

CITY OF NEWELL
ORDINANCE 04-2020

AN ANIMAL CONTROL ORDINANCE

BE IT ORDAINED and enacted by the Board of Commissioners of the City of Newell, State of South Dakota as follows:

1 GENERAL PROVISIONS.

1.01 - POUND ESTABLISHED.

The City Commissioners shall have the power to establish a public pound. If the Commissioners don't establish a pound, the Butte Co Sheriff's Office shall place any impounded animals with some suitable person at the expense of the City,

1.02 - CERTAIN ANIMALS PROHIBITED.

No person shall allow, bring, keep, or maintain, into or within the corporate limits of this City, whether under control or at large, any horse, cow, mule, swine, sheep, goat, or fowl except as otherwise provided in Section 1.03,

1.03 - EXCEPTIONS.

The animals mentioned in the previous Section shall be allowed within the corporate limits of the City only when:

- A. They are used or are a part of a legally authorized circus, menagerie, or carnival.
- B. They are used in or are a part of a legally authorized parade, provided that such animals shall only be allowed within the limits of said City for said purpose for the length of time necessary to participate in said parade.
- C. They are in the process of being transported from one area within or outside of the City limits to another, in which case they shall be in constant supervision and control of the owner, manager, or driver and such transporting shall be done with all due speed and care. Horses are only permitted to be ridden on streets or arenas.
- D. They are on the premises of a duly licensed stock exchange, livestock sale ring, or veterinarian hospital.
- E. They are a part of a legally authorized livestock show or exhibition.
- F. Animals within Agriculture-Residential Zoned Districts, except swine and goats which are excluded from these Districts also.
- G. Chickens may be kept within the city as an accessory use for the purpose of having private laying hens provided there are not more than a total of six such chickens and a proper chicken coop and fenced chicken yard is provided for proper containment, and provided that the following provisions are complied with.

1. Any owner or keeper of chickens within the city shall register said chickens with the City Finance Officer on a form provided by the city within ten days of obtaining such chickens.

2. Said chickens, and the number thereof, shall be re-registered with the Finance Officer every year expiring June 30th.

3. The registration of such chickens shall include a registration fee in an amount as set forth by the City Council from time to time. Registration shall not be considered complete until the registration fee is paid and the receipt issued to the registrant.

4. The keeping of chickens shall not create a nuisance or disturbance of the peace.

Substantiated complaints from the neighborhood shall constitute a violation and shall be subject to citation and fines established in 04-2006.

5. Upon any three violations where a citation has been issued, the accessory use shall be terminated upon written notice by the Finance Officer.

6. In no case shall a rooster be permitted to be kept within the corporate limits of the city.

2 ANIMAL CONTROL.

2.01 RUNNING AT LARGE PROHIBITED.

No owner of any dog or other animal held as a domestic pet in the City shall permit such animal to run at large at any time, and any such animal found at large may be impounded by Butte Co Sheriff's Office or by any other person authorized by the City Commission. (SDCL 9-29-12)

2.02 COMPULSORY IMMUNIZATION OF ANIMALS FOR RABIES.

Every dog, cat or other animal held in the City, six months of age or older, shall be immunized against rabies by a licensed veterinarian. Immunization against rabies shall be given at 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.

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal immunized against rabies within one month following acquisition or when such animal reaches the age of six months.

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

All veterinarians or other qualified persons designated to immunize animals against rabies shall provide the owner at the time of immunization with a certificate or metallic tag showing the date of the immunization.

Whenever metallic tags are so given for immunizations, such metallic tags shall be worn by all animals on a collar, harness, or chain when off the premises of the owner.

2.03 RESPONSIBILITY OF OWNER TO PLACE ANIMAL FOR OBSERVATION.

When any person owning or harboring a dog, cat or other animal has been notified that said animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of Butte Co Sheriff's Office or a licensed veterinarian for a period not less than ten (10) days.

At the end of the ten (10) day observation period, the animal shall be examined by a licensed veterinarian and, if cleared by the veterinarian, may be reclaimed by the owner upon paying the expenses 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 diagnosis.

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have infected with rabies.

Any person within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to the Butte Co Sheriff's Office.

2.04 DOGS BARKING.

No person owning any dog, licensed or unlicensed, confined on the premises, or otherwise, shall suffer to permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or making other loud or unusual noises.

Upon signed complaint to the Butte Co Sheriff's Office that any person is keeping or harboring any dog which disturbs the peace as herein set forth, it shall be the duty of said Butte Co Sheriff's Office to notify the owner of said dog in writing of said complaint, and after such owner has been given forty-eight (48) hours notice of such violation and the violation is continuing, any police officer or person of proper authorization is hereby authorized and empowered to go upon the premises and impound any such dog or animal so disturbing the peace. In addition to the impounding of such animal or other penalties prescribed, the owner shall be subject to a fine as set by ordinance or resolution.

2.05 STRAY, ABANDONED OR UNKEPT ANIMALS.

No person shall harbor, feed or keep any stray animals within the City. Animals known to be strays

shall be reported to Butte Co Sheriff's Office immediately. (SDCL 9-29-12)

2.06 - CRUELTY TO ANIMALS.

No person shall within the limits of this City, cruelly beat any animal or wantonly or maliciously torture or injure or torment any animal in any way, or shall neglect to properly take care of or feed any such animal. . (SDCL 9-29-11)

2.07 - FIGHTS BETWEEN ANIMALS PROHIBITED.

No person shall willfully allow any fight between or among any animals in this City, nor shall any person keep any house, pit or other place to be used in permitting any fight between animals.

2.08 - VICIOUS OR DANGEROUS DOGS.

It shall be unlawful for any person to keep, maintain, or allow to run at large, any dog of ferocious, vicious or dangerous habit or disposition. Any such animal within the limits of this City may be killed or impounded by Butte Co Sheriff's Office or other official under proper authority.

2.09 – LIMITATIONS.

A maximum of six (6) pets, over the age of six (6) months, per residence (not including fish and birds) may be kept, maintained, harbored, or in the custody of a person within city limits. A maximum of (6) Chickens (no roosters) per residence may be kept in proper chicken coop & fenced chicken yard for proper containment.

2.10 – ILLEGAL ANIMALS SURRENDERED

When it is determined that an illegal number of animals are located at a residence, the town shall give written notice delivered by Butte County Sheriff's Office to the resident that the illegal animals must be removed from that location within 10 days. The resident may provide credible documentation to the city that the illegal animal(s) have been legally transferred to another location, euthanized or the resident has submitted an application for an Excess Animal Permit.

2.11 – EXCESS ANIMAL PERMIT

Any person owning, possessing or maintaining more than the legal limit of 6 common domestic animals, for a period of more than 12 weeks within a 12 month period, shall first apply for an annual Excess Animal Permit, with a non-refundable registration fee in the amount set forth by the City Council from time to time. The town will then hold a public hearing upon receipt of application and fee, having first given 15 day notice. Such notice of the time and place of such hearing shall be published in a daily paper of general circulation. The Town of Newell will make a site inspection and submit a written site inspection report and recommendation to the town council. The report shall state the location of the permit site and the number of animals proposed. If approved this permit shall require an annual permit fee and inspection, compliance with all applicable provisions as well as compliance with all other ordinances. Residence with an Excess Permit may not obtain more animals. The Excess Permit allows a resident to maintain current animals without penalty of surrender or euthanasia until they are at the legal limit for the animal ordinance.

3 LICENSING

3.01 - LICENSE REQUIRED.

It shall be unlawful for any person or persons within the City of Newell to keep, maintain or have in his custody or control, any dog (or animal of the dog kind hereinafter included in the definition of dog, Chicken or cat without first having obtained a license from the City Finance Officer as herein after provided.

3.02- APPLICATION.

Any person desiring to keep, maintain or have custody or control within the City of Newell of any dog,

chicken or cat shall make application to the City Finance Officer for a license before the first day of July each year, or within 10 days of acquiring a dog, chicken or cat or at 6 months of age. Such application shall include a certificate from a licensed veterinarian describing the dog or cat for which the license is being applied and certifying that the dog or cat so described has been inoculated with modified live virus for the prevention of rabies within two years prior to the expiration of the license. Licenses expire on June 30th each year. A penalty fee in the amount set forth by the City Council from time to time shall apply if not licensed by July 1st of each year.

3.03 - FEE TAG.

The applicant shall, at the time of making such application pay to the Finance Officer as a license fee in the amount as set forth by City Council from time to time.

It shall be the duty of the City Finance Officer to furnish said applicant a metallic tag which shall be and constitute the license above mentioned, and upon which tag shall be stamped and engraved 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 dog on which collar shall be securely fastened the metallic tag. In case of the loss of any tag so issued, the City Finance Officer is authorized to issue a duplicate upon payment of an additional fee.

4 ENFORCEMENT.

4.01 IMPOUNDING.

It shall be the duty of the Butte Co Sheriff's Officer or by any other person authorized by the Board of Commissioners of the City to impound every animal found in violation of the provisions of this ordinance, and any person claiming any animal so impounded shall pay to the City Finance Officer for its discharge from the place of impoundment all cost incurred in the apprehension, feeding, caring for, and housing of such animal. The city shall have a lien for the cost of keeping and caring for such impounded animals in the amount it would take to have said animals discharged under the provisions herein, The City may foreclose said lien as by law provided for the foreclosure of liens against chattels.

4.02 - RETRIEVAL OR DESTRUCTION OF ANIMALS RUNNING AT LARGE.

Every animal impounded under the provisions of Section 4.01 of this ordinance shall be kept in possession of the City or the pound as designated. During this period of possession, any person, by paying the cost of impounding, as described above and by paying an additional fee to the City Finance Officer the in the amount set forth by City Council from time to time. And in the case of dogs or cats, by purchasing a current dog or cat license, may redeem and obtain possession of the animal. If after 48 hours an impounded animal has not been claimed, the animal may be put to death in a humane manner.

If an animal is impounded twice within 1 year, the additional fee will be set in the amount set forth by City Council from time to time.

If an animal is impounded three times within 1 year the additional fee to retrieve the animal shall be set forth by City Council from time to time.

If, at any time within a 1 year period from the initial impounding of an animal, it has need for impounding a fourth time, that animal may be destroyed without any further notice to the owner thereof.

4.03 - DOGS MUZZLED.

Whenever law enforcement officer or other authorized official shall have determined that there is danger of the existence or spread of rabies in the City, such facts shall be made known to the City Commissioners. The Board of Commissioners, upon receipt of said facts, may by proclamation, in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the approval of said proclamation all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animals fail. All animals seized and impounded shall be held for observation as herein before provided for not less than ten (10) days, and if cleared by a licensed veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of a hereinbefore provided.

4.04 VALIDITY.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

4.05 ORDINANCE IN FORCE:

This Ordinance shall be in full force and effect from and after the passage, approval, recording, and publication as provided by law.

Dated this 14th Day of April 2021.

Kenneth Wetz, Mayor

Attested: Jennifer Parrow, Finance Officer

First Reading: April 14, 2021
Second Reading: May 10, 2021

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