

CHAPTER 5-1 DEFINITIONS AND GENERAL PROHIBITIONS

5-1-1 DEFINITIONS

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

Animal. Any bird, reptile, amphibian, fish, or mammal and domestic livestock, except humans.

Wild Animal. Any animal not in captivity, other than a domestic animal.

Dog. Any animal of the canine species, male or female.

Cat. Any animal of the feline species, male or female.

Owner. Any person possessing, or harboring, or having the care or custody of an animal.

Muzzle. A device fitting over the mouth of a dog which is designed to keep a dog from biting.

Pen/Kennel. A structure designed to hold dogs which must have secure sides, and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.

Spayed/Neutered. Any animal that has had reproductive organs removed.

Vicious Dog

- (a) Any dog with the known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- (b) Any dog which because of its size, physical nature, or violent propensity is capable of inflicting serious harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance; or
- (c) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
- (d) Any dog trained to fight or attack.

Unconfined Vicious Dog. A vicious dog that is not securely confined indoors, or confined in a securely enclosed and locked pen, or structure upon the premises of the owner of the dog.

Domestic Animal. Any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind.

Impoundment. Taking physical control and custody of an animal.

Mistreatment, torture or cruelty of an animal. Any act or omission whereby unnecessary, unjustifiable, or unreasonable physical pain or suffering is caused, permitted, or allowed to continue, including acts of mutilation.

Neglect of an animal. The failure to provide food, water, 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.

At large. Any animal will be deemed to be at large when it is off the property of his/hers/its owner and not under control of a competent person.

Exposed to Rabies. Any animal has been exposed to rabies if it has been bitten by, or been exposed to, any animal known to be or suspected of being infected with rabies.

Restraint. A dog or cat is under restraint if it is controlled by a leash or chain, under voice control beside a competent person so as to be continually obedient to the person's commands, or within the property limits of its owner or keeper.

Compare SDCL 40-1-1

5-1-2 ANIMALS RUNNING AT LARGE

No person shall allow any animal to run at large within the city limits.

Authority: SDCL 9-29-12

5-1-3 FOWL IN CITY

No person shall allow any ducks, geese, chickens or other domestic fowl to run at large, nor shall any person keep enclosed or housed any geese, ducks, chickens, or other domestic fowl in any house, pen, coop, or enclosure situated within the distance of forty feet of any dwelling house, store, or other building used or occupied as the residence of any person, or within forty feet of any church, school or other public building. Such house, pen, coop, or enclosure shall be maintained at all times in a clean and sanitary condition.

Authority: SDCL 9-29-12

5-1-4 HORSES, COWS, GOATS, SHEEP; IN CITY

No person shall keep any horse, cow, goat, or sheep, or erect, or maintain any building or enclosure for use in keeping any of such animals within one hundred feet of any dwelling, house or building used for human habitation, other than that of the owner of such animals.

No person shall keep or maintain any building or enclosure where livestock is kept, unless the same be at all times kept in a clean and sanitary condition and in accordance with the rules and regulations of the Board of Health.

Authority: SDCL 9-29-12

5-1-5 PIGS IN CITY; PROHIBITED

No person shall place, keep, or maintain any live hogs within the city for a period greater than 24 hours, excepting such hogs as are kept in the yards or pens of the railway companies for shipping purposes, or in pens, houses, or yards of the stockyards, packing houses, or butcher shops. Such hogs must be kept for the purpose of immediate shipment or slaughter. Each household may have one (1) pot-bellied pig as a pet provided it is kept in sanitary conditions and does not prove a nuisance to the community. No person owning or having in his charge, control or possession a pot-bellied pig shall permit same to roam at large within the city.

Authority: SDCL 9-29-12

5-1-6 PICKETING ANIMALS

No person shall within the city stake out any domestic animal in such a manner as to permit it to approach within one hundred feet of any dwelling house or building used for human habitation other than that of the owner of such animal.

Authority: SDCL 9-29-12

5-1-7 PIGEONS IN CITY

No person owning or having in his charge, control or possession any pigeons shall permit any of them to roam or fly at large within the city.

Authority: SDCL 9-29-12