

ORDINANCE NO UCC 2005-002

AN ORDINANCE FOR THE CONTROL OF VICIOUS ANIMALS AS A PUBLIC MENACE.

1. Vicious animals defined.

a. An animal is declared to be vicious within the meaning of this section when a propensity to attack or bite human beings or other animals shall exist and is known or ought reasonably to be known by the owner.

b. Additionally, per SDCL 40-34-14, a vicious dog may further be defined as:

i. Any dog which, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a human being upon the streets, sidewalks, or any public grounds or places; or

ii. Any dog which, on private property, when unprovoked, in a vicious or terrifying manner approaches in apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.

2. Handling of a Vicious Animal.

a. No vicious animal 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 family over sixteen (16) years of age.

b. Any vicious animal which is found off the premises of its owner, other than as provided herein, shall be seized by the animal control officer and/or law enforcement officer and impounded. If the animal has been seen running at large, or bites a person, the animal control officer or a law enforcement officer may order the owner to deliver the animal to the animal shelter within twenty-four (24) hours and the owner ordered to appear in court to show cause why this animal should not be destroyed.

c. As a last option if the animal cannot be captured, the County may seek a court order to have the animal destroyed.

3. Right of entry in pursuit. When in immediate pursuit of any vicious animal found to be at large in the county, the law enforcement officer or other person authorized to apprehend the vicious animal may enter upon the premises of the owner of such vicious animal for the purpose of apprehending such animal, provided that for the purposes of this section, the word "premises" shall not be construed to include the inside of any dwelling house or any out-building.

4. Violation; penalty.

a. Any person violating the provisions of this article shall, upon conviction, be fined not less than one-hundred dollars (\$100.00) for the first offense, and shall be fined not less than two-hundred dollars (\$200.00) for the second offense, and shall be fined not less than two-hundred dollars (\$200.00) for each subsequent offense provided such offenses shall have occurred within a period of twelve (12) consecutive months from the date of the first offense.


b. Any additional costs (e.g., kenneling bill, veterinary bills, other incidentals) are chargeable to the owner

5. This Ordinance does not affect or influence the application of Union County Ordinance Number 2003-02, An Ordinance for the Declaration and Abatement of Public Nuisances.

Board of Commissioners
Union County, South Dakota


Chairman

ATTEST:


Auditor

First Reading: 10-25-05
Second Reading: 11-08-05
Passed and Approved: 11-08-05
Published: Dec 1-05