

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 .

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 be amended to read as follows:

6.08.100 Vicious Animals.

A. No person may own, harbor or keep within the city, any vicious animal, except according to the provisions of this section and Section 6.08.080. A vicious animal is defined as any animal which, when unprovoked, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person on the streets, sidewalks, or any public grounds or places; or on private property, when unprovoked, in a vicious or terrifying manner approaches in an apparent attitude of attack a mail carrier, meter reader, service person, journeyman, delivery person, or other employed person as invitee, guest or child who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property. ~~and provided, however, That this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property; provided, that such animals are restrained by a leash or chain, cage, fence or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.~~ Any animal attacking any person or persons, or clothing of the persons, in a vicious manner may be destroyed immediately to protect the safety of that person or persons. ~~The owner, if contesting the destruction of the animal, shall be ordered to appear in court to show cause why this animal should not be destroyed.~~

B. ~~That~~ This section shall not apply to service animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property; provided, that such animals are all times restrained by a leash or chain, cage, fence or other adequate means but excluding window glass or screen, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

~~B. C.~~ Any vicious or dangerous animal found off the premises of its owner other than provided herein, shall be seized by the animal control officer, police officer or county sheriff and impounded, but if the animal cannot be captured, it may be destroyed in a manner that the head is not damaged. If the animal has been seen running at large and/or bites a person, and is, for any reason, unobtainable, the animal control officer, police officer or county sheriff may order the owner or custodian to deliver the animal to the animal shelter within twenty-four hours. The owner, if contesting the destruction of the animal, shall be ordered to appear in court to show cause why this animal should not be destroyed.

C. D. A formal committee composed of ~~not less than two nor more than three~~ persons considered experts in the field of animal husbandry, which includes, but is not limited to veterinarians or dog breeders, ~~and animal shelter personnel,~~ may and a third police officer or county sheriff, shall meet and make a declaration ~~determination~~ whether an animal is ~~dangerous or~~ vicious after using an approved evaluation form and taking the following into consideration:

1. The nature and severity of the attack.
2. Whether the animal has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to another person or animal.
3. Previous incidents of like behavior.

~~D. E.~~ After such declaration, the owner of the animal shall be notified in writing of the declaration and, if the vicious animal is in the owner's custody, she/he shall not allow the animal off his premises unless muzzled, on a leash or caged, and in the charge of a competent person. ~~Upon being declared vicious,~~ If it is deemed ~~most~~ prudent that such animal be impounded for public safety and welfare, the animal shall be delivered to the animal control officer, police officer or county sheriff upon ~~such~~ request.

F. Upon establishment to the satisfaction of any court of competent jurisdiction of the vicious character of the animal, the court may order euthanization of such animal. The owner, if contesting the destruction of the animal, may appear at that time before the court to show cause why animal should not be destroyed.

G. If no such viciousness declaration is made the animal control officer, police officer or county sheriff may impose mandatory conditions upon the owner reasonably necessary to prevent subsequent bites including animal neutering, obedience or other methods, recognized and recommended by the contracted agent Humane Society.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: