

**Unapproved Minutes of
REDFIELD CITY COUNCIL**

October 15, 2018

7:00 p.m.

The City Council met in regular session at City Hall on Monday, October 15, 2018 at 7:00 p.m.

MEMBERS PRESENT: Mike Siebrecht, Eileen Kearney, Randy Maddox, Darrell Ronnfeldt, Joe Morrissette, Jessi Lewis, David Moeller, and Frank Schwartz

MEMBERS ABSENT: Mayor Jayme Akin

STAFF PRESENT: Adam L. Hansen and City Attorney Kristen Kochekian

VISITORS: Kevin Schurch, Mattheus Badenhorst, Nila Groft, John Cass, Ethan DeYoung, Shiloh Appel @ 7:16 p.m.

CALL TO ORDER: Council President Ronnfeldt called the meeting to order at 7:00 p.m.

ADOPT AGENDA: Motion by Siebrecht, seconded by Maddox to adopt the agenda as presented. Motion carried.

MINUTES: Motion by Lewis, seconded by Morrissette to approve the October 1, 2018 minutes and the October 8, 2018 Special Meeting Minutes. Motion carried.

CONSENT CALENDAR:

Motion by Maddox, seconded by Lewis to approve the following items on the consent calendar:

Departments' Reports:

- A. Revenue and Expense Report – August Report and August Salaries
- B. Senior Citizens Report – Minutes dated September, 2018
- C. Temporary Malt Beverage License #25-2018 & Temporary On/Off Sale Liquor #22-2018 for Starters Lanes & Sports Lounge for October 19, 2018 for Catholic Daughters at KC Hall
- D. Temporary Malt Beverage License #26-2018 & Temporary On/Off Sale Liquor #23-2018 for Starters Lanes & Sports Lounge for November 10, 2018 for Gala at Armory

Receive and place on file. Motion carried.

VISITORS/PUBLIC TIME:

Spink County Sheriff – Kevin Schurch – Schurch introduced Matheus Badenhorst as a new deputy at the Spink County Sheriff Department. Schurch gave an update of his department's activities.

Exit: Schurch & Badenhorst @ 7:12 p.m.

Nila Groft & John Cass - Groft discussed her concerns about families being able to afford the increase on the utility bill. Cass inquired about putting the project to a public vote. Discussion ensued about the project.

Exit: Groft & Cass @ 7:25 p.m.

OLD BUSINESS:

Notice of Code Enforcement Activities – Yost's report was presented to the Council for their review. City Attorney Kristen Kochejian gave an update on pending cases.

NEW BUSINESS:

Approve Annual Notice (Tree Trimming) – Motion by Siebrecht, seconded by Maddox to approve the notice.

Exit: DeYoung @ 7:29 p.m.

ORDINANCES AND RESOLUTIONS:

Council President Ronnfeldt gave the Second Reading of Ordinance No. 06-2018 (Pet Ordinance).

**ORDINANCE NO. 06-2018
AN ORDINANCE AMENDING SECTION 6**

Title 6 - ANIMALS

Chapter 6.01 - ANIMALS GENERALLY

Section. 6.01.010 - Definitions.

The following words and terms as used in this chapter, unless context requires, will mean and are defined as follows:

A. "Animal" means tamed, domesticated and other animals, including but not limited to dogs, cats, horses, sheep, swine and other pets, both male and female, and whether in the singular or plural; provided, however, that some of the following sections relate only to dogs.

B. "Owner" means and includes any persons or persons, firms, associations, or corporations owning, keeping, or harboring an animal within the corporate limits of the City. The occupant of any premises upon which an animal remains or to which it customarily returns is presumed to be harboring or keeping the animal within the meaning of this chapter.

C. "Proof of vaccination against rabies" means by written statement thereof issued by a licensed veterinarian.

D. "Running at large" means an animal or animals, off the property of the owner, unless such animal or animals is/are accompanied by the owner or an attendant who will have such animal(s) under his or her immediate control and supervision or the animal(s) must be on a leash, chain, cord, rope or other means of restraint held in the hands of the owner or attendant.

E. "Official(s)" means the person or persons charged by the Mayor and City Council with seizing, catching, or retrieving animals; impounding them; and issuing tickets. The term shall include any member of the Spink County Sheriff's Department and the Redfield City Code Enforcement Officer.

F. "Dangerous animal" means any animal that is not domesticated or is part wild animal as indicated in A.R.S.D. 12:68:18:03 (2001), such as a wolf-hybrid or any animal that behaves in a manner a reasonable person would believe poses an unjustified threat of serious injury or death to one or more persons or domestic animals.

G. "Exotic wildlife" is an introduced, alien, non-indigenous, or non-native species; a species living outside its native distributional range, which has arrived there by human activity, either deliberate or accidental.

H. "Natural wildlife" any animals living in a natural, undomesticated state.

I. "Venomous" refers to any animal, insect, reptile that is capable of injecting venom that is harmful to a human being by biting, stinging or any other method of transmission.

6.01.020 - Licensing and Registration—Exception—Tag and collar.

All Animals which are kept, harbored, or maintained by their owners within the City shall, within fifteen (15) days after being brought into the City, be licensed and registered on an annual basis as follows:

A. Animal's shall be registered at City Hall, 626 Main St, Redfield, SD 57469. Upon being registered, such Animal shall be issued a license. In order to qualify for a license the Animal's owner shall:

1. Prove that the Animal has been vaccinated against rabies as defined in 6.01.010 C.;

2. Pay the license fee which shall be fixed by resolution of the City Council.

3. Complete the registration form to provide (a) the animal's approximate weight, breed, sex, color of hair or wool, and call name; and (b) the owner's name, address, and telephone number;

4. All such animal licenses will expire at 12:01 a.m. on the first day of January following the year of issuance.

5. The City Finance Officer or his designee, upon registration of the Animal, will issue to the owner a license certificate and tag for each animal so licensed; and it is further provided:

- a) Every owner shall provide each dog and cat they license with a collar to which the license tag must be affixed and will see that the collar and tag are worn by the dog or cat at all times.
- b) In case a the tag is lost or destroyed, a duplicate will be issued by the City Finance Officer or his designee upon presentation of a receipt showing the issuance of the license for the current year and payment of the replacement fee the duplicate.
- c) Tags will not be transferable from one animal to another;
- d) No refund will be made on any license fee because of the death of the animal or the owner removing the animal from the City before the expiration of the license.

B. The provisions of this section will not apply to animals that are only temporarily within the City.

C. An animal that is kept within the City for more than fifteen (15) days shall no longer be considered temporarily within the City and shall be subject to the provisions of this Chapter.

6.01.021 – Failure to License Animal.

Failure to license an animal as required by this chapter shall be a violation of this ordinance.

6.01.022 – Impoundment of Unlicensed Animals.

Any unlicensed animal which is found to be unlicensed may be impounded.

6.01.023 – Number of Animals.

It shall be unlawful for any person to have or keep more than four (4) domestic pets in his or her household. Domestic pets do not include birds or fish for the purposes of this ordinance. No person shall have or keep more than two (2) dogs and two (2) cats in his or her household. The City Animal Shelter, sale barn and veterinary offices are exempt from this provision. The City Finance Officer shall not knowingly issue licenses to persons attempting to license more animals than are permitted by this ordinance.

6.01.030 – Prohibited Animals.

The following animals may not be kept, harbored or maintained within the City:

- A. fowl including but not limited to ducks, geese or chickens;
- B. livestock including but not limited to cows, sheep, hogs or horses;

C. game birds including but not limited to pheasants, grouse, prairie chickens, sage grouse, partridge, doves or pigeons;

D. game animals including but not limited to deer, antelope, elk, moose, caribou, mountain lion, bobcat, coyote, wolf or mountain goats;

E. venomous animals including but not limited to venomous snakes, venomous lizards, venomous insects, venomous spiders, venomous fish or venomous animals;

F. constricting snakes;

G. any animal that has been declared protected or endangered by the US Department of the Interior.

H. vicious animals as defined in the chapter.

A violation of this section shall be unlawful.

6.01.035 – Prohibited Structures.

No person shall erect or maintain any pen, house, coop, enclosure or structure for the purpose of keeping a prohibited animal. A violation of this section shall be unlawful.

6.01.036 – Kennels.

A kennel is a place where more than four (4) of any species of domestic pet other than dogs or cats are kept and/or maintained. A place where more than two (2) dogs are kept is a kennel. A place where two (2) cats are kept is a kennel.

6.01.037 – Kennel License.

No person shall keep, maintain or operate a kennel within the City without a license from the City. A license for the operation of a kennel may be obtained from the City Finance Officer upon proper application and approval. Such license must be purchased on an annual basis. The initial license shall lapse on December 31 of the year in which the license was granted unless renewed. Application for the renewal of a kennel license must be made in December of each year following the initial application and licensing. The fees for kennel licenses shall be set by resolution of the City Council.

6.01.037 – Location of Dog Kennel.

No dog kennel may be operated within 500 feet of any dwelling house or place of business used or occupied as the residence of any person; or within 750 feet of any church, school or other public building.

6.01.038 – Condition of Kennel.

Dog kennels shall be maintained in a clean and sanitary condition at all time. Excrement shall be promptly removed from the dog kennel and properly disposed of in a sealed plastic bag or sealed non-porous container placed in the trash.

6.01.039 – Inspection.

The City Code Enforcement Officer and any member of the Spink County Sheriff's Department shall have the right to inspect a dog kennel that is operating within the City.

6.01.040 - Exotic or Native Wildlife.

A. A person may keep exotic or native wildlife that are not otherwise prohibited by this chapter provided the animal or animals are kept in compliance with State and Federal laws and City ordinances.

B. The owner shall register such exotic or native wildlife with the City Finance Officer pursuant to this ordinance.

C. If any such animal attacks or bites any person, the animal shall be tested pursuant to SDCL 40-12-5.

D. Any municipal employee, elected official or member of the Spink County Sheriff's Office may confiscate, impound or destroy any such animal found in violation of this section.

E. The owner will pay any impoundment costs and fines.

6.01.050 - Running at large prohibited.

It shall be unlawful for the owner or person in control of any animal to allow an animal to run at large and off the owner's premises within the corporate jurisdiction of the City.

6.01.060 - Abandonment of animals prohibited.

It shall be unlawful for any person to abandon any animal upon a public right-of-way or upon the property of another.

6.01.070 - Removal of animal waste.

Any person who possesses, harbors or is in charge of any dog, cat or other animal will immediately remove excrement deposited by said animal upon a public thoroughfare, street, bike path, play area, park or upon the private property of another without the owner/tenant's permission. Dog, cat or other animal excrement shall not be placed in storm sewers, but may be placed in a trash container if contained in a closed plastic bag or other closed or airtight nonporous container. A violation of this ordinance shall be unlawful.

6.01.080 - Nuisance—Animals.

It will be unlawful for any person who is the owner, keeper, or harbinger of an animal or animals as defined in this ordinance to:

A. to permit the animal or animals to be or to create a nuisance by barking, howling or otherwise emitting audible sounds to the annoyance or harassment of an inhabitant or inhabitants of the City.

B. Any dog or animal violating this section may be impounded pursuant to Section 6.09.140.

C. A violation of this ordinance shall be unlawful.

6.01.085 – Disturbing the Peace.

A. The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises such as barking, howling, or emitting audible sounds which can be heard by another inhabitant of the City at any time of the night or day.

B. Any animal control officer or police officer may remove and impound any animal, which is disturbing the peace when the owner of the animal cannot be located. A notice advising the owner of the impoundment shall be left on the premises.

C. Any person having custody or control of any female dog or cat in heat shall be required to keep such dog or cat confined in a building, secure enclosure, veterinary hospital, or boarding kennel so that it cannot attract or come into contact with another animal on public or private property except for controlled breeding purposes.

6.01.090 - Alternative to impoundment.

In lieu of impounding an animal, officials will have discretion to issue a citation/complaint to the owner or keeper of any animal violating any provision of this chapter unless the animal has bitten an animal or person or is suspected to be suffering from rabies or other infectious disease.

6.01.100 - Abusing and neglecting animals.

It shall be unlawful for anyone to abuse, strike at, neglect, antagonize, or tease any animal.

6.01.110 - Muzzling fierce dogs.

It shall be unlawful for the owner of any dog of fierce, dangerous, or vicious propensities to allow such dog off the owner's premises even though such dog may be under control of a leash, chain, cord, or rope in the hands of the owner or an attendant, unless such dog is also securely muzzled.

6.01.120 - Entering upon private property.

Any official(s), while pursuing an animal in violation of this chapter, is authorized and warranted to go on to private property for purposes of catching or retrieving such animal for impounding.

6.01.130 - Entry upon private property of animal's owner.

If an animal is in violation of this chapter and is found on the animal's owner's private property, the designated official will give or attempt to give notice to the animal's owner of the violation before catching, retrieving, or impounding the animal. If the owner of the animal is not available and it is not possible to give the animal's owner notice, the designated official will be entitled to enter the private property of the animal's owner to catch, seize, or retrieve the animal. Impoundment will be pursuant to the impounding procedure in Section 6.09.140.

6.01.140 - Impounding procedure.

It will be the duty of the official(s) to seize, catch, or retrieve animals in violation of this chapter and cause the same to be impounded in the place provided for that purpose. Impounding will be carried out in the following manner:

- A. The official(s) will make out a prenumbered ticket for each animal. The Sheriff's Department will keep the original ticket and notify the Dispatch Center to log the fact that an animal was impounded along with a brief description of the animal.
- B. The animal shall be delivered to the municipal animal shelter. Such shelter shall be designated by resolution of the City Council.
- C. A notice shall be prepared and delivered to the owner pursuant to 6.09.150. If the animal is not wearing its license and the municipal officer or Sheriff's deputy who took control of the animal is not aware of the name of the owner of the animal no such notice shall be required.
- D. Diseased or rabid animals shall not be released. Any animal which appears to the official(s) to be suffering from rabies or other infectious disease will be required to be treated at the owner's expense before being released. If the owner is unknown or refuses to pay the cost of treatment and the animal appears to be suffering from an infectious disease or rabies for a period of seventy-two (72) hours, then the animal may be destroyed without additional notice or court hearing regarding its destruction.
- F. In the event no owner or person can be found and served with a notice of destruction or disposition of an impounded animal, then it is determined that seventy-two (72) hours is a reasonable period of time for the City to hold an animal in impoundment before destroying or disposing of such animal or finding an acceptable home for the animal per Section 6.09.150.
- G. If an animal is not claimed within seventy-two (72) hours, then the animal may be destroyed in a humane manner following proper notice to the owner. In lieu of destruction, at the discretion of official(s), an acceptable home may be found for any animal kept impounded for more than seventy-two (72) hours in which case a record will be kept of the date, name, address, and telephone number of the person in whose home the animal is placed. The official(s) will have discretion in determining the adequacy of

the adopting home. In no case are the official(s) authorized to sell animals which have been impounded.

H. The owner of an animal impounded under the provisions of this chapter may present to official(s) a dated and signed written request that the dog or animal be destroyed.

6.01.145 – Fees and Costs.

The fees and costs associated with boarding an impounded animal shall be set by resolution of the City Council.

6.01.150 - Notice—Impoundment—Destruction—Placement in home.

When an animal is impounded, the impounding official will, as soon as possible, attempt to make either personal or telephone contact with the owner of the animal, advising them that they must comply with the City ordinance, that if the animal is not claimed within seventy-two (72) hours of the time of impoundment the animal will be either destroyed in a humane manner or placed in an acceptable home in accordance with this chapter. All attempts to contact owners will be accurately and carefully logged at either the Police Department or dispatch center and retained as part of the police records on the animal.

Unlicensed animals whose owners are unknown and all other impounded unclaimed animals may be destroyed or placed in homes without notifying the owners after the same have been held for seventy-two (72) hours.

6.01.155 – Untagged Animal – Evidence that Owner is Unknown.

In the event that an animal taken into custody by an impounding official is not wearing a license tag, the impounding official may presume that such animal's owner is unknown, unless the impounding official or any other official involved in the seizure of the animal has actual knowledge of the name of the animal's owner. The lack of a license tag shall constitute prima facie evidence that the owner of the animal is unknown.

6.01.160 - Release procedure—Dogs and other animals.

The owner of a dog or animal may obtain its release by:

- A. Presenting proof that the animal has been vaccinated by a person authorized by law to administer rabies vaccinations for rabies within the last two (2) years;
- B. If the animal is unlicensed, obtaining a license; and
- C. Paying the costs of impoundment for the animal.

6.01.170 – Destruction of Animal After Fourth Impoundment.

If an animal is impounded for the fourth time in any twelve-month (12) period, it may be destroyed or placed in an acceptable home outside the City limits. Placement records must be kept as set forth in Section 6.09.140.

6.01.180 - Rabies muzzling declaration.

A. Whenever it becomes necessary for public safety due to the prevalence of rabies among dogs within the corporate jurisdiction of the City, the Mayor or members of the City Council may, if they deem it necessary, issue a proclamation ordering every person owning or keeping a dog within the corporate jurisdiction of the City to confine the dog or dogs securely on the premises of the owner unless such dog is muzzled at all times and has a current vaccination for rabies.

B. During the period of the proclamation, unmuzzled dogs, whether leashed or unleashed, allowed to be off the owner's premises, will be seized and impounded and will only be released to the owner upon compliance with subsections A, B and C of the release procedure stated in Section 6.09.160 or may be destroyed or placed in an acceptable home after being impounded and left unclaimed by the owner for a period of seventy-two (72) hours. During the period of the proclamation only, destruction after seventy- two (72) hours will be without notice of any kind to the owner.

C. During the period of the proclamation, dogs which have been impounded and which are noticeably infected with rabies will forthwith be destroyed without notice of any kind to the owner.

6.01.190 - Animal bites and attacks.

A. If a dog or other animal bites or attacks a person or another domestic animal, the attacking animal shall be impounded and quarantined by an official. Notwithstanding the other provisions of this chapter, if no proof of current rabies vaccination is provided for the attacking animal, the official may order the animal destroyed and tested.

B. Any animal that has bitten a human being may be euthanized by order of the official or a physician or a licensed veterinarian unless proof of a current and valid rabies vaccination is provided within twenty-four (24) hours of the bite. Any animal that has bitten a human being may be euthanized by order of the official if in the opinion of a licensed veterinarian or physician, based on sound medical judgment, a greater risk to human life exists by not so doing. In making such a determination, the health authority will take into consideration the following factors:

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; and
6. The tolerance of the person bitten to the vaccines used for treatment.

C. Any animal that is attacked and possibly exposed to rabies may also be impounded and quarantined until such time as a licensed veterinarian may observe, examine, and, upon a determination of that there is no threat to the public, release such animal.

D. In the event an animal is euthanized pursuant to this section, the head of the animal will be surrendered for rabies testing at the owner's expense.

6.01.200 – Prevention of Attacks.

No person shall stake out or tie an animal in such a manner as to permit the animal to be able to reach the public sidewalk, public street, public alley, or another person's property. A violation of this section shall be unlawful.

6.01.300 - Penalties and other enforcement methods.

Any person or persons, firms, associations, or corporations violating any of the provisions or failing to comply with any of the provisions of this chapter or refusing to pay any of the fees as provided in this chapter, whether for a dog license or for claiming or reclaiming a dog or animal, may:

A. Be subject to the general penalty provision of Chapter 1.16.010 of this Code.

B. Be issued a citation/complaint for the violation with a fine to be imposed by the Court.

The City may maintain a civil action to be prosecuted by its City Attorney against the owner(s) of impounded dogs or animals for any unpaid fees.

Chapter 6.10 - HUMANE TREATMENT OF ANIMALS

Sections. 6.10.010 - Humane care for animals.

A. Every owner shall provide for each of his animals:

1. Sufficient quantity of good food and water;
2. Adequate shelter and protection from weather conditions;
3. Veterinary care when needed; and
4. Humane care and treatment.

6.10.020 - Cruelty to animals prohibited.

A. No person or owner shall treat any animal cruelly in any manner, including, but not limited to the following:

1. By overloading, overdriving, overworking, hitting, engaging in sexual contact, torturing, tormenting, mutilating or killing any animal, or cause or knowingly allow same to be done; and

2. By cruelly working any old, maimed, infirm, sick or disabled animal, or cause or knowingly allowing same to be done; and

3. By failing to provide any animal in his care or custody with proper food, water, air and sanitary shelter. Such shelter is to be sufficient to provide adequate bedding and protection from the weather, and space within sufficient for the animal to stand in an upright position, and lie down stretched out so that no part of its body need touch the sides of the shelter structure; and

4. By failing to provide necessary veterinary attention to sick animals in need which are in any person's care or custody; and

5. By abandoning any animal where it may become a public charge or may suffer injury, hunger or exposure; and

6. By carrying, keeping, driving or causing to be carried, driven or kept, any animal in a cruel manner; and

7. By leaving or confining any animal in a motor vehicle, trailer or other enclosure in such a manner that it places the animal in a life or health threatening situation due to exposure to heat or cold, without sufficient ventilation or other protection from such heat or cold; and

8. By wounding or killing, or attempting to wound or kill, or by knowingly poisoning or causing to be poisoned, any animal, with the exception of rats and mice or other pest species; and

9. By tethering any animal to a fixed object unless such chains, ropes or leashes are so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. Such tethering shall be located so as not to allow such animal to trespass on public property or private property belonging to others, nor in such a manner as to cause harm or danger to persons or other animals.

B. When an official finds a violation of this chapter which has resulted in an animal being in such condition that no remedy or corrective action by the owner is possible, or if the owner fails or refuses to provide or take the appropriate remedy or corrective action, the official or designee may remove such animal from the property or vehicle. The owner or person otherwise responsible for said animal shall be strictly liable for all expenses incurred. Further, the owner or person otherwise responsible for said animal shall have no right of redemption in the animal.

C. If the owner cannot be located after reasonable search, or if the owner shall be known to be absent due to illness, incarceration or other circumstance, the animal may be removed by an official or his designee and impounded. The owner shall be held strictly liable for all expenses incurred.

6.10.030 - Animals used for fighting.

No person shall own, capture, breed, train or lease any animal or fowl or reptile for fighting.

6.10.040 - Unsanitary conditions.

The owner of any domesticated animal shall not allow the area in which the animal is kept, whether a yard or kennel or other confinement structure, to become so laden with excrement so that the smell and appearance of the area is offensive.

6.10.050 - Penalty.

Any person found guilty of violation of this chapter may be punished as provided by Chapter 1.16.010 of this Code.

Chapter 6.12 - DANGEROUS ANIMALS

6.12.010 - Definitions.

Whenever used in this chapter, the following terms will be defined as follows:

- A. "Vicious dog" means any dog which, when unprovoked:
 - 1. In a fierce, violent or terrorizing manner, approaches any person or another animal in apparent attitude of attack; or
 - 2. Attacks, assaults, bites, or inflicts injury to a person or another animal.

- B. "Dangerous animal" means any animal:
 - 1. That is not domesticated or is part wild animal as indicated in ARSD 12:68:18:03 (2005); or
 - 2. That possesses the apparent capability to cause bodily injury and with a known propensity, tendency, or disposition to attack when unprovoked, or to otherwise endanger the safety of human beings or domestic animals.

- C. "Official" means any member of the Spink County Sheriff's Department, the Code Enforcement Officer for the City of Redfield, the Mayor or any person or persons charged by the Mayor and City Council with seizing, catching, retrieving, or impounding animals.

6.12.020 - Vicious dog/dangerous animal as public nuisance.

Any person possessing, keeping, or harboring within the corporate jurisdiction of the City of Redfield a vicious dog or dangerous animal, as defined in this chapter or by South Dakota Codified Laws, is deemed to have committed a public nuisance. In the event a dog or animal is determined to be vicious, such dog/animal will be impounded pursuant to this chapter.

6.12.030 - Dangerous animals prohibited.

No dangerous animals will be possessed, kept, or harbored within the corporate jurisdiction of the City of Redfield, except for animals associated with circuses, zoos, or fairs brought to the City for the entertainment and enjoyment of its citizens.

6.12.040 - Dog fighting and vicious training prohibited.

No person will own, possess, keep, or harbor any dog for the purpose of dog fighting, or train, badger, bait, or use any dog for the purpose of causing or encouraging said dog to attack or menace human beings or domestic animals when unprovoked.

6.12.050 - Vicious or dangerous determination.

An official will have the authority to make a determination that a dog is vicious or that an animal is dangerous upon the complaint of any person or upon the official's own information or observation. Such determination will be based upon the official's investigation of the physical and behavioral characteristics of the dog or animal. The breed of the dog and the breed's known propensities may be considered. In all cases, an animal suspected of being vicious or dangerous may be impounded while an investigation and determination is made. Impoundment pending investigation will last no more than seventy-two (72) hours.

The following guidelines shall be used in determining whether an animal is vicious:

- (1) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places, resulting in the death of the person or other animal.
- (2) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal resulting in a Level 4 or higher on the Dunbar scale set forth in 6.12.055.
- (3) An animal that has been previously declared in another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a vicious declaration had the events occurred within the city of Redfield.
- (4) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

When a City Official has declared an animal vicious, the City Official shall notify the owner of the declaration in writing. The notice shall be served either in person or by mailing the notice by certified mail.

It is unlawful for any person to own, harbor, or possess a vicious dog.

Any dog declared vicious shall be euthanized in a humane manner and proof of euthanasia filed with animal control.

Any dog declared vicious shall also have been deemed declared restricted for purposes of any administrative appeal.

6.12.055 – Dunbar Scale

- (a) Level 1. Obnoxious or aggressive behavior but no skin contact by teeth.
- (b) Level 2. Skin contact by teeth but no skin puncture. However, may be skin nicks (less than one tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.
- (c) Level 3. One to four punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites, and drops to floor).
- (d) Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held and bore down) or lacerations in both directions (dog held and shook its head from side to side).
- (e) Level 5. Multiple bite incident with at least two Level 4 bites or multiple attack incident with at least one Level 4 bite in each.
- (f) Level 6. Victim dead.

6.12.060 - Excused behavior.

No dog or animal may be declared vicious or dangerous if an injury or damage is sustained to any person who is teasing, tormenting, abusing, or assaulting the dog/animal or was committing or attempting to commit a crime upon premises occupied by the owner or keeper of the dog/animal. However, this section shall not be utilized to preclude the impoundment of an animal that has bitten another animal or human being.

6.12.070 - Notice upon vicious or dangerous determination.

A. Upon an official's determination that a dog is vicious or that an animal is dangerous, he will provide the animal's owner, as defined by this chapter, with a written notice that contains the following:

- 1. The name and address of the animal's owner;
- 2. An identification or description of the animal;
- 3. A statement that the animal has been determined to be vicious or dangerous;
- 4. A statement that because of the determination, the animal has been impounded;
- 5. A statement that the owner has seventy-two (72) hours from the date of impoundment in which to file a written notice of appeal with the City Finance Office if he wishes to contest the determination;
- 6. A statement that should the owner appeal, the animal will remain impounded, at the owner's expense, pending a hearing by the City Council;

7. A statement that if the owner does not wish to contest the determination, the animal may be either humanely destroyed or permanently removed from the corporate jurisdiction of the City of Redfield.

B. The official will attempt to serve the notice personally upon the owner. If the second attempt to personally serve the owner with the notice is unsuccessful, and such second attempt is at least six (6) hours after the previous service attempt, the notice may be posted in a conspicuous place on the premises where the animal was kept, and also sent by first class mail addressed to the owner.

C. In the event, that the official is unable to determine who the owner of the animal is the official shall not be required to provide such notice to the owner but shall impound the animal pursuant to this ordinance for not less than seventy-two (72) hours. If the animal is not wearing a license tag, there shall be no obligation to attempt to determine who the owner of the animal is unless such information is readily available to the official. The lack of a license tag shall create a rebuttable presumption that the owner of the animal is unknown.

6.12.080 - Appeal.

The owner of a dog determined to be vicious or an animal determined to be dangerous according to this chapter will have a right to appeal the determination to the City Council. To initiate an appeal, the owner must file a written notice of appeal with the Finance Office within seventy-two (72) hours of the animal's impoundment. The City Council will hear the appeal and may uphold the official's determination or reverse it. If the determination is upheld, the owner will have forty-eight (48) hours to permanently remove the animal from the corporate jurisdiction of the City, or the animal will be humanely destroyed. If ratified by the City Official and a waiver of liability is provided to the City, the animal(s) may be adopted outside the corporate jurisdiction of the City. If the determination is reversed, the animal will be returned to its owner, pursuant to release procedures found in 6.01.160.

6.12.090 - Disposition upon vicious or dangerous determination.

Upon determination by an official that a dog is vicious or that an animal is dangerous, and after seventy-two (72) hours has elapsed since the time of impoundment without notice of appeal, the official will have the following options:

A. The official may order that the animal be humanely destroyed; or

B. The official may further impound such animal until such time as its owner permanently removes it from the City's corporate jurisdiction. Such further impoundment will last no longer than forty-eight (48) additional hours, at which time the animal will be humanely destroyed if not removed by the owner; or

C. The animal may be adopted to a home outside the corporate jurisdiction of the City if a release and waiver is provided by the adopting party.

6.12.100 - Control of dangerous, vicious dogs or cats.

Any official may use all necessary means to control a vicious dog or dangerous animal so as not to immediately jeopardize the health or safety of themselves or others. Any official may enter, search, and investigate premises, take testimony from owner and witnesses and seize, impound or euthanize a dangerous animal in accordance with SDCL 40-1-24.

6.12.110 - Vicious dog or dangerous animal at large.

If an official finds a vicious dog or dangerous animal running at large in the City of Belle Fourche, the official will impound the animal. If, after investigation, the ownership of such animal cannot be ascertained within seventy-two (72) hours of impoundment, such animal may be humanely destroyed. If the ownership of the vicious animal is ascertained, the official can take action pursuant to Section 6.12.090.

6.12.120 - Penalty.

Any person who violates any provision of this chapter will be subject to the penalty provision of Chapter 1.16.010 of this Code.

Chapter 6.16 - RABIES

Sections. 6.16.010 - Vaccination.

Whenever the Mayor or City Council members have notice that any danger of hydrophobia, rabies, or other dangerous contagious disease exists or threatens to exist in the corporate jurisdiction of the City, the City Council may immediately issue a proclamation requiring all persons owning or having in their possession or keeping any dog, bitch, whelp, cat, or other animal pet, to have the same forthwith vaccinated against the disease by a registered veterinarian.

6.16.020 - Penalty.

Any person found guilty of violation of this chapter may be punished under the general penalty provision of Chapter 1.16.010 of this Code.

Chapter 6.20 - LIVESTOCK

Section. 6.20.010 - At large prohibited.

It shall be unlawful for the owner of any large or small animal to allow the same to run at large within the corporate limits of the City. The person who has charge of or who claims possession of such animals found running at large shall be deemed to be the owner of them for the purpose of this chapter. The term "running at large" means intentionally leaving outside the enclosure of a legal fence, and off of the lands owned or controlled by the owner of such animal. (SDCL 40-28-3)

6.20.020 - Enforcement.

The members of the Spink County Sheriff's Department are empowered to perform such acts as are necessary to enforce this chapter.

6.20.030 - Impounding of livestock.

When any animals described in Section 6.20.010 are found they shall immediately be taken to a secure and safe place, and the Spink County Sheriff, a Sheriff’s Deputy, the Redfield Code Enforcement Officer or any designee of the Mayor and City Council shall cause notice in writing to be served upon the owner or person having charge or possession of such animals. If such person or persons cannot be found within the City, a notice shall be made in the news media, which notice shall describe the animal or animals so impounded, the name or names of the owners if known, and also stating that unless such animals are claimed within four (4) days from the date of the notice that the animal or animals will be sold at public sale to the highest bidder for the purpose of paying the fees and expenses of impounding the animal or animals. Following the sale, the successful bidder shall pay to the City Finance Officer the purchase price, in cash or certified check. The successful bidder shall, within twenty-four (24) hours, upon presentation of a receipt, take possession of the livestock or the livestock shall be resold.

6.20.040 - Penalty for interfering with Official.

Any person or persons who shall in any manner hinder or delay any member of the Spink County Sheriff’s Department, City Code Enforcement Officer, Finance Officer, Official or designee in executing the provisions of this chapter or who shall in any manner molest, interfere with or release any animal or animals impounded under the provisions hereof, or in any manner hinder or prevent the carrying into effect the provisions of this chapter shall upon conviction be subject to the general penalty provision of Chapter 1.16.010 of this Code.

6.20.050 - Sale of impounded animals.

It shall be the duty of the Spink County Sheriff, City Finance Officer, Redfield Code Enforcement Officer, Official or designee after making a sale of any animals under the provisions of this chapter to make a report in writing to the City Finance Officer of the proceedings.

6.20.060 - Recovery of impounded animals.

The owner shall furnish proof of ownership and pay all costs and disbursements, before release of livestock from impoundment to the owner.

Dated this 1ST day of October, 2018.

Darrell Ronnfeldt, Council President

ATTEST:

Adam L. Hansen, Finance Officer

First Reading: 10-01-18
Second Reading: 10-15-18
Published: 10-24-18

Motion by Siebrecht, seconded by Maddox to adopt Ordinance No. 06-2018. Motion carried on a roll call vote with all members voting "Yes."

INFORMATION AND DISCUSSION ITEMS:

Ronnfeldt informed the Council that the annual airport inspection went very well.

Ronnfeldt discussed the box lunch social at the Depot will be this Thursday.

COUNCIL MEMBER REPORTS:

Morrisette inquired about controlling feral cats in town.

PAY CLAIMS:

City Prepaid	\$1,043.37
City Unpaid	\$90,686.06
Hospital & Clinic Prepaid	\$92,622.15
Hospital & Clinic Unpaid	\$263,734.32
Additional Claims:	

Motion by Maddox, seconded by Siebrecht to pay the above claims in addition to SD Secretary of State \$30.00 for notary fee renewal. Motion carried on a roll call vote with all members voting "Yes."

There being no further business, meeting was adjourned at 7:40 p.m.

Darrell Ronnfeldt
Council President

Adam L. Hansen
Finance Officer

Recorder: Adam L. Hansen