

ORDINANCE #9511-09

AN ORDINANCE FOR ANIMAL CONTROL IN RURAL LINCOLN COUNTY AS FOLLOWS:

BE IT ORDAINED by Lincoln County for the purpose of controlling animals and protecting the public in those areas located entirely outside of a municipal boundary, yet within Lincoln County, the following Animal Control Ordinance is hereby adopted.

ARTICLE I: Running at Large Prohibited – The owner of an animal shall not permit such animal to run at large. An animal shall be deemed to be running at large whenever such animal is off the premises and not under the immediate physical control of its owner, possessor, keeper, agent, servant, or a member of the immediate family thereof. Whenever animal is found running at large, the same shall constitute prima facie evidence that the owner permitted it to run at large.

ARTICLE II: Vicious Animals – An animal is declared to be vicious within the meaning of this Ordinance when a propensity to attack or bite human beings or other animals shall exist and is known or ought reasonable to be known to the owner. 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 immediate family over sixteen (16) years of age. Any vicious animal which is found off the premises of its owner other than provided herein shall be seized by the Sheriff or other law enforcement officer and impounded. PROVIDED: if the animal cannot be captured, it may be destroyed; PROVIDED FURTHER: if the animal has been seen running at large, or bites a person and it can be witnessed, the Sheriff or other law enforcement officer may order the owner to deliver the animal to an Animal Control Shelter within twenty-four (24) hours and the owner ordered to appear in Court to show cause why this animal should not be destroyed.

ARTICLE III: Rabies Control – Vaccination Required – Every dog, cat or other animal held as a domestic pet in the area, described above, six (6) months of age or older, is hereby required to be vaccinated against rabies by a licensed veterinarian or other qualified person designated by the County Health Authority. It shall be the animal owner's responsibility to secure the required vaccination. Vaccination against rabies shall be given at such intervals as designated by the applicable Animal Control Shelter.

ARTICLE IV: Keeping Rabid Animals Prohibited – No person shall knowingly harbor or keep any animal infected with rabies or an animal known to have been bitten by an animal known to have been infected with rabies.

ARTICLE V: Impounding for Observation – a) When any person owning or harboring a dog, cat or other animal has been notified that said animal has bitten or attacked any person, the owner must within twenty-four (24) hours place the animal under the care and observation of the Sheriff or licensed veterinarian for a period of not less than ten (10) days, except in those cases when an animal has bitten or attacked while on the premises of the owner and the owner has a current vaccination for said animal the Sheriff may, if s/he

feels the facilities are adequate if the owner is a responsible person, quarantine the animal on the owner's premises. In this case, the owner must sign a statement and understand the responsibility and assume the liability that is involved with the quarantine of an animal that has bitten. The quarantine animal must at all times be available for inspection during the quarantine. b) At the end of ten (10) day observation period, the animal shall be examined by the Sheriff and, if cleared, may be reclaimed by the owner and owner must pay the expense incurred incident thereto. c) Any animal impounded or placed for observation, showing active signs or rabies, suspected of having rabies or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis. d) Any animal that has bitten or attacked that cannot be captured may be destroyed in such a manner that the head is not damaged and can be submitted for a rabies examination to a laboratory. e) Any animal that has bitten any person may be euthanized by order of a Animal Control Shelter or Physician or a Veterinarian from the Board of Health unless proof of a current vaccination effected not less than thirty (30) days prior to the bite is provided within twenty-four (24) hours of the bite. Any animal that has bitten any person may be euthanized by order of the Health Officer if in the Health Officer's opinion, based on sound medical judgments, a greater risk to human life exists in not doing so. In making such a determination, the Health Officer shall take into consideration the following factors: - the history of the animal including the possibility of its exposure to rabies – the vaccination record of the animal – the health of the animal – the nature, location and seriousness of the bite – the circumstances surrounding the bite including whether or not the bite was provoked – the tolerance of the person bitten to the vaccines used for treatment.

ARTICLE VI: Authority for the Cost of Impoundment – The Sheriff, any Policeman, or any other person or proper authority is hereby authorized and empowered to impound any animal found within the County in violation of any provision of this ordinance. Before any person may redeem any animal impounded must pay all costs incurred by the County in impounding such animal.

ARTICLE VII: Record of bites – The Sheriff shall keep an accurate record of all animal bites which have been reported to him. The forms shall be made out in duplicate and filled out in detail with one copy sent to the Health Officer and the other copy kept on file by the Sheriff for his record.

ARTICLE VIII: Enforcement of Ordinance – It shall be the duty of the Sheriff to carry out and enforce all the provisions of this ordinance. No person shall hinder, delay or obstruct the Sheriff, his/her assistance, or any law enforcement officer when such officer is engaged in performance of an official duty.

ARTICLE IX: Sanctions – Violations of this County Ordinance shall be deemed Class 2 Misdemeanors.

Adopted by vote and approval of the County Commission on this 14<sup>th</sup> day of November, 1995 in Canton, South Dakota. Motion moved by Frislie and seconded by Larsgaard.

Dated this 14<sup>th</sup> day of November, 1995.

Lincoln County Board of Commissioners

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Burdell Coplan, Chairman