

ORDINANCE NO. 3619

AN ORDINANCE AMENDING TITLE 6 CHAPTER 8 OF THE RAPID CITY MUNICIPAL CODE OF THE CITY OF RAPID CITY BY AMENDING TITLE 6 CHAPTER 8 AND SECTION 100 REGULATING VICIOUS DOGS

BE IT ORDAINED by the City of Rapid City that Section 6.08.100 of Title 6 Chapter 8 of the Rapid City Municipal Code is repealed as written and a new Section 6.08.100 of Title 6 Chapter 8 of the Rapid City Municipal Code be inserted regulating vicious dogs to read as follows:

6.08.100 Dangerous Dog**A. Purpose and Intent.**

The purpose of this Ordinance is to promote the public health, safety, and general welfare of the citizens of the City of Rapid City. It is intended to be applicable to "dangerous" dogs, as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance.

B. Definitions.

When used in this Ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) *Humane Officer* means any person employed or appointed by the Humane Society of the Black Hills who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance.

(2) *At large* means that a dog is not under the direct control of the owner.

(3) *Dangerous dog* means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or constitutes a danger to human life, physical well-being, or property. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term "dangerous dog" includes any dog that according to the records of either the Humane Society of the Black Hills or any law enforcement agency:

(a) Has bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons

and dutifully investigated and substantiated by any of the above-referenced authorities;

(b) Has more than once severely injured or killed a domestic animal while off the owner's property; or

(c) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

(4) *Direct control* means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraining the dog, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or in an official showing, obedience, or field event.

(5) *Director* means the Executive Director of the Humane Society of the Black Hills.

(6) *Impoundment* means the taking or picking up and confining of an animal by any police officer, humane officer or any other public officer under the provisions of this Ordinance.

(7) *Muzzle* means a device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(8) *Owner* means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or, in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(9) *Senior Humane Officer* means any Humane Officer (as defined herein) designated by the Humane Society of the Black Hills as a Senior Humane Officer.

(10) *Sanitary condition* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(11) *Under restraint* means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

C. Procedure for Declaring a Dog Dangerous.

(1) Any adult person may request under oath that a animal be classified as dangerous as defined in subsection B(3) by submitting to the Humane Society of the Black Hills a sworn, written complaint on a form approved by the Humane Society of the Black Hills. Upon receipt of such complaint, a Humane Officer shall notify the Animal Control Officer who shall notify the owner of the animal that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The Animal Control Officer will initiate his or her investigation within two (2) business days after receipt of the complaint. Such investigations shall be conducted in accordance with paragraphs (2) through (4) of this subsection. At any time during the course of the investigation, the Humane Officer may impound the animal if the Humane Officer determines that the public safety so requires.

(2) The Humane Officer shall rate the dangerousness of each animal about which it has received a complaint according to an evaluation form which shall be adopted by the Humane Society of the Black Hills and approved by the City Attorney within thirty (30) days after the enactment of this Ordinance. Any changes to the approved and adopted form shall require the approval of the City Attorney.

(3) At the conclusion of an investigation, the Humane Officer may:

(a) Determine that the dog is not dangerous and, if the dog is impounded, release the dog to its owner upon payment of any impoundment fees; or

(b) Determine that the dog is dangerous and order the dog destroyed, in accordance with subsection G.

(4) The Complainant shall be given written notice by first-class mail of the Humane Officer's determination, along with instructions on how to appeal the Humane Officer's determination.

D. Notification of Dangerous Dog Declaration.

(1) Within five (5) business days after declaring a dog dangerous, the Humane Officer shall notify the owner by registered mail of the dog's designation as a dangerous dog. The Humane Officer also shall notify in writing the City Attorney, the Rapid City Police Department, and the complainant of the designation of any dog as a dangerous dog.

(2) The notice shall inform the dog owner that he may request, in writing, a hearing to contest the Humane Officer's finding and designation within five (5) business days after delivery of the dangerous dog declaration notice.

(3) If the Humane Officer cannot with due diligence locate the owner of a dog that has been seized pursuant to this Ordinance, the Humane Officer shall cause the

dog to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the dog, the Humane Officer may cause the dog to be euthanized.

E. Dangerous Dog Review Board.

There is hereby established a Dangerous Dog Review Board which shall have the authority to review determinations made by the Humane Officer.

The Dangerous Dog Review Board shall consist of the Executive Director of the Humane Society of the Black Hills, a local veterinarian, and a law enforcement officer who falls into one of the following categories:

(1) is a licensed or certified K-9 officer, employed by the Rapid City Police Department, the Pennington County Sheriff's Office, or the South Dakota Highway Patrol; or

(2) is the liaison officer between the Rapid City Police Department and the Pennington County Sheriff's Office.

The Dangerous Dog Review Board shall be a voluntary position and no compensation shall be paid by the City of Rapid City.

F. Hearing on Dangerous Dog Declaration.

(1) The Dangerous Dog Review Board shall hold a hearing not less than three (3) nor more than ten (10) business days after receiving the dog owner's written request for such a hearing. The Humane Society of the Black Hills shall provide notice of the date, time and location of the hearing to the dog owner by registered mail and to the complainant by first-class mail.

(2) At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this Section shall include but not be limited to the following:

- (a) Provocation,
- (b) Severity of attack or injury to a person or domestic animal,
- (c) Previous aggressive history of the dog,
- (d) Observable behavior of the dog,
- (e) Site and circumstances of the incident,
- (f) The dog's rating on the dangerous dog evaluation form, and

(g) Statements from interested parties.

(3) A determination at a hearing that the dog is in fact a dangerous dog as defined in Section B(3) shall subject the dog and its owner to the provisions of subsection G of this Ordinance.

(4) Failure of the dog owner to request a hearing within the prescribed time shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this Ordinance.

H. Destruction of Dangerous Dogs.

(1) The Senior Humane Officer or his designee shall order the destruction of a animal determined to be vicious.

(2) The Senior Humane Officer or his designee shall give written notice by certified mail of his intention to destroy such animal to the owner or custodian of the animal, who may request in writing delivered to the Senior Humane Officer, within five (5) business days after delivery of the notice of intention to destroy, a hearing to contest the intended destruction.

(3) If no hearing is requested pursuant to subsection (b), the animal shall be destroyed on the sixth day after delivery of the notice of intention to destroy.

(4) If a hearing is requested pursuant to subsection (b), such hearing shall be held within five (5) business days after the request, and the animal shall not be destroyed prior to the conclusion of the hearing.

(5) The animal owner shall be responsible for payment of all boarding costs and other fees as may be required for the Humane Society of the Black Hills to keep the animal humanely and safely during any legal proceeding.

I. Appeal from Order of Destruction.

If the Senior Humane Officer or his designee orders a dangerous dog to be destroyed, that decision shall be final unless the dog owner applies to circuit court for any remedies that may be available within five (5) days after receiving notice of the destruction order. Notice shall be deemed received if:

(1) issued by the Dangerous Dog Review Board orally at the hearing, or

(2) upon delivery by registered mail if an oral decision is not issued at the hearing. If an appeal is timely filed, the Humane Officer shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the Humane Officer's destruction order.

The court action shall be de novo and shall be a civil proceeding for the purpose of affirming or reversing the Dangerous Animal Control Board's determination of dangerousness.

J. Conflicting Ordinances.

All other ordinances of the City of Rapid City that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

K. Severability.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Dated this _____ day of _____, 2000.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective:

ORDINANCE NO. 3619

AN ORDINANCE AMENDING TITLE 6 CHAPTER 8 OF THE RAPID CITY MUNICIPAL CODE OF THE CITY OF RAPID CITY BY AMENDING TITLE 6 CHAPTER 8 AND SECTION 100 REGULATING DANGEROUS ANIMALS

BE IT ORDAINED by the City of Rapid City that Section 6.08.100 of Title 6 Chapter 8 of the Rapid City Municipal Code is repealed as written and a new Section 6.08.100 of Title 6 Chapter 8 of the Rapid City Municipal Code be inserted regulating dangerous animals to read as follows:

6.08.100 Dangerous Animals

A. Purpose and Intent.

The purposes of this Ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Rapid City. It is intended to be applicable to "dangerous" animals, as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance.

B. Definitions.

When used in this Ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *At large* means that an animal is not under the direct control of the owner.

(2) *Dangerous animal* means any animal that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to animals utilized by law enforcement officers in the performance of their duties. The term "dangerous animal" includes any animal that, according to the records of the Humane Society of the Black Hills or any law enforcement agency:

(a) Has bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated and substantiated by any of the above-referenced authorities in accordance;

(b) Has more than once severely injured or killed a domestic animal or livestock while off the owner's property; or

(c) Has been used primarily or in part for the purpose of animal fighting, or is an animal trained for animal fighting.

(4) *Direct control* means immediate, continuous physical control of an animal such as by means of a leash, cord, secure fence, or chain of such strength to restrain the animal and controlled by a person capable of restraining the animal, or safe and secure restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the animal, voice control shall be considered direct control when the animal is actually participating in training or in an official showing, obedience, or field event.

(5) *Director* means the Executive Director of the Humane Society of the Black Hills.

(6) *Humane Officer* means any person employed or appointed by the Humane Society of the Black Hills who is authorized to investigate and enforce violations relating to animal control or cruelty under the provision of this Ordinance.

(7) *Impoundment* means the taking or picking up and confining of an animal by any police officer, Humane Officer or any other public officer.

(8) *Muzzle* means a device constructed of strong, soft material or of metal designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(9) *Owner* means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(10) *Sanitary condition* means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(11) *Senior Humane Officer* means any Humane Officer (as defined herein) designated by the Humane Society of the Black Hills as a Senior Humane Officer.

(12) *Under restraint* means that an animal is secured by a leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(13) *Vicious animal* means any animal which after evaluation by the Humane Officer a score above the level designated as vicious on the dangerous animal evaluation form.

C. Procedure for Declaring an Animal Dangerous.

(1) Any adult person may request under oath that an animal be classified as dangerous as defined in subsection B (2) by submitting to the Humane Society of the Black Hills a sworn, written complaint on a form approved by the Humane Society of the Black Hills. Upon receipt of such complaint, a Humane Officer shall notify the Humane Officer who shall notify the owner of the animal that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted. The Humane Officer will initiate his or her investigation within two (2) business days after receipt of the complaint. Such investigations shall be conducted in accordance with subsections (2) through (4) of this section. At any time during the course of the investigation, the Humane Officer may impound the animal if the Humane Officer determines that the public safety so requires.

(2) The Humane Officer shall rate the dangerousness of each animal about which it has received a complaint according to an evaluation form which shall be adopted by the Humane Society of the Black Hills and approved by the City Attorney within thirty (30) days after the enactment of this Ordinance. Any changes to the approved and adopted form shall require the approval of the City Attorney.

(3) At the conclusion of an investigation, the Humane Officer may:

(a) Determine that the animal is not dangerous and, if the animal is impounded, release the animal to its owner upon payment of any impoundment fees; or

(b) Determine that the animal is dangerous and order the owner to comply with the requirements for keeping dangerous animals set forth in subsection J, and if the animal is impounded, release the animal to its owner after the owner has paid all fees incurred for the impoundment and complied with the relevant parts of subsection J herein. If all impoundment fees have not been paid and conditions met within ten (10) business days set after a final determination that an animal is dangerous, the Humane Officer may cause the animal to be humanely destroyed.

(c) Determine that the animal is vicious and order the animal euthanized, in accordance with subsection K.

(4) The Complainant shall be given written notice by first-class mail of the Humane Officer's determination, along with instructions on how to appeal the Humane Officer's determination.

D. Notification of Dangerous Animal Declaration.

(1) Within five (5) business days after declaring an animal dangerous, the Humane Officer shall notify the owner by registered mail of the animal's designation as a dangerous animal and any specific restrictions and conditions for keeping the animal, as set forth in subsection J of this Ordinance. The Humane Officer also shall notify the City Attorney and the Police Department of the designation of any animal as a dangerous animal. Such notification shall describe the animal and specify any particular requirements or conditions placed upon the animal owner.

(2) The notice shall inform the animal owner that he may request, in writing, a hearing to contest the Director's finding and designation within five (5) business days after delivery of the dangerous animal declaration notice.

E. Notification of Vicious Animal Declaration.

(1) Within five (5) business days after declaring an animal vicious, the Humane Officer shall notify the owner by registered mail of the animal's designation as a vicious animal. The Humane Officer also shall notify the City Attorney and the Police Department of the designation of any animal as a vicious animal.

(2) The notice shall inform the animal owner that he or she may request, in writing, a hearing to contest the Director's finding and designation within five (5) business days after delivery of the vicious animal declaration notice.

F. Destruction of Unclaimed Animal

If the Humane Officer cannot with due diligence locate the owner of an animal that has been seized pursuant to this Ordinance, the Humane Officer shall cause the animal to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the animal, the Humane Officer may cause the animal to be euthanized.

G. Dangerous Animal Review Board.

There is hereby established a Dangerous Animal Review Board which shall have the authority to review determinations made by the Humane Officer.

The Dangerous Animal Review Board shall consist of the Executive Director of the Humane Society of the Black Hills, a local veterinarian, and a law enforcement officer who falls into one of the following categories:

(1) Is a licensed K-9 officer, employed by the Rapid City Police Department, the Pennington County Sheriff's Office, or the South Dakota Highway Patrol; or

(2) Is the liaison officer between the Rapid City Police Department and the Pennington County Sheriff's Office.

The Dangerous Animal Review Board shall be a voluntary position and no compensation shall be paid by the City of Rapid City.

H. Hearing on Dangerous Animal Declaration.

(1) The Dangerous Animal Review Board shall hold a hearing not less than three (3) nor more than ten (10) business days after receiving the animal owner's written request for such a hearing. The Department shall provide notice of the date, time, and location of the hearing to the animal owner by registered mail and to the complainant by first-class mail.

(2) At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the animal's dangerousness. Criteria to be considered in a hearing required by this section shall include but not be limited to the following:

- (a) Provocation,
- (b) Severity of attack or injury to a person or domestic animal,
- (c) Previous aggressive history of the animal,
- (d) Observable behavior of the animal,
- (e) Site and circumstances of the incident,
- (f) Score on dangerous animal evaluation form, and
- (g) Statements from interested parties.

(3) A determination at the hearing that the animal is in fact a dangerous animal as defined in subsection B (2) shall subject the animal and its owner to the provisions of subsection J of this Ordinance.

(4) Failure of the animal owner to request a hearing within the prescribed time shall result in the animal being finally declared a dangerous animal.

I. Appeal from Dangerous Animal Declaration.

If the Dangerous Animal Review Board determines that an animal is dangerous at the conclusion of a hearing conducted under subsection J, that decision shall be final unless the animal owner, within five business days after receiving notice that the animal has been finally declared dangerous, applies to circuit court for any remedies that may be available. The court action shall be de novo and shall be a civil proceeding for the purpose of affirming or reversing the Dangerous Animal Control Board's determination of dangerousness.

J. Keeping of Dangerous Animals.

The keeping of a dangerous animal shall be subject to the following requirements:

(1) *Leash.* No person having charge, custody, control or possession of a dangerous animal shall allow the animal to exit its kennel, pen, or other proper enclosure unless such animal is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person capable of controlling the animal is in physical control of the leash.

(2) *Muzzle.* It shall be unlawful for any owner or keeper of a dangerous animal to allow the animal to be outside of its proper enclosure unless it is necessary for the animal to receive veterinary care or exercise. In such cases, the animal shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the animal's breathing or vision.

(3) *Confinement.* Except when leashed and muzzled as provided in this section, a dangerous animal shall be securely confined indoors or confined in a locked pen or other secure enclosure that is suitable to prevent the animal from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

- (a) The structure must have secure sides and a secure top;
- (b) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and
- (c) The structure must be of such material and closed in such a manner that the animal cannot exit the enclosure on its own.

(4) *Indoor Confinement.* No dangerous animal shall be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no dangerous animal shall be kept in a house or structure when screen windows or doors are the only obstacle preventing the animal from exiting the structure.

(5) *Signs.* All owners, keepers, or harborers of dangerous animals shall display in a prominent place on any entrance to their premises a sign easily readable by the public using the words "Beware of [type of animal]."

(6) *Liability Insurance.* The owner of a dangerous animal shall present to the Humane Society of the Black Hills proof that he or she has procured liability insurance

in the amount of not less than one hundred thousand dollars (\$100,000) covering any damage or injury that may be caused by such dangerous animal. The policy shall contain a provision requiring that the Humane Society of the Black Hills be notified immediately by the agent issuing the policy in the event that the insurance policy is canceled, terminated, or expires. The liability insurance shall be obtained prior to the issuing of a permit to keep a dangerous animal. The animal owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the animal prior to the expiration date of the permit period.

(7) *Sterilization of Dangerous Animals.* All dangerous animals shall be permanently altered so that they are unable to reproduce. Such alteration shall occur prior to the issuance of the dangerous animal license.

(8) *Notification of Escape.* The owner or keeper of a dangerous animal shall notify the Humane Society of the Black Hills immediately if such animal escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the animal bites or attacks a person or domestic animal or livestock.

(9) *Dangerous Animal Class.* The owner or keeper of a dangerous animal shall attend one or more educational classes totaling at least two (2) hours classroom time on the responsibilities of owning a dangerous animal. This must be completed within six (6) weeks of the initial issuance of a dangerous animal permit, and proof of attendance shall be submitted to the Humane Society of the Back Hills within that time.

(10) *Permit.* The owner of a dangerous animal shall, within five (5) business days after the classification of the animal as dangerous or upon acquisition of such an animal, obtain an annual permit from the Humane Society of the Black Hills to harbor the animal. The fee for such permit shall be one hundred dollars (\$100.00) per year. The permit for maintaining a dangerous animal shall be presented to a Humane Officer upon demand.

(11) *Tag.* At the time the permit is issued, a red circular tag shall be issued to the owner of the dangerous animal by the Humane Society of the Black Hills. The tag shall be worn at all times by the animal to clearly and easily identify it as a dangerous animal.

(12) *Collar.* At the time the permit is issued, a colorfast, blaze orange collar of sufficient width as to easily identify the animal as a dangerous animal shall be issued to the owner of the dangerous animal. The collar shall be worn at all times by the animal to clearly and easily identify it as a dangerous animal.

(13) *Failure to Comply.* It shall be unlawful and a Class II misdemeanor for any owner of a dangerous animal registered with the Humane Society of the Black Hills to fail to comply with the requirements and conditions set forth in this Section. Any animal

found to be in violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this Ordinance shall result in the revocation of the permit providing for the keeping of any dangerous animal. Upon the third violation by one owner, the Humane Society of the Black Hills shall refuse to issue that owner a dangerous animal permit and shall revoke all outstanding dangerous animal permits issued to that owner.

K. Destruction of Vicious Animals.

(1) The Senior Humane Officer or his designee shall order the destruction of an animal determined to be vicious.

(2) The Senior Humane Officer or his designee shall give written notice by certified mail of his intention to destroy such animal to the owner or custodian of the animal and the complainant, who may request in writing delivered to the Director, within five (5) business days after delivery of the notice of intention to destroy, a hearing to contest the intended destruction.

(3) If no hearing is requested the animal shall be destroyed on the sixth day after delivery of the notice of intention to destroy.

(4) If a hearing is requested such hearing shall be held within five (5) business days after the request, and the animal shall not be destroyed prior to the conclusion of the hearing.

(5) The animal owner shall be responsible for payment of all boarding costs and other fees as may be required for the Humane Society of the Black Hills to keep the animal humanely and safely during any legal proceeding.

L. Appeal from Order of Humane Destruction.

If the Dangerous Animal Review Board or Humane Officer orders a dangerous animal to be destroyed, that decision shall be final unless the animal owner or complainant applies to circuit court for any remedies that may be available within five (5) days after receiving notice of the destruction order. Notice shall be deemed received if issued by the Dangerous Animal Review Board orally at the hearing, or upon delivery by registered mail if an oral decision is not issued at the hearing. If an appeal is timely filed, the Humane Officer shall suspend the destruction order pending the final determination of the court. The court hearing shall be de novo and shall be a civil proceeding for the purpose of affirming or reversing the Dangerous Animal Review Board's destruction order.

M. Change of Ownership.

(1) Any owner of a dangerous animal who sells or otherwise transfers ownership, custody or residence of the animal shall, within ten (10) business days after such change of ownership or residence, provide written notification to the Humane Society of the Black Hills of the name, address, and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the animal to provide written notification of the animal's classification as dangerous to the person receiving the animal. The previous owner shall furnish a copy of such notification to the Humane Society of the Black Hills along with written acknowledgment by the new owner of his receipt of such notification. The owner or his designee shall notify the Humane Society of the Black Hills and the Police Department of any changes of ownership, custody, or residence of the animal within three (3) business days after receiving the required information from the previous animal owner.

(2) Any person receiving an animal classified as dangerous must obtain the required permit, tag and enclosure prior to acquisition of the animal. The new owner shall comply fully with the provisions of this Ordinance pertaining to obtaining liability insurance, payment of fees, and maintenance, control and ownership of a dangerous animal.

N. Continuation of Dangerous Animal Declaration.

(1) Any animal that has been declared dangerous by any agency or department of this City, another municipality, county, or state shall be subject to the provisions of this Ordinance for the remainder of its life unless the dangerous animal designation is removed in accordance with paragraph (2) this subsection. The person owning or having custody of any animal designated as a dangerous animal by any municipality, county, or state government shall notify the Humane Society of the Black Hills of the animal's address and conditions of maintenance within ten (10) days of moving the animal into the City of Rapid City. The restrictions and conditions of maintenance of any animal declared dangerous by this City, another municipality, county, or state shall remain in force while the animal remains in the City.

(2) The owner of any dangerous animal may petition the Dangerous Animal Review Board for a removal of the dangerous animal designation after three (3) consecutive years during which the owner has received no violations of this Ordinance. The Dangerous Animal Review Board shall, upon the owner's petition, review the designation of an animal as dangerous and, if the animal is determined no longer to be dangerous, the dangerous animal designation shall be removed.

O. Conflicting Ordinances.

All other ordinances of the City of Rapid City that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.

P. Severability.

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of the Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, but they shall remain in effect; it being the legislative intent that this Ordinance shall remain in effect notwithstanding the validity of any part.

Dated this _____ day of _____, 2000.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective