

ORDINANCE NO. 101

AN ORDINANCE ENTITLED AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS; THE LEASHING AND RESTRICTING OF DOGS RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF COLOME; THE REGULATION OF RABIES VACCINATIONS FOR ALL ANIMALS WITHIN SAID CORPORATE LIMITS; PROVIDING FOR PENALTIES THEREFORE AND REPEALING ALL PRIOR ORDINANCES IN CONFLICT HEREWITH.

Be it Ordained By the Council, of the City of Colome

Section I. Every person, firm or corporation owning, controlling, or harboring a dog with the City of Colome, South Dakota shall, on or before the first day of April of each year cause such dog to be licensed and numbered for each year. Such dog, after being licensed, shall wear around its neck a collar with a tag thereto affixed, bearing the registration number and year. Said tag shall be furnished at the expense of the City of Colome.

Section II. The Finance Officer, for the use of the City of Colome, shall collect from the owner or keeper of said dog for each license issued the sum of Two and no/100 (\$2.00) Dollars for each male dog; the sum of Two and no/100 (\$2.00) Dollars for each spayed female dog; and the sum of Four and no/100 (\$4.00) Dollars for each unspayed female dog. The Finance Officer shall keep a register containing the names of the parties paying for and receiving the licenses, the name and description of the dog, and the number and year of the license.

Section III. It is hereby declared to be unlawful for any person or persons, firm or corporation to allow any dog owned, controlled or harbored by said persons, firm or corporation to run at large on the streets, alleys or property of any other persons within the corporate limits of the City of Colome, Tripp County, South Dakota.

Section IV. The City Council may establish and maintain a public dog pound or in the alternative, contract with any other person or persons, corporation, firm or public agency for the purpose of using the dog pound of that entity.

Section V. Any person, firm or corporation owning, controlling or harboring any dog within the corporate limits of the City of Colome, Tripp County, South Dakota, shall keep said dog tied, leashed, or otherwise controlled upon the property of said person, firm or corporation owning, controlling or harboring said dog so that said dog cannot run at large off of said

property of said person, firm or corporation. By "at large" it is intended to mean off the premises of the owner, and not under the control of the owner, or a member of his immediate family over the age of twelve (12), either by leash, cord, chain, or otherwise.

Section VI. It shall be unlawful for any person, firm or corporation owning, harboring or controlling any dog within the corporate limits of the City of Colome, Tripp County, South Dakota to allow said dog off the premises of said person, firm or corporation without said animal being held in leash and accompanied by said person, firm or corporation or their authorized representative and said dog shall be absolutely held in leash by a person over the age of twelve (12) years at any time said dog is allowed off said premises. A leash is a cord, thong, or chain not more than ten (10) feet in length of sufficient strength to control said dog. A dog in an automobile shall be deemed on the owner's property.

Section VII. It shall be the duty of any police officer of the City of Colome to keep this Ordinance enforced and if any dog is found running at large within the corporate limits of the City of Colome in violation of any of the above sections, the police Animal Control Officer are hereby charged with the duty to pick up said dog which is in violation of this Ordinance and hold said dog for a period not to exceed three (3) days. If said dog is not claimed by the person, persons, firm or corporation owning, controlling or harboring said dog within the three day period, the police or Animal Control Officer shall immediately destroy said dog in a humane manner.

Section VIII. In the event a dog is claimed as provided for in the preceding Section IV, said person, persons, firm or corporation owning, controlling or harboring the dog shall pay Twenty-five and no/100 (\$25.00) Dollars for the first day or any fraction thereof, and thereafter the sum of Five and no/100 (\$5.00) Dollars per day, or fraction thereof, to the City of Colome for the cost of keeping said animal.

Section IX. No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of any person other than the owner. If any such animal is found running at large it shall be taken up and impounded and shall not be released except on the approval of the police or Animal Control Officer after payment of the fees provided in Section V; provided, however, that if any dangerous, fierce, or vicious dog so found at large can not safely be taken up and impounded such dog may be immediately slain by any police officer or Animal Control Officer. A dog is declared to be fierce, dangerous and vicious within the meaning of this Section when it shall have

bitten any person or when the propensity to attack or bite human beings shall exist and is known or ought reasonably to be known to the owner or any member of the owner's family over sixteen (16) years of age.

Section X. All animals which may be immunized by rabies shots and located within the corporate limits or within one (1) mile of the corporate limits of the City of Colome, must be so vaccinated for rabies and such vaccination must be current. In the event that any animal is picked up in violation of any of the provisions of this said Section and shall be found to not have been vaccinated for rabies shall be held for a period of not less than fourteen (14) days and then destroyed; and any person, persons, firm or corporation who harbors, owns or controls an animal which has not been so vaccinated for rabies shall upon connection, be subject to a fine as hereinafter provided.

Section XI. Animals infected with rabies. Any person who shall suspect that any animal in the City is infected with rabies or hydrophobia, shall report such to the Police or health authorities, describing the animal and giving the name of the owner, if known; and if, upon examination by the health authorities, the dog shall prove in fact to be infected with said disease, the animal may be killed. When the health authorities shall have determined that an animal found in the City is infected with rabies or hydrophobia, the Mayor may, upon written advice from the health authorities, that the public safety and general welfare require it, order by Proclamation that all unmuzzled animals when found off the premises of the owner be immediately seized and impounded, and may further order that, after the Proclamation has been published for forty-eight (48) hours, either by posting or printing in a newspaper of general circulation in the City, all animals found off the premises of the owner unmuzzled shall be seized, impounded and killed, except that an officer may immediately kill any such unmuzzled animals, if with reasonable effort it cannot be first seized or impounded. All animals seized and impounded during the first forty-eight (48) hours after the publishing of any such Proclamation, shall, if claimed within fourteen (14) days, be returned to the owner thereof without any impounding charge or cost, if not infected with hydrophobia or rabies, but after said fourteen (14) days such animals may be killed. No person shall knowingly harbor or keep any animal infected with hydrophobia or rabies, or any animal known to have been bitten by an animal known to be infected with hydrophobia or rabies.

Section XII. The owner of any animal shall not suffer or allow the same to disturb the peace and quiet of the City.

Section XIII. All existing Ordinances of the City of Colome are hereby repealed insofar as they may be inconsistent with the

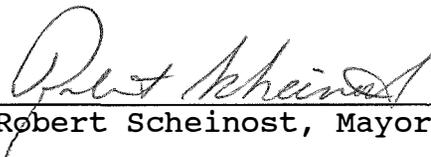
provisions of this Ordinance.

Section XIV. It is the intention of the City Council that each separate provision of this Ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Council that if any provision of this Ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

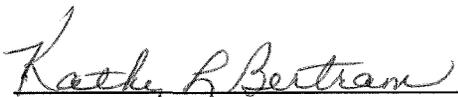
Section XV. Any person, persons, firm or corporation convicted of violating any part or section of this Ordinance shall be punished upon conviction thereof by a fine not less than Twenty-five and no/100 (\$25.00) Dollars or more than Two Hundred Fifty and no/100 (\$250.00) Dollars.

Section XVI. That this Ordinance shall be in full force and effect twenty (20) days after its passage, approval, and publication.

CITY OF COLOME:

by   
Robert Scheinost, Mayor

ATTEST:

  
Kathy L. Bertram, Finance Officer

First Reading: May 6, 1991  
Second Reading: June 3, 1991  
Passed and approved: June 3, 1991  
First Publication: June 12, 1991

AFFIDAVIT OF PUBLICATION

STATE OF SOUTH DAKOTA, COUNTY OF TRIPP -- ss.

Royce Habegar of said county being first duly sworn, on oath says that he is the publisher of the WINNER ADVOCATE a weekly newspaper printed and published in Winner, said county of Tripp, and has full and personal knowledge of all the facts herein stated and said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly and has been published within said County for fifty-two successive weeks