

## **ORDINANCE No. 293**

### **AN ORDINANCE DEFINING VICIOUS CATS AND DOGS.**

BE IT HEREBY ORDAINED that Ordinance #220 for the City of Lake Norden be amended to include the following:

#### **Section VIII. (VICIOUS CATS AND DOGS DEFINED)**

A "vicious cat or dog" means

- (1) any cat or dog with a known propensity, disposition or tendency to attack unprovoked, or to cause injury to, or otherwise threaten the safety of human beings or domestic animals, including but not limited to Dobermans, German Shepherds, Pit Bulls and Rottweilers; or
- (2) any cat or dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical 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, including but not limited to Dobermans, German Shepherds, Pit Bulls and Rottweilers; or
- (3) any cat or dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal, including but not limited to Dobermans, German Shepherds, Pit Bulls and Rottweilers.

#### **Section IX. (CONFINEMENT)**

The owner of a vicious cat or dog shall not permit the cat or dog to go unconfined unless it is on the owner's premises. A vicious cat or dog is "unconfined" if the cat or dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner thereof. The pen or structure shall have secure sides and a secured top attached to the sides. If the pen or structure has no bottom secured to the sides, then the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

#### **Section X. (LEASH AND MUZZLE)**

The owner of a vicious cat or dog shall not permit the cat or dog to go beyond the premises of the owner unless the cat or dog is securely muzzled and restrained by a chain or leash and under the physical restraint of an adult. The muzzle shall be made in such a manner that it will not cause injury to the cat or dog or interfere with its respiration or vision, but shall prevent it from biting any animal or human. No vicious cat or dog shall be allowed off the premises of its owner unless in charge of the owner or a

member of the owner's immediate family over 16 years of age. If a vicious cat or dog is found off the premises of its owner, then it may be seized by any person, and upon delivery of the cat or dog to the proper authorities may be killed upon establishing the vicious character of the cat or dog.

**Section XI. (SIGNS)**

The owner of a vicious cat or dog shall display in a prominent place on their premises a clearly visible warning sign indicating that there is a vicious cat or dog on the premises. A similar sign is required to be posted on the kennel or pen of the animal.

**Section XII (ANIMAL FIGHTING)**

No person shall maintain or possess any cat or dog for the purpose of fighting, or badger, bait, train or torment any cat or dog for the purpose of causing or encouraging the cat or dog to attack domestic animals or human beings.

**Section XIII (INSURANCE)**

All owners of a vicious cat or dog must within fourteen (14) days of the effective date of this ordinance provide proof to the Finance Officer of public liability insurance in the amount of at least \$5,000.00 which insures the owner for any personal injuries inflicted by their vicious cat or dog, including but not limited to Dobermans, German Shepherds, Pit Bulls or Rottweilers.

Dated this 6th day of April 2009.

CITY OF LAKE NORDEN

(SEAL)

By: Janet Andrews, Mayor

ATTEST:

Delores Kangas, Finance Officer

FIRST READING: March 2, 2009

SECOND READING: April 6, 2009

PUBLISHED: April 15, 2009

**Ordinance #222 "Ordinance Amending Ordinance #220-adding Section VIII. Payment and Enforcement of Fines".**

**BE IT HEREBY ORDAINED BY THE City Council of Lake Norden, Hamlin County, South Dakota:**

**Section VIII. PAYMENT AND ENFORCEMENT OF FINES**

(a). Any fine imposed under this ordinance shall be levied by written complaint and mailed to the dog owner. The fine shall be due and payable within thirty days of notification that payment is due.

(b). The written complaint shall set forth, in plain ordinary language the amount and reason for the fine and shall further advise the owner that if the owner believes that the fine be wrongfully or improperly imposed, he must state in writing within thirty days of notification, the reasons therefore, and submit the statement to the city council. If the owner wishes to appear in person before the council, owner must include in his statement a request to so appear. The complaint shall also advise owner that failure to comply will subject owner to all penalties available under the law, including denial of future access to city provided services.

(c). Upon the expiration of the thirty day period, at the next city council meeting the council shall review the complaint, the owner's written statement, the general circumstances of the fine, and give the owner an opportunity to address the council if the owner had so requested in his written statement. The council, after reviewing the matter, shall either dismiss the fine or order that the fine be enforced.

1. The council shall make known its decision by letter to the owner within ten days of its review.

2. If the council orders that the fine be enforced, the amount of the fine shall be added to, and separately disclosed on, the owner's monthly billing statement for city services, and the fine shall be due and payable in the same manner and subject to the same requirements and penalties as the city services bill. Failure to pay for a fine assessed under this ordinance shall subject the non-payer to all penalties available under the law, including denial of future access to city provided services.

Passed First Reading: October 2, 1995

Passed Second Reading: November 6, 1995

**ORDINANCE #220 "AN ORDINANCE REGULATING THE KEEPING AND LICENSING OF DOGS WITHIN THE CITY OF LAKE NORDEN, SD AND REPEALING ALL PREVIOUS ORDINANCES ON THE SUBJECT."**

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE NORDEN, SD:**

**SECTION I. (LICENSE TAG REQUIRED)** It shall be unlawful for any person or persons to keep any dog or dogs within the City limits of Lake Norden, SD without paying an annual tax for each canine in his or her possession as hereby provided.

**SECTION II. (LICENSE PAYABLE)** Any person or persons having in their possession a dog or dogs shall pay an annual tax of (\$2.00) two dollars for each dog on or before the first day of July each year to the Finance Officer of the City of Lake Norden, SD

**SECTION III. (TAGS OBTAINED)** A numbered tag shall be furnished by the City of Lake Norden upon the payment of the required tax and a current rabies vaccination certificate. The numbered tag shall be attached to the collar about the animals neck and a permanent record of such dog shall be maintained by the City of Lake Norden.

- (a) The city will arrange for a veterinarian to be present to give vaccinations and the city will issue licenses at a designated time prior to July 1st of each year.
- (b) Each dog is to be vaccinated for rabies annually, and upon presentation of a certificate of vaccination shall be issued a license upon payment of the required fee.
- (c) All cats shall be vaccinated for rabies annually.
- (d) Any owner of a dog or dogs who does not have their dog or dogs vaccinated and licensed shall be subject to a fine of fifty dollars (\$50.00).

**SECTION IV. (NUISANCE)** It shall be unlawful to keep within the limits of this city any animal, including cats, which causes a disturbance by barking or by being nuisance to the annoyance or disturbance of the public.

**SECTION V. (DOGS RUNNING AT LARGE)** No person owning, keeping or having charge of any dog or dogs shall permit the same to run at large within the city, all dogs shall be securely tied or otherwise limited to the premises of their owner, keeper, or the person having charge thereof or shall be under the immediate control of such person.

**SECTION VI. (FINE AND PENALTY FOR DOGS RUNNING LOOSE)**

- (a) Any owner guilty of allowing dogs to run at large is subject to a fine of fifty dollars (\$50.00).
- (b) If fine is not paid and dog is not restrained the dog shall be impounded in a suitable place. The owner of the animal so impounded may reclaim such animal upon payment of the fine and costs and charges incurred by impoundment.

**SECTION VII. (KENNELS UNLAWFUL)**

- (a) Definition of Kennel: Any premise, or portion thereof, where dogs, cats, or other household pets are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose or sale.
- (b) No kennels shall be allowed in the City of Lake Norden.

Passed First Reading - April 3, 1995  
Passed Second Reading and Adopted - May 1, 1995