

CHAPTER 5-4 VICIOUS ANIMALS AND ANIMAL ATTACKS

5-4-1 VICIOUS ANIMALS

- (a) No person may own, harbor, or keep within the city any vicious animal, except according to the provisions of this section. It is provided, however, that this section shall not apply to animals under the control of law enforcement, or military agency, or to animals which are kept for the protection of property. It is further provided that such exempted animals are to be kept restrained by leash, chain, cage, fence, or any other adequate means, to prevent contact with the general public or contact with persons who enter the premises with the actual or implied permission of the owner or occupant. A sign shall be visibly posted to notify the general public of such vicious animals. Any animal attacking any person or persons, or the clothing of these persons in a vicious manner may be destroyed immediately by a police officer to protect the safety of the attacked person or persons. If any person or persons were bitten by the animal so destroyed, then the head of this destroyed animal will be submitted to an approval laboratory for a rabies examination.
- (b) Any vicious or dangerous animal found off the premises of its owner other than provided herein, shall be seized by the animal control officer, police officer or county sheriff and impounded. If the animal cannot be captured, then it may be destroyed in a manner that the head is not damaged. If the animal has been seen running at large and/or bites a person, and is, for any reason, unobtainable, the police officer or county sheriff may order the owner or custodian to deliver the animal to the animal shelter within twenty-four hours. The owner, if contesting the destruction of the animal, shall be ordered to appear in court to show cause why this animal should not be destroyed.
- (c) A formal committee composed of not less than three persons considered experts in the field of animal husbandry, which includes, but is not limited to, veterinarians, dog breeders, and animal shelter personnel, may make a determination that an animal is dangerous or vicious after taking the following into consideration:
1. The nature and severity of the attack;
 2. Whether the animal has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to another person or animal;
 3. Whether the animal has bitten one or more persons in unprovoked attacks.

After such declaration, the owner of the animal shall be notified in writing of the declaration. If the animal is in the owner's custody, then he shall not allow the animal off his premises until it is muzzled, on a leash, or caged, and in the charge of a competent person. Upon being declared vicious, the animal shall be delivered to the animal control officer, police, or sheriff upon such request if it is deemed most prudent that such animal be impounded for public safety and welfare. Upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of the animal, the court may order euthanization of such animal.

Authority: SDCL 9-29-12; See Also: SDCL 40-34-14, 40-1-2.5

5-4-2 POTENTIALLY DANGEROUS ANIMALS

Animals that may be potentially dangerous are not allowed within the city limits. Said animals include but are not limited to poisonous snakes and wolf-crossed dogs.

Authority: SDCL 9-29-12; See Also: SDCL 40-34-14, 40-1-2.5, 40-34-13

5-4-3 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 incident to the animal control officer or contracted agent. The animal control officer or contracted agent shall notify the State Department of Health of each reported incident immediately.
- (c) Any animal which bites or attacks a person shall be quarantined at the direction of the animal control officer, authorized personnel of the contracted agent, or the police department for a period of not less than 10 days, and shall not be released from quarantine except by written permission of the animal control officer or authorized personnel of the contracted agent. During quarantine, the animal shall be securely confined and kept from contact with any other animal or human other than the caretaker. If the animal has bitten or attacked while on the premises of the owner, the animal control officer or contracted agent may quarantine the animal on the owner's premises if it is determined that the facilities are adequate, the owners are responsible persons, and the owner has a current rabies vaccination of the animal. 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/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 animal by a licensed veterinarian, to be conducted within five 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 has bitten a human, is suspected of having rabies, or may have been exposed to rabies dies while under quarantine, its head shall be sent to an approved laboratory for a rabies 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 Section 5-4-2. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when a demand is made therefore 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 may designate an area as quarantined for a period of 30 days. Upon the indication of such quarantine no animal capable of transmitting rabies shall be taken into the area or be permitted to be taken out of such area during the period of quarantine.
- (g) Any animal that has bitten any person may be euthanized by order of the health officer, a physician, or a veterinarian unless proof of the animal's current rabies vaccination status is presented within 24 hours of the bite. The last rabies vaccination must have been given at least 30 days prior to 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 and based upon 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 considering 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;
 6. The tolerance of the person bitten to the vaccines used for treatment.

Authority: SDCL 7-12-29; See Also: SDCL 40-12, generally

5-4-4 ANIMALS HAVING BITTEN A PERSON-RELEASE REQUIRED PRIOR TO DISPOSITION

No owner or harbinger of an animal involved in a biting incident may euthanize, sell, give away or otherwise dispose of such animal until a full release of the incident has been issued by the animal control officer.

Authority: SDCL 40-12, generally