

## Chapter 6.12

### ANIMAL CONTROL AND REGULATIONS

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(Amended September, 2019)
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(Amended September, 2019)
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**6.12.010 At large prohibited.**

The owner of an animal shall at all times restrain such animal to prevent it from running at large. Violators of this section shall be subject to a fifty dollar (\$50.00) fine for the first violation; a fine of seventy-five dollars (\$75.00) for the second violation which occurs within 365 days of the first violation; a fine of one hundred dollars (\$100.00) for each violation thereafter occurring within 365 days of the second violation. For all violations there will be a court cost added to the ticket of an amount as may be established by the Unified Judicial System. (Prior code § 4.0811) (Amended March 2006) (Amended June, 2014)

**6.12.020 Impoundment and ticketing.**

- A. A domestic animal, as defined by Section 6.12.150, found at large shall be seized and impounded with the Siouxland Humane Society in Sioux City, Iowa; or, at the discretion of the animal control office the owner may be served a citation and/or complaint to appear before the magistrate court to answer charges made thereunder.
- B. When a non-domestic animal found at large is trapped the animal control office, shall find a suitable location for the animal outside of the City Limits with the express permission of a property owner outside of the City Limits. In the event a suitable location is not able to be found for the non-domestic animal the animal control office, shall dispose of the non-domestic animal as allowed for by South Dakota Codified Law.
- C. If the owner of an impounded domestic animal can be identified, the owner shall be notified by the animal control office within two days that, upon payment of impounding fees, plus cost of food and care, the animal will be returned.
- D. An impounded, unlicensed animal or an animal with no identification may be redeemed to the owner thereof upon:
  - 1. Proof of ownership;
  - 2. Payment of the board-and-keep fee, impoundment fee, and any other related costs incurred by the city; and
  - 3. Presentation of the city license for the current year, if required by law, or by purchasing such license which shall not be issued until proof of a current rabies vaccination is presented. (Prior code § 4.0812) (Amended September, 2019)

**6.12.030 Disposition of impounded animals.**

- A. After the expiration of the applicable impoundment period of quarantine, except as otherwise provided, an unredeemed animal, whether licensed or unlicensed, may, at the discretion of the animal control office or the Siouxland Humane Society, be disposed of in the following manner:
  - 1. Be humanely destroyed; or
  - 2. Upon the payment of an adoption fee, be adopted to a person other than the animal's owner.
- B. Any animal which appears to be suffering from rabies or infected with disease, or which is mortally injured, or which in the opinion of the administrative authority is vicious, shall not be adopted, or released, but shall be immediately destroyed in a humane manner. If the animal appears to have suffered from rabies or infected with a disease, the body of the animal shall be subject to autopsy and disposal by local or state health officials. (Prior code § 4.0813) (Amended September, 2019)

**6.12.040 Impoundment fees.**

Impoundment fees shall be determined by the Siouxland Humane Society in Sioux City, Iowa, or its successor in interest. (Prior code § 4.0814) (Amended March 2006) (Amended June, 2014)

**6.12.050 Injured animals at large.**

A. In the event that an injured animal, licensed pursuant to the ordinances of North Sioux City, is found at large, the animal control office may cause the animal to be darted, if necessary, and may take the animal into custody. Upon taking an injured animal into custody, the animal control office shall notify the animal's owner of its location and condition. Upon being so notified, the owner of such animal shall either immediately take custody of such animal or cause the animal to be transported to a veterinarian.

B. In the event the injured animal is unlicensed, or in the event that animal control is unable to determine the ownership of the animal, or is unable to contact the owner, or should the owner refuse to either take custody of such injured animal or cause it to be transported to a veterinarian, the animal control office shall transport such animal to the nearest available veterinarian for treatment.

C. If an injured animal at large cannot be darted and it displays vicious tendencies which would make its capture by any other means unduly hazardous, the animal control office may cause the immediate destruction of such animal.

D. In the event that an animal is found at large so seriously injured as to make its recovery improbable or unlikely, the animal control office may, bring the animal to the Siouxland Humane Society for destruction, or shall dispose of the animal as allowed for by South Dakota Codified Law.

E. In the event that animal control office transports an injured animal to the nearest available veterinarian pursuant to the foregoing, the animal control office shall thereupon offer to give custody of the animal to the veterinarian for treatment at the veterinarian's cost.

In the event that the veterinarian refuses to take custody of such animal, or advises that it would be humane to destroy it, the animal control office shall immediately take the animal to the Siouxland Humane Society for destruction in a humane manner in the interests of humane treatment. (Prior code § 4.0815) (Amended September, 2019)

**6.12.060 Keeping of dangerous animals prohibited.**

A. No persons shall keep, shelter or harbor for any purpose within the city a dangerous animal, as defined in Section 6.04.010.

B. Any person violating this section shall be subject to a fine in the sum of Five Hundred Dollars (\$500.00) for each violation thereof. Each day in which a dangerous animal is kept within the city limits of the city shall constitute a separate violation.

**Hearing procedures.**

(a) If an animal control office determines there is probable cause to believe that an animal is dangerous, the animal control officer shall hold a public hearing to determine whether grounds exist to designate the animal dangerous, and if so, what orders

and penalties should apply. If the owner or keeper of the animal does not dispute the charges alleged, he or she may waive the right to a hearing.

(b) At least five business days prior to the hearing, the animal control office shall serve the owner or keeper of the animal with a notice containing a statement of the charges, and the date, time and place of hearing. Service shall be by certified mail with signed receipt requested, first-class mail or personal service.

(c) Evidence received at the hearing must be relevant and of such nature as responsible persons are accustomed to rely on in the conduct of serious affairs. Written statements by a city officer or employee, an officer or employee of the state, or an officer or employee of any law enforcement or fire protection agency acting in the course and scope of their official duties or employment, written records of the animal services department, and statements under penalty of perjury may be accepted as evidence that the fact(s) or condition(s) expressed therein do or do not exist.

(d) The animal control office will consider the following factors in determining whether an animal is dangerous:

(1) Whether any injury or damage to a person by the animal was caused or contributed to by the actions of that person, including acts of physical abuse, tormenting, teasing, or assaulting the animal;

(2) Whether a person injured or damaged by the animal was committing a trespass or other tort upon premises occupied by the owner or keeper of the animal, or was committing or attempting to commit a crime;

(3) Whether any injury or damage to a domestic animal was caused or contributed to by the actions of the domestic animal, including acts of teasing, tormenting, abusing, or attacking the animal;

(4) Whether a person injured or damaged by the animal had gained uninvited and unauthorized entry onto fenced or indoor property of the animal's owner or keeper. As used in this section, "unauthorized entry" does not include entry into a fenced residential front yard unless the yard is locked or posted to prohibit entry;

(5) Whether any injury or damage to a person by the animal was caused while the animal was protecting or defending a person within the immediate vicinity of the animal from an unjustified attack or assault.

### **Findings after hearing.**

After notice and hearing upon charges following the procedure described above in this Section 6.12.060, the owner or keeper of the animal will be provided with written notice, served by first-class mail, of the determination and order issued by the animal control office. If a determination is made after hearing that an animal is or dangerous, the animal will be designated dangerous and may only be owned, kept or maintained by the current or any subsequent owner or keeper pursuant to Section 6.12.090 of this ordinance. (Prior code § 4.0816) (Amended September, 2019)

**6.12.070 Exceptions to keeping of dangerous animals.**

The prohibitions contained in Section 6.12.060 shall not apply to the keeping of dangerous animals in the following circumstances:

- A. The keeping of dangerous animals in a public zoo, bona fide educational or medical institution, museum or other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study;
- B. The keeping of dangerous animals for exhibition to the public by circus, carnival, exhibit, show or pet shop;
- C. The keeping of dangerous animals in a bona fide, licensed veterinarian hospital for treatment. (Prior code § 4.0817)

**6.12.080 Regulation of keeping dangerous animals.**

A. While on the owner's property, a dangerous animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure must have minimum dimensions of five feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. The enclosure must also provide the animal protection from the elements.

B. The owner or keeper shall display a sign on his or her premises warning that there is a dangerous or vicious dog on the property. The sign shall be visible and capable of being read from the public highway or thoroughfare. In addition, the owner shall conspicuously display the sign with a symbol warning children of the presence of a dangerous or vicious animal. (Prior code § 4.0818) (Amended June, 2014)

**6.12.090 Regulations of keeping dangerous animals.**

A. Every person, firm or corporation owning, keeping, sheltering or harboring a dangerous animal shall report such fact to the North Sioux City animal control office, together with the following information:

- 1. The species name of each such animal;
- 2. The number of such animals of each species kept on the premises;
- 3. A physical description of each such animal, including any pet name to which it might respond;
- 4. The location of such animal or animals, the location of the cage or place of confinement upon or in the premises wherein the animal or animals are kept;
- 5. In the case of poisonous dangerous animals, the location of the nearest source of anti-venom for that species.

B. Every person, firm or corporation keeping, sheltering or harboring a dangerous animal shall at all times keep such animals securely confined within a cage or other enclosure.

C. No person, firm or corporation owning keeping, harboring or sheltering a dangerous animal shall permit or allow such animal to enter upon or traverse any public property, park property, public right-of-way, or the property of another, except when such animal is being transported while caged or confined.

D. In the event that a dangerous animal is found at large and unattended upon public property, park property, public of right-of-way, or the property of someone other than its owner,

such animal may, in the discretion of the animal control office, be destroyed if it cannot be confined or captured, thereby creating a hazard to life or property. The city, its officers and employees shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have the duty to notify the owner of such animal prior to its destruction.

E. Animals from other jurisdictions.

No animal that has previously been determined to be dangerous or vicious after an administrative hearing by any other jurisdiction shall be kept, owned or harbored in the City of North Sioux City (Amended September, 2019)

**6.12.100 Harboring of strays--Notice to city pound.**

Any person who harbors any animal found astray within the city limits shall, within twenty-four (24) hours, notify the animal control office. (Prior code § 4.0820) (Amended September, 2019)

**6.12.110 General prohibitions and duties.**

A. No person shall aid or cause any animal, whether owned by such person or not, to escape confinement or impoundment, whether such confinement or impoundment be upon the such person's property or that of another, by opening any gate, door or window, by making an opening in any fence, enclosure or structure, or by unleashing such animal.

B. It shall be prohibited for any person to permit or allow an animal owned by that person or under that person's custody or control to defecate upon public property, park property, public right-of-way, or the property of another.

C. It shall be the duty of every person owning or having the custody or control of an animal to clean up, remove and dispose of the feces deposited by such animal upon public property, park property, public right-of-way, or the property of another.

D. It shall be the duty of every person owning or having the custody or control of an animal to physically restrain the animal within an enclosure or upon a leash when such animal is left unattended outside or is not at heel. The animal must be restrained so as to prevent the animal from leaving the premises of its owner or from coming in contact with public right-of-way or the property of another.

E. It is unlawful for a person, owning or having the care or custody or control of an animal to permit such animal to disturb the peace and quiet of the neighborhood by barking, howling, whining, or making any other loud or unusual noise. Leaving an animal unattended who subsequently disturbs the peace and quiet of the neighborhood shall be in violation of this subsection.

F. In the event an animal is making any noise to the disturbance of the peace and quiet of the neighborhood and the person owning or having the care or custody or control over the animal

cannot be found to remedy the situation or if found refuses to do so, the animal may be impounded. A notice of impoundment must be left with the person or in an obvious place on the premises where the dog was impounded. A written notice of impoundment must also be mailed as soon as possible to the licensed owner of the animal if known; or the lessee of the premises upon which the animal was found, if known; or the record owner of the premises. Nothing in this title shall be construed to require dual notice of or to prohibit the filing of criminal charges. The animal may be claimed on any regular work day during regular work hours. The impoundment fee will assessed prior to release of the animal.

G. It shall be prohibited for any person in any manner to interfere with any employee or designated representative of the city so as to hinder, delay or prevent his or her executing his or her duties pursuant to this title.

H. No person may set traps in the city for the purpose of apprehending wild or domesticated animals. This section does not prohibit:

1. Trapping mice, rats or other household vermin;
2. The setting of traps to destroy moles and other underground pests so long as the traps used may be triggered only by subsurface action; or
3. The setting of traps in the line of duty by an animal control officer or with written permission from and under supervision of an animal control officer or licensed pest-control operators. (Prior code § 4.0821)

**6.12.120 Euthanasia.**

(Prior code § 4.0822) (Amended March 2006) (Repealed June, 2014)

**6.12.130 Impounded animals to be sold or destroyed when.**

(Prior code § 4.0839) (Repealed June, 2014)

**6.12.140 Impoundment and boarding fees.**

(Prior code § 4.0840) (Repealed June, 2014)

**6.12.150 Maximum number of domestic pets on premises.**

It is unlawful for any person or persons to have or to keep more than five domestic pets in the aggregate over the age of six months, except fish, on any lot or premises in the city, unless otherwise provided by the ordinances of North Sioux City. "Domestic pets" as used in this title shall include but are not limited to, (*felis domesticus*) the domestic cat, (*mustela putorius furo*) the European polecat otherwise known as the ferret, (*canis familiaris*) the domestic dog, the domestic fowl of the order Galliformes and Galinaceous birds (fowl-like birds),, Female *Gallus gallus domesticus* (common female chickens), and *Sus domesticus* (domestic pig) under thirty (30) pounds. The city humane society, veterinarian offices, and retail pet stores are exempt from the provisions of this section. (Prior code § 4.0841) (Amended 2016)

**6.12.160 Housing of certain animals.**

No person within any residential estates zone, single-family residence zone, or general residence zone in the city shall have in his or her possession or control, or keep or harbor, any equine or bovine animals, any sheep, goats, dogs in kennels for commercial purposes, pigs over thirty (30) pounds, mink or any live hares, rabbits, , , male chickens (roosters), turkeys, geese, ducks, doves, pigeons, game birds or other fowl, within one hundred fifty (150) feet of any dwelling or building used for human habitation. (Prior code § 4.0835) (Amended 2016)

**6.12.170 — Pigeons. (Deleted 2016)**

**6.12.180 Maintenance of livestock or fowl.**

No person shall keep or maintain any building or enclosure where such livestock or fowl is kept unless he or she shall keep the same at all times in a clean, neat and sanitary condition and free from substances attracting rodents and flies. (Prior code § 4.0837)

**6.12.190 Impoundment--Notice.**

Any such animal or animals found in the city in violation of any of the provisions of Sections 6.12.160 through 6.12.180 shall be impounded by any police officer or other person appointed by the governing body of the city as its agent and employee for that purpose. The animal control office, shall within twenty-four (24) hours following the impounding of such animal or animals notify the owner of the animal(s) having been impounded as to its location. If the owner of the animal(s) is unknown, such officer shall post written notices in the city hall and the post office in the city describing the animal(s) and stating a time and place when and where the animal(s) was apprehended and the place where it is being kept and how the same may be recovered by the owner.

**Exception.**

Nothing in this chapter shall limit the right of any person or officer to take any proceedings against a or dangerous animal or its owner or keeper that are otherwise permitted or provided by law, and nothing in this chapter shall be construed to limit the access of any person in violation of state or federal laws. (Prior code § 4.0838) (Amended September, 2019)

**6.12.200 Violations--Penalties.**

Any person who violates Sections 6.12.050 through 6.12.110 of this Ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00). Each day a violation occurs shall be deemed a separate offense and subject to an additional Five Hundred Dollar (\$500.00) fine. (Prior code § 4.0823) (Amended March 2006) (Amended 2007)

