

WHEREAS, it is in the best interests of the health, welfare and safety of the citizens and residents of the City of Alexandria that the public be protected from dangerous dogs: and

WHEREAS, it is in the best interests of the health, welfare and safety of the citizens and residents of the City of Alexandria that dogs be controlled and licenses, therefore

It was moved by Blankenship and seconded by O'Connor that the following ordinance be adopted:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF ALEXANDRIA, SD, THAT:

ORDINANCE NO. 299

TITLE: AN ORDINANCE TO REGULATE AND CONTROL DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF ALEXANDRIA

1. Purpose. The purpose of this ordinance is to provide a system for the licensing of dogs within the city of Alexandria, and to provide a means of controlling dangerous dogs within the city limits of the city of Alexandria.
2. Repeal Of Conflicting Ordinances. All city ordinances in conflict with this ordinance, including City Ordinance #246, are hereby repealed.
3. Definitions

The following terms used in this ordinance are defined as:

(a) "Dangerous Dog"- (1) any dog that when unprovoked approaches in a dangerous or terrorizing manner toward any person in an apparent attitude of attack, or which when unprovoked displays menacing behavior toward any person, and which has the apparent capability to cause severe injury to persons; a\or (2) any dog possessing the apparent capability to cause severe injury, and with a know propensity, tendency or disposition to attack when unprovoked, or to otherwise endanger the safety of human beings; or (3) any dog which does inflict serious injury, or which assaults or otherwise attacks a human being without provocation, on public or private property; (4) any dog which exhibits vicious tendencies; or (5) any dog which bites a human being and causes any injury, or more than one occasion, whether or not the injury is severe.

(b) "Day"- a 24 hour time period, commencing at midnight.

© "Kennel"-any place or location where five (5) or more dogs are kept.

- (d) “Menace and menacing”-the display by a dog of a disposition, determination, or intent to attack or inflict injury to a human being.
- (e) “Owner”-any person possessing, harboring, keeping, having an interest in, or having control or custody of a dog.
- (f) “Person”-any individual, partnership, firm, corporation or employee thereof, or other legal entity, unless otherwise stated.
- (g) “Potentially dangerous dog”-a dog which has bitten a human being and caused injury which is not deemed serious injury, or which occurred under circumstances where there is justification or excuse, and was not determined to be a dangerous dog.
- (h) “Severe injury”- any physical injury to a person that results in broken bones, lacerations requiring either multiple stitches or cosmetic surgery, or which required medical attention which is more than incidental, and which endangers the health of any person. Multiple puncture wounds from successive bites constitutes severe injury for the purpose of this ordinance.
- (i) “Unprovoked”-the dog was not hit, kicked, or struck by a person with an object or part of a person’s body nor was any part of the dog’s body pulled, pinched or squeezed by a person, nor threatened or intimidated under circumstances where the dog was not allowed free opportunity to escape.

4. Required Actions

- (a) All persons owning or having under their control a dog within the Alexandria City limits shall obtain a license for each dog from the Municipal Finance Officer.
- (b) Dogs shall be licensed yearly, before March 15th each year.
- (c) The dog license shall be attached to the dog’s collar at all times.
- (d) The fee for an annual dog license shall be five (\$5.00) dollars.
- (e) The owner of a potentially dangerous dog shall comply with the requirements of Section 10 hereof as a condition of maintaining the dog within the corporate limits of the city.
- (f) Any dangerous dog shall either be removed from the jurisdiction of the city by its owner, or it shall be disposed of by humane euthanization, in accordance with the provisions hereof.

5. Prohibitions

- (a) No person shall allow any dog which he owns or which is under his control to run at large within the corporate limits of the city of Alexandria.
- (b) No person shall operate a dog kennel within the corporate limits of the city of Alexandria.
- (c) No person shall own or harbor any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack or menace human beings when not provoked.
- (d) No person shall sell, offer for sale, breed, buy or attempt to buy any dangerous dog within the City of Alexandria
- (e) No person shall allow any animal owned by him or under his control to disturb the peace and quiet of the city.

6. Enforcement

- (a) Officers of the police department, and other persons designated by the Chief of Police, are empowered to enforce this ordinance.
- (b) The Police Chief may order the humane destruction of any dog that kills or causes severe injury to a human being.

7. Nuisances

- (a) Any Dangerous dog found within the city of Alexandria is declared to be a public nuisance.
- (b) The Police Chief shall order the owner of a dangerous dog to remove the dangerous dog from the jurisdictional limits of the city of Alexandria, or in the alternative, to deliver the dangerous dog to a facility for humane euthanization.
- (c) Any animal which disturbs the peace and quiet of the city is hereby declared to be a public nuisance.

8. Administrative Processes

- (a) Determination of a dangerous dog

/1/ The police chief shall have the authority to make a determination that a dog is dangerous, as defined herein, upon the complaint of any person, or upon his own information

/2/ The police Chief shall make such determination after a reasonable investigation of the physical and behavioral characteristics of the dog in question.

/3/ If the dog is alleged to have caused severe injury to any person, the Police Chief may impound the dog at the owner's expense, pending the investigation and determination of the complaint.

/4/ If, after reasonable investigation, the Police Chief determined that the dog is dangerous, he may order the owner to either remove it from the jurisdictional limits of the city of Alexandria, or in the alternative, deliver it to a facility for humane euthanization.

/5/ The owner of a dog determined by the Police chief to be dangerous may request the Police chief to review his determination, and in such case the Police Chief shall reconsider his determination and consider any additional information or evidence the owner may offer on the issue of whether the dog is a dangerous dog according to the standards of this ordinance. Upon the reconsideration the Police chief may, but shall not be required to, confer with a licensed veterinarian concerning whether the dog in questions is a dangerous dog under the terms of this ordinance.

/6/ The determination of the Police Chief, after reconsideration, that the dog is a dangerous shall be his final determination of the matter, and the owner shall be required to comply immediately with the order of the Police Chief to either remove the dangerous dog from the jurisdictional limits of the City of Alexandria, or in the alternative deliver the dangerous dog to a facility for humane euthanization.

/7/ If the Chief of Police determines that the dog in questions is not a dangerous dog, the dog, if impounded, shall be returned to the owner.

/8/ Nothing in this section shall excuse the owner from complying with any terms or conditions relating to dogs with propensity to bite.

(b) Appeal To City Council

/1/ The owner of a dog declared to be a dangerous dog may appeal the determination of the Police chief to the City council.

/2/ An appeal does not authorize the owner to delay compliance with the Police Chief's order to remove the dangerous dog from the jurisdictional limits if the City, or deliver the same to a facility for humane euthanization. The euthanization shall not be carried if the owner has paid in advance the daily charge of the boarding at the facility for the number of days that will be required for the matter to come before the City Council at its next regular meeting.

9. Excused Behavior

No Dog shall be declared dangerous pursuant to this ordinance if the threat, injury, or damage caused by the dog was sustained by a person who was tormenting, abusing or assaulting the dog, or has in the past been observed or reported to have tormented, abused or assaulted the dog; nor shall any dog be declared dangerous if it was responding to pain or injury.

10. Potentially Dangerous Dogs

- (a) Registration. The Police Department shall maintain a registry of each dog bite reported, which occurs within the City. The owner of the dog must register the dog with the Police Department. The registration information shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where the dog is to be kept if not at the address of the owner and any other information which the Police Chief may require. The application for registration pursuant to this paragraph shall be accompanied by a registration fee of twenty five (\$25.00) dollars.
- (b) Confinement. The Police Chief may order the owner of a potentially dangerous dog to confine the dog at all times. The Police Chief may further require the owner to conspicuously display a sign designed with a warning symbol approved by him which indicates to both Children and adults the presence of a potentially dangerous dog. When the dog is not confined, it shall be muzzled to prevent it from biting or injuring any person, and kept on a leash no longer than six feet with the owner or some other responsible person attending it.
- (c) If the owner of a potentially dangerous dog violates an order of the Police Chief, the owner's dog shall be impounded and disposed of as provided for the humane disposal of dangerous dogs.

11. Penalties

- (a) Each day a person violates a section of this ordinance is a separate violation.
- (b) A person guilty of violating any section of this Ordinance may be punished by a fine of not more than Two Hundred (\$200.00) dollars, or may be punished by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

12. Severability

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application.

To this end the provision of the ordinance are declared to be severable.

13. Effective Date

This ordinance shall take effect on March 9, 1994.

Votes for: 6 Votes Against: 0 Abstentions: 0

Approved and adopted on February 7, 1994

Donald Rehorst, mayor

Attest Janice Wolf, Finance Officer

First Reading: 1-3-94

Second Reading: 2-7-94

Published 2-17-94