

## **Chapter 5**

### **Animals**

#### **Section 5-1 Animals running at large. (Amended November 5, 2013)**

No person owning or having possession of, charge, custody, or control of any animal shall cause, permit or allow the same to stray or run or in any other manner to be at large in or upon any unenclosed lot or place, public or private, in the city; nor shall any person owning or having possession, charge, custody or control, of any animal cause or permit or allow the same to be staked out or to herd or graze any animal upon any unenclosed private lot or land in the city in such manner that the rope or other attachment by which the animal is tied may permit such animal to be or to go beyond the boundaries of the unenclosed private lot or land. Any animal suffered or permitted to be at large or otherwise to be within the city in violation of the provisions of this Section is hereby declared to be a nuisance and a menace to public health and safety.

Any animal running at large may be captured and delivered to a place of impoundment designated by the City Council. To secure the release of such animal, the owner shall pay the following amounts:

- A. First offense \$25.00
- B. Second offense \$50.00
- C. Third offense \$75.00
- D. Fourth and subsequent offenses \$100.00

In addition to the above sums, the animal's owner shall pay to the place of impoundment its customary charges for the keeping of animals of that type. Any animal not claimed within ten (10) days of its capture may be sold, placed for adoption, or destroyed.

#### **Section 5-2 Cruelty to animals.**

No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, or overloads, or abandons any animal shall be deemed guilty of a violation of this section.

#### **Section 5-3 Housing prohibited.**

No person shall cause or allow any stable or place where any animal is, or may be kept, to become unclean, or unwholesome; and it shall be unlawful to keep any live swine or pigs in the city.

#### **Section 5-4 Noises.**

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

#### **Section 5-5 Unlawful keeping and public nuisance.**

The maintenance of coops, structures or enclosures and the keeping therein of chickens, ducks, geese, turkeys, pigeons, or other fowl, and the keeping of cattle, horses, mules, donkeys, goats, sheep, or rabbits

within seventy-five (75) feet of any building or structure occupied by, or intended to be occupied by human beings as a residence or a business, within the city, is unlawful and a public nuisance.

**Section 5-6 Licensing of dogs. (Added November 5, 2013)**

All dogs kept, harbored or maintained, in the City of Menno shall be licensed and registered if over six months of age. The Finance Officer upon payment of a fee in an amount to be established by resolution of the City Council shall issue dog licenses. The owner shall state at the time application is made for such license and upon such forms as the Finance Officer may provide for such purpose the owner's name, address and phone number, and the name, breed, color and sex of each dog owned or kept by him, and present to the Finance Officer a certificate from a licensed veterinarian that the animal has been vaccinated for rabies as provided hereafter.

**Section 5-7 Conditions for dog license. (Added November 5, 2013)**

As a condition to the issuance of a dog license, the person making such application shall furnish a certificate from a licensed veterinarian that the animal sought to be licensed has been vaccinated for and made immune to rabies and the expiration of such vaccination.

**Section 5-8 Rabies vaccine in general. (Added November 5, 2013)**

On or before January first of each year, every owner shall have his dogs vaccinated against rabies, except in cases where an animal shall have been properly vaccinated with the type of vaccine known as the modified live virus, chick embryo origin or another type of vaccine having a longer immunization period. The vaccination required by this section need not be repeated during the time for which the animal is effectively immunized as determined by the licensed veterinarian granting a vaccination certificate under this Chapter.

**Section 5-9 City dog tags. (Added November 5, 2013)**

Upon payment of the license fee, as set by resolution of the City Council, the Finance Officer shall issue to the owner a tag for each animal so licensed. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Animal tags shall not be transferable from one animal to another and no refunds shall be made on any animal license fee because of death of the animal or the owner's leaving the City before expiration of the license period.

**Section 5-10 Rabies certificates and tags. (Added November 5, 2013)**

A licensed veterinarian who vaccinates any dog shall issue to the owner thereof a vaccination certificate. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing licensed veterinarian; a second copy to be retained by the owner; and a third copy shall be delivered to the City Finance Officer for safekeeping. Each certificate shall bear the name and address of the licensed veterinarian who issued it and a statement containing the description and name of the animal immunized, the type of vaccine used, the date of the vaccination, the date on which the period of effective immunization will expire, and a serial number. The licensed veterinarian shall also furnish each owner with a metal tag bearing the

certificate number and the year of vaccination. Said tag shall be affixed by the owner of the animal to the collar or harness of the said animal for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the animal.

**Section 5-11 Alien vaccinations. (Added November 5, 2013)**

Any owner who has had his animal vaccinated against rabies in another state or municipality by a licensed veterinarian therein shall not be required to have such animal re-vaccinated during the current year when the animal is brought into this municipality; provided, that the requirements of such state or municipality under which the vaccination was made were of a standard which is equal or greater than those required by this chapter, and further provided that such animal wears a tag affixed to his collar or harness bearing the date of such vaccination.

**Section 5-12 Rabies observation. (Added November 5, 2013)**

If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies or has bitten any individual, who is not a member of the owner's family, such animal shall be confined and shall be placed under the observation of a licensed veterinarian or the animal control officer or other agent as specified by the city at the expense of the owner for a period of at least ten (10) days or as ordered by a licensed veterinarian, Animal Control Officer, or other agent of the City.

**Section 5-13 Number of pets limited. (Added November 5, 2013)**

It is unlawful for any person to have or to keep more than four (4) animals over the age of six (6) months, except birds and fish and any other animal that is of a kind that typically is not taken outside a residence (for example gerbils, hamsters, and turtles), on any lot or premises in the City. Veterinarian offices and retail pet stores are exempt from the provisions of this section. Those animals that are licensed by the City as of the effective date of this ordinance are exempt. Also exempt from the requirements of this section are animals kept on the following properties:

Menno Stock Sales Park; Lot B of Outlot 4; Outlots 28, 31, 33, 34, 35X, and 42; Outlot 21 of Peter Wahl's 2nd Addition; Creek Addition; Meadowview Addition; and Block 1 of Anderson-Hertz Addition, all in the City of Menno, Hutchinson County, South Dakota.

**Section 5-14 Removal by owner of fecal material deposited by dogs on public or private property.**

The person in control of any dog shall be required to remove and properly dispose of any fecal material deposited by said animal on public property or property other than the property of the dog's owner. Such removal shall take place immediately upon deposition of the fecal material. It shall be the responsibility of the person in control of the dog to have available such equipment or materials as are necessary to properly dispose of the fecal material.

**Section 5-15 Violations of chapter. (Added November 5, 2013)**

A violation of any section of this Chapter is punishable by a fine as set forth in Section 1-9.