

**AN ORDINANCE TO AMEND AND ADOPT PROVISIONS OF
THE RAPID CITY MUNICIPAL CODE RELATING TO ANIMALS**

WHEREAS, the City of Rapid City has adopted regulations in Title 6 of the Rapid City Municipal Code pertaining to animals; and

WHEREAS, the City of Rapid City has the broad power to regulate animals pursuant to South Dakota Codified Law Chapters 9-29, 40-1, 4-2, and 40-34; and

WHEREAS, the Common Council of the City of Rapid City deems it to be in the City's best interests to amend some of its provisions relating to animals and to adopt new provisions relating to animals; and

WHEREAS, the Common Council believes that these new and amended provisions are in the interest of the general health, safety, and welfare of the City and its citizens.

NOW THEREFORE, BE ORDAINED by the City of Rapid City that Section 6.04.010 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.04.010 Definitions.

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

A. **ANIMAL.** ~~“Animal” means a~~Any mammal, bird, reptile, amphibian or fish, except humans.

B. **ANIMAL CONTROL OFFICER.** ~~“Animal Control Officer” means a~~Any person employed or appointed by the ~~city’s designated animal control authority~~City's Designated Animal Control Authority who is authorized and granted police power to investigate and enforce violations relating to animals ~~control or cruelty under the provision of this chapter~~Title 6 or any other section of the Rapid City Municipal Code relating to animals. Any law enforcement officer ~~Police officers may act as an~~**ANIMAL CONTROL OFFICER**~~Animal Control Officers.~~

C. **AT LARGE.** ~~“At large” means a~~Any animal ~~which~~that is off the property of its owner and not under ~~control~~restraint of a competent person.

D. **CARE.** To provide what is necessary for the health, welfare, maintenance, and protection of an animal.

E. **CITY'S DESIGNATED ANIMAL CONTROL AUTHORITY.** ~~“City’s designated animal control authority” means~~That organization, ~~or~~agency, or City department charged with enforcement ~~and administration~~of the City's animal ordinances. **CITY'S DESIGNATED**

ANIMAL CONTROL AUTHORITY City's designated animal control authority shall include any contracted agent.

F. CONTRACTED AGENT. ~~“Contracted agent” means~~ “The person, organization, governmental agency, or corporation with whom the eCity and/or county contracts to administer and enforce the City’s animal ordinancesperform animal control functions.

G. DANGEROUS ANIMAL. ~~“Dangerous animal” means a~~ An animal whichthat presents such a severe risk of serious physical harm or death to human beings or other animals that it should not be allowed to live. **DANGEROUS ANIMAL** Dangerous animal includes, but is not limited to, any animal that has:

~~(a)1. W~~ without provocation, inflicted substantial bodily harm onto a human being on public or private property; ~~or~~

~~(b)2. B~~ been found to be a potentially dangerous animal, and, after such finding, aggressively bites, attacks, or endangers the safety of humans or domestic animals;

3. been found to be a dangerous animal by the Rapid City Dangerous Animal Review Board or the Pennington County Dangerous Animal Review Board; or

4. been found to be a dangerous animal by an Animal Control Officer and such finding has either not been appealed or has been upheld upon appeal.

A dangerous animal constitutes a nuisance.

~~“Direct control” means i~~ Immediate, continuous physical control of an animal such as by means of a leash, cord, secure fence, or chain of such strength to restrain the animal and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the animal, voice control shall be considered direct control when the animal is actually participating in training or in an official showing, obedience, or field event.

H. ~~Any animal has been “exposed to rabies” within the meaning of this title if it has~~ **EXPOSED TO RABIES.** Having been bitten by, or been exposed to, any animal known to be or suspected of being infected with rabies.

I. IMPOUNDMENT. ~~“Impoundment” means~~ “The taking or picking up and confining of an animal by any Animal Control Officer.

J. INHUMANE TREATMENT. ~~“Inhumane treatment” means a~~ Any act of mistreatment, torture, cruelty, neglect, abandonment, mutilation or inhumane slaughter of an animal that is not consistent with generally accepted training, use and husbandry procedures for the species, breed, physical condition and type of animal.

K. KENNEL. ~~“Kennel” means a~~ Any pet store or any lot or premises or portion thereof where 4 or more dogs, cats, rabbits or other household/domesticated animals, 6 months of age or older,

are: ~~maintained, boarded, bred or cared for, in return for any compensation, or are kept for the purpose of sale~~

1. Cared for overnight, in return for any compensation; or

2. Kept for the purpose of sale.

A **KENNEL** also includes any lot or premises or portion thereof where, within a one year period of time:

1. Four or more pregnant or nursing animals are cared for at the lot or premises for the eventual purpose of receiving compensation through the sale of any of the offspring; and

2. Each of the four pregnant or nursing animals is cared for at the lot or premises for at least an accumulated time period of one week.

A **KENNEL** also includes any lot or premises or portion thereof where 4 or more dogs, cats, rabbits or other household/domesticated animals, under the age of 6 months and of separate litters, are kept for the purpose of sale or in return for any compensation.

L. **LIVESTOCK.** Any of the following animals or hybrids thereof: horse, mule, donkey, cow, bull, goat, sheep, pig, hog, boar, and a member of the camelidae family.

M. **MISTREATMENT.** ~~“Mistreatment, torture or cruelty of an animal” means a~~Any act or omission whereby unnecessary, unjustifiable or unreasonable physical pain or suffering is caused, permitted or allowed to continue, ~~including acts of mutilation.~~

N. **MUZZLE.** ~~“Muzzle” means a~~A device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

O. **NEGLECT OF ANIMAL.** ~~“Neglect of animal” means t~~The failure to provide food, water, adequate protection from the elements, adequate sanitation, adequate facilities, or care generally considered to be standard and accepted for an animal’s health and well-being, consistent with the species, breed, physical condition and type of animal.

P. **NEUTERED DOG/CAT.** ~~“Neutered dog/cat” means a~~Any male dog/cat ~~which~~that has undergone surgery to prevent reproduction, whose owner can provide proof of surgery.

Q. **OBEDIENT TO THE RESPONSIBLE PERSON’S COMMANDS.** The animal returns immediately to and remains by the side of the person responsible for the animal in response to the responsible person’s verbal command. In order for an animal to be considered **OBEDIENT TO THE RESPONSIBLE PERSON’S COMMANDS**, the responsible person’s voice commands must be effective at all times to prevent the animal from disturbing the peace, comfort, property, safety and general welfare of any other person. If an animal approaches and remains within 10 feet of any person other than the responsible person, that animal is not

considered **OBEDIENT TO THE RESPONSIBLE PERSON'S COMMANDS** unless such person has communicated to the responsible person that such person consents to the presence of the animal. In the case that such person approached by an animal is under the age of 13, an adult must be present with the person in order to consent to the presence of the animal.

R. **OWNER.** ~~“Owner” means a~~Any person, partnership, corporation or other legal entity ~~owning, harboring, or keeping~~ who owns, harbors, or keeps any animal. ~~, or i~~n the case of a person under the age of eighteen (18) who is owning, harboring, or keeping any animal, the owner is that person’s parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

S. **PERSON.** Any individual, partnership, corporation, association, or any other legal entity.

T. **PET DAYCARE.** Any lot or premises or portion thereof where 4 or more dogs, cats, rabbits or other household/domesticated animals, 6 months of age or older, are cared for in return for any compensation, but does not fit this Section’s definition of a **KENNEL.**

U. **PET GROOMING BUSINESS.** A business service establishment that has a primary business purpose of grooming animals and does not fit this Section’s definition of a **KENNEL.**

V. **PET STORE.** A retail facility providing for the sale of animals and accessory products, but that does not provide overnight care of another’s animal in return for any compensation.

W. **POTENTIALLY DANGEROUS ANIMAL.** ~~“Potentially dangerous animal” means a~~Any animal that, because of its aggressive nature, training or characteristic behavior, presents a risk of substantial physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner ~~leashed and muzzled in accordance with Subsection 6.08.100.J., if not securely confined indoors in accordance with Subsection 6.08.100.J., or if not confined in a locked pen or other secure enclosure that is suitable to prevent the animal from escaping in accordance with Subsection 6.08.100.J.~~ The term **POTENTIALLY DANGEROUS ANIMAL** includes, but is not limited to, any animal that, according to the records of the City’s ~~designated animal control authority~~ Designated Animal Control Authority or any law enforcement agency:

~~(a)~~1. Hhas, when unprovoked, bitten, attacked, endangered, or inflicted injury on a human being on public or private property, or, when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated and substantiated by any of the above-referenced authorities;

~~(b)~~2. Hhas ~~more than once~~ severely injured or killed a domestic animal or livestock while off the owner’s property; or

~~(c)~~3. Hhas been used primarily or in part for the purpose of animal fighting, or is an animal trained for animal fighting.

X. **PROPER SHELTER.** Provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal. Proper shelter provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; during hot weather, is properly shaded and does not readily conduct heat; during cold weather, provides a quantity of bedding material consisting of hay, cedar shavings, or the equivalent that is sufficient to protect the animal from cold and promote the retention of body heat; and, for dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters that have wire, grid, or slat floors that permit an animal's feet to pass through the openings, sag under an animal's weight, or otherwise do not protect an animal's feet or toes from injury are not proper shelter.

Y. **SANITARY CONDITION.** ~~“Sanitary condition” means a~~ condition of good order and cleanliness to minimize the possibility of disease transmission.

~~“Shelter manager” means the owner and/or supervisor of the animal shelter, either as an employee of the city or a contractor with the city. The individual is charged, together with the Rapid City Police Department, with the overall enforcement of this title, and performs the professional services required in the care, treatment or euthanization of the animals being handled.~~

Z. **SPAYED DOG/CAT.** ~~“Spayed dog/cat” means a~~ Any female dog/cat ~~which that~~ has undergone surgery to prevent conception, whose owners can provide suitable proof of such surgery.

AA. **SUBSTANTIAL BODILY HARM.** ~~“Substantial bodily harm” means a~~ Any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or cosmetic surgery.

BB. **TETHER.** A rope, chain, or the like, by which an animal is fastened to a fixed object, stake, or trolley system so as to limit the animal's range of movement.

CC. **UNDER RESTRAINT.** ~~“Under restraint” means that an~~ When an animal is:

1. secured by a leash that is held by a person physically capable of restraining the animal;;
2. led under the control of a person physically capable of restraining the animal (hereinafter known as the “responsible person”) and obedient to the responsible person's commands;;
3. securely enclosed within a vehicle being driven or parked on the streets, or;
4. securely enclosed within the real property limits of the owner's premises; or

B. ~~The~~Any Animal Control Officer ~~or~~, the Rapid City Police Department, or the Pennington County Sheriff's Office may issue citations for violations of any section of this ~~¶~~Title or any other section of the Rapid City Municipal Code relating to animals or may issue warning tickets requiring correction of a violation.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.04.060 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.04.060 Violation–Penalty.

~~Any person, firm or corporation violating any provision of this title shall be guilty of a misdemeanor and punished by a fine of not more than \$100 or by confinement not to exceed 30 days in the County Jail, or both the fine and imprisonment. Any violation of this Title is subject to the general penalty provision of § 1.12.010.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.020 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.08.020 Keeping of fowl or livestock near dwellings.

~~—A. The maintenance of coops, structures or enclosures and the keeping therein of chickens, ducks, geese, turkeys or other fowl, except as provided herein, and the keeping of cattle, horses, mules, donkeys, swine or goats within 150 feet of any building or structure occupied by, or intended to be occupied by, human beings as a residence, within the city, is unlawful and a public nuisance, except as set forth in this section.~~

~~—B. 1. The regulations in subsection A. of this section shall not apply to the residence upon the lot where the animals are kept, housed or maintained.~~

~~—2. Nothing in this title shall be construed as a limitation or restriction of normal agricultural activities on any land zoned as a general agricultural district as set forth in Title 17 of this code.~~

~~—3. The keeping of animals as set forth in subsection A. of this section shall require a parcel or lot size of not less than 3 acres.~~

A. It is unlawful for any person to keep livestock or a chicken, duck, goose, turkey, or other fowl on a parcel or lot if the keeping of such animal is in violation of Title 17 of this Code.

B. It is unlawful and a public nuisance for any person to keep livestock or a chicken, duck, goose, turkey, or other fowl within 150 feet of any building or structure occupied by, or intended to be occupied by, human beings as a residence, within the City. However, this Subsection shall not apply to the residence upon the lot where the animal is kept, housed or maintained. This Subsection shall not apply to land zoned as a general agricultural district as set forth in Title 17 of this Code. This Subsection shall not apply to the species of pigs that have been specifically bred to be household pets.

C. It is unlawful and a public nuisance for any person to keep livestock or a chicken, duck, goose, turkey, or other fowl on a parcel or lot that is less than three acres in size. This Subsection shall not apply to land zoned as a general agricultural district as set forth in Title 17 of this Code.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.050 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.08.050 Kennels license.

It is unlawful for any person to operate a kennel as defined in this Title without first obtaining a license for the kennel. Only one license is required per one kennel. To apply for a license, a person desiring to operate a kennel shall pay an application fee. An application fee to apply to operate a kennel shall be established by resolution of the Common Council of the City. Every person, group of persons, or corporation, operating a kennel as defined in this title shall pay annual license fee of \$50. Licenses will be issued by the Rapid City Animal Shelter City's Designated Animal Control Authority provided the use is in compliance with the eCity zoning ordinances and animal control ordinances. No kennel license shall may be issued until the property has been inspected by a humane society investigator an Animal Control Officer and that individual the Animal Control Officer has reported to the animal shelter City's Designated Animal Control Authority, in writing, that the kennel meets the requirements of all eCity ordinances, state statutes and is being operated in a humane manner. Persons operating the kennel are not required to license individual animals as provided in this fTitle. Kennel licenses shall be issued for 1 year beginning January 1. Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this sSection.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.052 of the Rapid City Municipal Code is hereby adopted to read in its entirety as follows:

6.08.052 Pet daycare license.

It is unlawful for any person to operate a pet daycare as defined in this Title without first obtaining a license for the pet daycare. Only one license is required per one pet daycare. To apply for a license, a person desiring to operate a pet daycare shall pay an application fee. An application fee to apply to operate a pet daycare shall be established by resolution of the Common Council of the City. Licenses will be issued by the City's Designated Animal Control Authority provided the use is in compliance with the City zoning ordinances and animal control ordinances. No pet daycare license may be issued until the property has been inspected by an animal control officer and the animal control officer has reported to the City's Designated Animal Control Authority, in writing, that the pet daycare meets the requirements of all City ordinances, state statutes and is being operated in a humane manner. Pet daycare licenses shall be issued for 1 year beginning January 1. Hospitals, clinics and other premises operated by a

licensed veterinarian for the care and treatment of animals are exempt from the provisions of this Section.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.054 of the Rapid City Municipal Code is hereby adopted to read in its entirety as follows:

6.08.054 Pet grooming business license.

It is unlawful for any person to operate a pet grooming business as defined in this Title without first obtaining a license for the pet grooming business. Only one license is required per one pet grooming business. To apply for a license, a person desiring to operate a pet grooming business shall pay an application fee. An application fee to apply to operate a pet grooming business shall be established by resolution of the Common Council of the City. Licenses will be issued by the City's Designated Animal Control Authority provided the use is in compliance with the City zoning ordinances and animal control ordinances. No pet grooming business license may be issued until the property has been inspected by an animal control officer and the animal control officer has reported to the City's Designated Animal Control Authority, in writing, that the pet grooming business meets the requirements of all City ordinances, state statutes and is being operated in a humane manner. Pet grooming business licenses shall be issued for 1 year beginning January 1. Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this Section.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.056 of the Rapid City Municipal Code is hereby adopted to read in its entirety as follows:

6.08.056 Pet store license.

It is unlawful for any person to operate a pet store as defined in this Title without first obtaining a license for the pet store. Only one license is required per one pet store. To apply for a license, a person desiring to operate a pet store shall pay an application fee. An application fee to apply to operate a pet store shall be established by resolution of the Common Council of the City. Licenses will be issued by the City's Designated Animal Control Authority provided the use is in compliance with the City zoning ordinances and animal control ordinances. No pet store license may be issued until the property has been inspected by an animal control officer and the animal control officer has reported to the City's Designated Animal Control Authority, in writing, that the pet store meets the requirements of all City ordinances, state statutes and is being operated in a humane manner. Persons operating the pet store are not required to license individual animals as provided in this Title. Pet store licenses shall be issued for 1 year beginning January 1. Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of animals are exempt from the provisions of this Section.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.130 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.08.130 Care and treatment.

A. No owner may fail to provide any of the following for his or her animal:

1. sufficient good, wholesome food and water;
2. proper shelter and protection from the weather; or
3. veterinary care when needed to prevent suffering, and with humane care and treatment.

B. ~~If shelter with a chain is used for a dog kept outdoors, the chain shall be so placed or attached so as it cannot become entangled with the chains of other dogs or any other objects. The chain shall be at least 3 times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to shelter. The size of the chain should not be such as to weigh the dog down or pull excessively on the neck.~~ It is unlawful for any person to tether a dog as follows:

1. in a way such that the tether can become entangled with the tether of another dog or any other object;
2. in a way that does not allow the dog convenient access to proper shelter from the weather;
3. without the use of a properly-fitted collar that measures the circumference of the animal's neck with additional space to place at least two adult fingers;
4. by use of a choke collar, prong-type collar, chain collar, pinch collar, or similar type collar or object;
5. by use of a tether that weighs the dog down or pulls excessively on the dog's neck;
6. by use of a tether that is less than three times the length of the dog as measured from the tip of its nose to the base of its tail; or
7. if the tether allows the dog to reach an object or hazard, including, but not limited to, a window sill, the edge of a pool, a fence, a public road or highway, a porch, or a terrace railing that poses a risk of injury or strangulation to the dog if it walks into or jumps over such object or hazard, unless a person is in the presence of the dog.

C. Dogs and cats shall be fed at least once each day, except as otherwise required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and in sufficient quantity providing enough nutritive value to meet the normal daily requirements for the condition and size of the dog or cat.

D. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination and to reduce disease hazards and odors.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.140 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.08.140 Maintenance of places where kept.

~~No person may cause or allow any stable or place where any animal is, or may be kept, to become unclean or unwholesome. It is unlawful for any person to cause or allow any place where any animal is kept to become unclean by allowing objects that pose a risk to the animal's health, safety, or well-being, garbage, or feces to build up creating an unwholesome environment.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.180 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.08.180 Striking with vehicle.

Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and attempt to locate the animal's owner. In the event the owner cannot be ascertained and located, the operator shall at once report the accident to the appropriate law enforcement agency; ~~local humane society or animal shelter~~ or the City's Designated Animal Control Authority.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.08.190 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.08.190 Animals having bitten or attacked a person – Impoundment, quarantine and observation – Disposition.

A. All impound procedures will be in accordance with the current *Compendium of Animal Rabies Control* promulgated by the National Association of State Public Health Veterinarians, Inc.

B. Whenever any dog, cat or other animal bites or attacks a person, the person owning or harboring the animal shall immediately report the same to the Animal Control Officer or ~~contracted agent~~ the City's Designated Animal Control Authority.

C. Any animal ~~which~~ that bites or attacks a person, shall be quarantined at the direction of the Animal Control Officer, authorized personnel of the ~~contracted agent~~ City's Designated Animal Control Authority, or the Police Department for a period of not less than 10 days, ~~and~~ The animal shall not be released from quarantine except by written permission of the Animal Control Officer or authorized personnel of the ~~contracted agent~~ City's Designated Animal Control Authority. ~~During the quarantine, the animal shall be securely confined and kept from contact with any other animal or humans other than the caretaker.~~

The owner shall surrender the animal for the quarantine period to the City's Designated Animal Control Authority for impoundment, at his or her own expense. In the alternative, the dog owner may, at his or her own expense, quarantine the dog in a veterinary hospital.

If the animal ~~has bitten~~ or attacked while on the premises of the owner and the owner has a current rabies vaccination for the animal, the Animal Control Officer or ~~contracted agent~~the City's Designated Animal Control Authority may, if it is determined that the facilities are adequate and the owners are responsible ~~persons~~owners, allow the quarantine the animal to occur on the owner's premises instead of at the City's Designated Animal Control Authority or a veterinary hospital. The quarantined animal must, at all times, be available for inspection during the quarantine period. ~~If other confinement is required, the owner shall surrender the animal for the quarantine period to the animal shelter or shall, at his or her own expense, place it in a veterinary hospital.~~

D. Any quarantined animal may be reclaimed by the owner if it is showing no signs known to exist or be present in rabid animals. Upon physical examination of the animal by a licensed veterinarian, to be conducted within 5 days after release from quarantine, the quarantine period will be considered complete; however, the animal will not be declared free of rabies, only that it is showing no clinical signs or symptoms known to be present in active cases of rabies.

E. If an animal dies while under quarantine, the carcass of such deceased animal shall, upon demand, be surrendered to the Animal Control Officer or the City's Designated Animal Control Authority. The animal's head shall be sent by the City's Designated Animal Control Authority to a competent laboratory for a pathological examination. No person shall fail or refuse to surrender any animal for quarantine as required herein when a demand is made therefor by the Animal Control Officer or the City's Designated Animal Control Authority.

~~—E. If an animal suspected of having rabies or exposed to rabies or an animal which has bitten a human dies while under quarantine, its head shall be sent to a competent laboratory for a pathological examination. The carcass of any such dead animal shall, upon demand, be surrendered to the Animal Control Officer or contracted agent who shall also direct the disposition of any animal found to be infected with rabies or found in violation of § 6.08.100 of this section. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when a demand is made therefor by the Animal Control Officer.~~

F. When reports give a positive diagnosis of rabies, the Animal Control Officer or authorized personnel of the ~~contracted agent~~City's Designated Animal Control Authority may designate an area as quarantined for a period of up to 30 days, and upon the indication of the quarantine, no animal capable of transmitting rabies shall be taken into the area or be permitted to be taken out of the area during the period of quarantine.

~~—G. Any animal that has bitten any person may be euthanized by order of the Health Officer or a physician or a veterinarian from the Board of Health unless proof of a current rabies vaccination effected not less than 30 days prior to the bite is provided within 24 hours of the bite. Any animal that has bitten any person may be euthanized by order of the Health Officer if in the Health Officer's opinion, based on sound medical judgments, a greater risk to human life~~

exists by not so doing. In making such a determination, the Health Officer shall take into consideration the following facts:

- ~~—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, including whether or not the bite was provoked;
and~~
- ~~—6. The tolerance of the person bitten to the vaccines used for treatment.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Sections 6.08.230 to 6.08.250 of the Rapid City Municipal Code are hereby amended to read in their entirety as follows:

6.08.230 Impoundment—Authority—Fees—Notice.

~~The Animal Control Officer, any police officer, the Animal Welfare Officer, the Abuse Investigator, the Animal Services Officer, the Shelter Manager or any other persons of proper authority is authorized to impound any animal within the city in a violation of any provision of this title.~~

A. For any violation of the Rapid City Municipal Code involving an animal, an Animal Control Officer, any law enforcement officer, the City’s Designated Animal Control Authority, or any other person of proper authority is authorized to impound the animal involved at the shelter operated by the City’s Designated Animal Control Authority.

B. If impoundment by the City’s Designated Animal Control Authority is allowed pursuant to any provision of this Code, the owner of the animal is responsible for any fees associated with the impoundment of the animal including, but not limited to, microchipping, vaccination, care and treatment, boarding, licensing, and animal services. These fees may be set by the City’s Designated Animal Control Authority. However, the Council may set maximum fee amounts by resolution. These fees shall be paid by the owner to the City’s Designated Animal Control Authority regardless of whether or not the animal is reclaimed.

C. Any dog or cat impounded and subsequently returned to its owner shall be implanted with a microchip prior to its release from the custody of animal control, with the cost of implantation to be borne by the owner.

D. If an animal is impounded pursuant to any provision of this Code other than § 6.08.240, the animal may be reclaimed once release of the animal is approved by the City's Designated Animal Control Authority. Once release is approved by the Authority, if the owner of the animal is known by the Authority, the Authority shall make reasonable efforts to notify the owner of the animal and inform him or her of the conditions whereby he or she may regain possession of the animal.

If the owner of the animal is contacted, the owner has three days from the time of contact to reclaim the animal. If the animal is not reclaimed by the end of the third day, the City's Designated Animal Control Authority may humanely destroy it, sell it, or give it away.

If the owner cannot be contacted or the owner is not known by the City's Designated Animal Control Authority, the Authority shall post information about the animal on the Authority's website. The posting shall state that if the animal is going to be reclaimed by the owner, the animal must be reclaimed within three days of the initial posting of the animal's information. If the animal is not reclaimed by the end of the third day after the initial posting, the City's Designated Animal Control Authority may humanely destroy it, sell it, or give it away.

E. If an animal is impounded pursuant to SDCL 40-1-5, the animal may be reclaimed in accordance with state law.

6.08.240 Animals running at large– Impoundment–Notice.

~~A. All dogs and other animals found running at large in violation of any provision of this Code may ~~chapter~~ shall be taken by the Animal Control Officer and impounded in the shelter operated by the City's Designated Animal Control Authority. ~~city's Animal Shelter, and there confined in a humane manner for a period of not less than 3 days, except as otherwise provided in § 6.08.250 of this chapter and except that, when dogs or other animals are found running at large, and their ownership is known to the Animal Control Officer, the dogs or other animals need not be impounded, but the Animal Control Officer may, at his or her discretion, cite the owners of the dogs or other animals to appear in court to answer charges of violations of this title.~~~~

B. Immediately upon impounding any animal, the Animal Control Officer shall make ~~reasonable efforts every possible effort~~ to notify the owner of the animal and inform him or her of the conditions whereby he or she may regain possession of the animal. If a dog or other animal wearing a license tag is impounded, the Animal Control Officer shall, immediately after impounding the dog or other animal, and before the same is destroyed or otherwise disposed of, ascertain the name of the owner from the records of the Animal Control Officer and inform the owner of the conditions whereby he or she may regain possession of the dog or other animal. Any ~~animal~~ dog or cat impounded and subsequently returned to its owner shall be implanted with a microchip prior to its release from the custody of animal control, with the cost of implantation to be borne by the owner.

6.08.250 Impoundment–Redemption and destruction.

A. Subject to the provisions of ~~s~~Subsection ~~€~~B. of this ~~s~~Section, the owner shall be entitled to regain possession of any dog or cat impounded under § 6.08.240 of this ~~e~~Chapter; upon compliance with the ~~vaccination and~~ licensing provisions contained in this ~~€~~Title; and upon payment of the fees ~~and charges~~ provided for in ~~§ 6.08.230~~subsubsection B. of this section. Any other animal impounded under the provisions of § 6.08.240 may be reclaimed by the owner upon payment of fees ~~and charges~~ provided for in ~~§ 6.08.230~~subsubsection B. of this section.

B. ~~Any animal impounded under § 6.08.240 of this chapter may be reclaimed as provided for in this section upon payment by the owner to the city of the impoundment fee for each animal reclaimed, the fee for microchip implantation, any charges for veterinarian services rendered and an additional sum for each day each animal has been kept in the Animal Shelter. The impoundment fee and the per diem charge for each day the animal was kept in the Animal Shelter shall be set by resolution of the Council. Fees collected pursuant to this section shall be immediately transmitted to the City Treasurer along with all required reports. The impoundment fee set by resolution shall be due the city regardless of whether the animal is reclaimed, and the city's Finance Officer shall exercise every means available for collection against the owner. In the case of a contracted Animal Control Agent, fees shall be handled in accordance with the guidelines set forth by the mutually agreed upon contract or binding instrument.~~

~~—C. Any~~If an animal impounded under § 6.08.240 of this ~~chapter and~~is not reclaimed by its owner within 3 days of the initial impoundment, the City's Designated Animal Control Authority may humanely destroy it, sell it, or give it away. ~~be humanely destroyed by the Animal Control Officer or sold.~~ A fee set by resolution of the Common Council ~~shall~~may be charged for the destruction of the animal, or in the case of a ~~e~~Contracted ~~a~~Agent, the fee is to be determined by the Contracted aAgent. The Animal Control Officer may destroy any sick or injured or feral animal which has been impounded without holding it for 3 days, if its condition is such as to make its earlier destruction necessary or desirable. All animals destroyed shall be destroyed by a humane procedure, but not by shooting.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.12.010 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.12.010 Licensing.

It is the purpose of this ~~e~~Chapter to promote the safety, health and general welfare, by requiring that all dogs and cats owned by, or under the care of, residents of the ~~e~~City be inoculated against rabies to ensure ease of identification of any dog or cat in the event of loss, theft, impoundment or the biting of persons or other animals, and to recover the costs of administration of this ~~€~~Title.

A. No person who owns or has custody of a dog or cat shall fail to obtain a license as specified herein.

B. Every owner or custodian of a dog or cat shall cause such animal to be licensed as herein provided. The requirements of a license shall not apply if the owner or custodian establishes that

the dog or cat has been owned for a period of less than 30 days or has not yet reached the age of 6 months.

C. An application for license must be completed for each dog or cat and a renewal application must be completed within 1 year from the month of the first license. Written application provided by the ~~Animal Shelter~~City's Designated Animal Control Authority shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. Applications for license certificates must be accompanied by a rabies immunization certificate ~~or other satisfactory evidence~~ showing that the dog or cat for which the license is to be issued has been vaccinated for rabies, and the appropriate fees as set by resolution of the Council~~shown in subsection D. of this section.~~

D. The license fees shall be set by resolution of the Council~~as follows:~~

- ~~— 1. Neutered/spayed dog: \$8 per year;~~
- ~~— 2. Unneutered/unspayed dog: \$16 per year;~~
- ~~— 3. Neutered/spayed cat: \$5 per year; and~~
- ~~— 4. Unneutered/unspayed cat: \$10 per year.~~

E. ~~The expiration date of the license shall coincide with the expiration date of the most recent rabies vaccination.~~The expiration date of the license shall be December 31 of the year in which the license was purchased.

F. Upon acceptance of the license application and fee, a numbered metal or plastic license tag shall be issued to the person paying the fee. The tag shall be stamped with the number and year for which issued. The tag shall be affixed to the licensed animal in conjunction with the rabies tag in a secure manner anytime the animal is outside. The owner shall contact the ~~Animal Shelter~~City's Designated Animal Control Authority to report change in ownership, loss or death of a licensed animal.

G. In the event that the licensed tag issued for a dog or cat ~~shall be~~ lost, the owner may obtain a duplicate tag upon the payment of \$1 ~~to the Animal Shelter~~to the City's Designated Animal Control Authority of a fee to be set by resolution of the Council.

H. If there is a change of ownership of a dog or cat ~~or kennel~~ during the licensed year, the new owner may have the current license transferred in his or her name upon application to the ~~City Animal Shelter~~City's Designated Animal Control Authority.

I. The licensing and vaccination requirements of this ~~e~~Chapter shall not apply to any animal belonging to a nonresident of the ~~e~~City and kept within the ~~e~~City for not longer than 30 days; provided, all such animals shall at all times while in the ~~e~~City, be kept within a building, enclosure or vehicle, or be under restraint by the owner.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.12.030 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.12.030 Restraint.

No person may allow any dog or cat to run at large. The owner or custodian of any animal shall at all times keep his or her animal under restraint in a manner ~~which~~that avoids bodily injury to the animal. ~~Service animals and animals used in parades are exempt from the provisions of this section.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 6.16.050 of the Rapid City Municipal Code is hereby amended to read in its entirety as follows:

6.16.050 Penalty.

Any person violating any provision of this chapter shall be subject to the general penalty provision of § 1.12.010 ~~liable for a fine not more than \$5 for each offense.~~

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer

(SEAL)

First Reading:
Second Reading:
Published:
Effective: