entry in pursuit

When, in the immediate pursuit of any animal found to be at large in the City, an Animal Control Officer, law enforcement officer, or other person designated by the City to apprehend offending animals, may enter upon the premises of the owner of such offending animal for the purpose of apprehending such animal. However, for the purposes of this section, the word "premises" shall not be construed to include the inside of any dwelling house, or any out building. Authority SDCL 40-1-5

Section 5: Impounded Animals

Any impounded animal shall not be released by the Animal Control Officer to any person until such animal has been immunized against rabies; provided no animal so impounded shall be immunized if the owner can present a certificate of current immunization having been previously performed.

The owner of any animal impounded under the provisions of this Chapter, if his identity and location can be obtained by reasonable means, shall be notified within twenty-four (24) hours that his animal has been impounded.

The aforesaid officers shall make reasonable efforts to ascertain the owner of the animal. If the owner of the animal is unknown or cannot reasonably be ascertained, the animal shall be immediately destroyed in the most humane manner possible.
Section 6: Costs

1. Before any person may redeem any animal impounded under the provision of this Chapter, he shall pay to the person or proper authority an impoundment to be set by resolution of the City Council, for dogs and cats, for feeding and caring of such animal. The person redeeming such impounded animal under the provisions of this Chapter shall receive a dated receipt signed by the City Finance Officer or Animal Control Officer. The receipt for payment of impoundment and boarding costs must be presented to the person, association or corporation housing the impounded animal before such animal may be redeemed.

2. The owner of any impounded animal that has not been vaccinated or licensed under this Chapter, upon satisfactory proof of ownership, may redeem the animal by payment of the fees determined above. In addition, by making a deposit of twenty-five dollars ($25.00), the owner shall be allowed forty-eight (48) hours to get such animal vaccinated and properly licensed. If the owner fails to produce a certificate of vaccination and city license within forty-eight (48) hours, the deposit shall be forfeited and turned over to the City Finance Officer to be placed in the general fund and the animal may be impounded again. Upon representation within forty-eight (48) hours of a license issued under this Chapter, the deposit shall be refunded.

3. If the owner of any impounded animal shall fail to redeem the animal within seventy-two (72) hours, excluding Sundays and holidays, unclaimed animals will become the property of the City, or its authorized agents. Unclaimed animals may be put up for adoption, or disposed of, at the discretion of the City, or its authorized agents.

Section 6: Impoundment, Relocation, or Destruction of Prohibited Animals

Any animal found in violation of this chapter may be impounded and relocated or destroyed at the City Council's discretion. Prior to relocation or destruction, the owner of record shall be notified of such actions a minimum of five (5) days prior to executing said action. Notice shall be served either in person or by mailing such notice by certified mail.

ARTICLE VIII
PENALTIES

Section 1: Penalties

Violation of this chapter may result in the impoundment of the animals if so enabled by this chapter. Upon conviction thereof, the owner(s) of any animal may be fined an amount not to exceed the amount designated in SDCL 22-6-2(2), currently set at $500.
Section 2: Improper Release of Impound

It shall be unlawful for any person to release impounded animals except as provided in this Chapter. A violation hereof shall be punishable by a maximum fine not to exceed the amount designated in SDCL 22-6-2(2), currently set at $500, for each violation hereof. Authority SDCL 40-1-34 and SDCL 40-1-25