

CITY OF DE SMET
ORDINANCE NO. VIII-1

ANIMALS

Section VIII-1-1. No owner or any person harboring or keeping an animal shall permit such animal to run off his or her premises and not under his or her control by a leash.

Section VIII-1-2. Any animal, which is found off of the premises of the owner, keeper, or possessor, shall be seized by the De Smet police and impounded. The owner, keeper or possessor of the animal, if he or she can be found within the limits of the City of De Smet, shall be given notice, either verbally or written, that the animal shall be claimed within 48 hours from the time the notice is received. If the owner, keeper or possessor cannot conveniently be found, notice need not be given. If the owner, keeper or possessor of the animal claims the same within said 48-hour period, said owner, keeper or possessor shall reimburse the City of De Smet for any costs incurred in the keeping of the animal.

Section VIII-1-3. If any animal is not so claimed by its owner within said time, the animal shall be forthwith destroyed and the costs of the keeping of the animal assessed to the owner, keeper or possessor. The employees or agents of the City shall be immune from any liability claims, which may result from the disposal of any animal under this section.

Section VIII-1-4. License required. Every domestic pet of six months or older is hereby required to be immunized against Rabies by a licensed veterinarian or other qualified person; every owner or keeper of any dog must register it with the City of De Smet annually on or before the first day of November. Upon presentation of proof of immunization and payment of a fee of \$5.00 for spayed female or neutered male dog and \$10.00 for male or female dogs, the City shall issue a license to the owner or keeper which license tag shall be attached to the collar of the dog.

Section VIII-1-5. No person shall willfully or negligently maltreat or abuse or neglect in a cruel or inhumane manner, any animal or fowl.

Section VIII-1-6. No person shall harbor or keep any stray animals. Animals known to be strayed shall be reported to the De Smet police department immediately, and any stray animals may be destroyed by the City of De Smet forthwith without notice to any person.

Section VIII-1-7. It shall be unlawful for any person to keep or have within the city limits a dog that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicyclists or vehicles, or turns over garbage containers or damages gardens, flowers, vegetables, or conducts itself in such a manner as to be a public nuisance.

Section VIII-1-8. When proved that a dog has destroyed, damaged, or abused property of another person, the owner, keeper or possessor of such dog shall be strictly liable for any damages, which accrue.

Section VIII-1-9. The keeping of animals or fowls on any lot in the City shall not be on a commercial basis or on a scale reasonably objectionable to the adjacent property owners.

Section VIII-1-10. Any person found guilty of a violation of any provision of this ordinance shall be subject to a fine of, not to exceed, \$100.00, or by detention of not to exceed thirty days, or by both such fine and detention.

CITY OF DE SMET
ORDINANCE NO. VIII-3

ANIMALS

AN ORDINANCE AMENDING CHAPTER VIII—1, ENTITLED: ANIMALS, OF THE MUNICIPAL CODE OF THE CITY OF DE SMET, COUNTY OF KINGSBURY, STATE OF SOUTH DAKOTA.

BE IT ORDAINED BY THE CITY OF DE SMET, COUNTY OF KINGSBURY, STATE OF SOUTH DAKOTA:

SECTION I. That Chapter VIII—1, Entitled: Animals, of the Municipal Code of the City of De Smet, County of Kingsbury, State of South Dakota, be and the same, is hereby amended to read as follows:

Section VIII-1-10. No vicious dogs shall be allowed off the premises of its owner unless muzzled and on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. A dog is declared to be vicious within the meaning of this section when it has bitten any person, or when a propensity to attack or bite human beings shall exist and is known or ought reasonably to be known to the owner. Any vicious dog which is found off the premises of its owner other than as herein provided, may be seized by any person and upon delivery to the proper authorities may upon establishment of the vicious character of said dog, be humanely disposed of by a police officer or animal control officer or other person or persons authorized by the governing body.

Section VIII-1-11. No person shall in the city engage in or allow any fighting between animals, birds, or fowl of any kind upon their premises or premises in their possession or under their control; nor shall any person keep any house, pit, or other place to be so used in permitting fights between animals, birds, or fowl; nor shall any person for any bet, stake, reward of entertainment instigate or encourage any animal, bird, or fowl to attack, bite, wound or worry another.

Section VIII-1-12. Any person found guilty of violation of any provision of this ordinance shall be subject to a fine not to exceed \$100.00, or by detention of not to exceed thirty days, or by both such fine and detention.

SECTION II. That all other provisions of the Municipal Code of the City of De Smet contained in Chapter VIII—1, Entitled Animals, except or hereinafter specifically modified, remain in full force and effect.

Roger Knock, Mayor

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| First Reading | March 14, 1989 |
| Second Reading and Adoption | April 11, 1989 |
| Published | April 19, 1989 |

ATTEST:
Hazelle M. Sckerl, City Finance Officer