

in writing left at the owner's residence, order the owner to deliver the animal into the custody of the Animal Control Officer within twenty-four (24) hours. If the animal is not delivered to the Animal Control Officer within twenty-four (24) hours as ordered, the Animal Control Officer may petition any Magistrate or Circuit Court Judge having authority in Minnehaha County for an Order authorizing the Animal Control Officer to enter on to the owner's premises and take custody of the animal.

- (C) An animal that is declared vicious, once in the custody of the Animal Control Officer, shall be held pending a final determination regarding the disposition of the animal. If the Animal Control Officer and Owner can not agree on the disposition of the animal, the Animal Control Officer shall request that the State's Attorney's Office commence proceedings to summons the owner into court and show cause why the animal should not be destroyed. The owner shall bear all costs associated with the impoundment and board of the animal during the period of impoundment.
- (D) An animal declared vicious, which is running at large with no proof of ownership and for which no ownership can be immediately established, shall be deemed an abandoned animal and may be destroyed by the Animal Control Officer without prior judicial approval.

3.03 RECORD OF BITES. The Animal Control Officer shall keep an accurate record of all animal bites.

3.04 RESIDENTIAL DEVELOPMENT AREA - FURTHER LIMITATIONS. The following limitations shall apply in a Residential Development Area:

- (A) It is unlawful for any person to have or to keep more than a combined total of four (4) dogs (*Canis lupus familiaris*), cats (*Felis silvestris*) or pot bellied pigs over the age of six months.
- (B) Disturbing the Peace. The owner or custodian of an animal located within a residential development area shall not allow the animal to create a disturbance by making loud noises so as to be a nuisance to a neighbor or neighbors at any time of the night or day. A nuisance shall constitute an ongoing problem over several days and at several intervals throughout a 24 hour period for any length of time. The Animal Control Officer shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner make bona fide efforts to quiet his animal and impoundment of the animal when the owner is absent from the premises. Upon impoundment of an animal for violation of this Section, the Animal Control Officer shall attempt to locate and notify the absent owner by any reasonable means as readily as possible. No summons and complaint shall be issued nor shall there be a conviction for violation of this Section unless there are at least two (2) or more

complaining witnesses from separate households who shall have signed such complaint. An Animal Control Officer who has personally investigated the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its frequent, habitual and continued loud noises, may satisfy the requirement for the second complaining witness and may testify to his observations at trial. This section shall not apply to any commercial kennel operating pursuant to a conditional use permit issued by Minnehaha County.

### 3.05 EXOTIC ANIMALS - PROHIBITED.

- \_\_\_\_(A) No exotic animal as defined by this ordinance may be housed or kept except for those legally within the County at the time of the adoption of this ordinance. Any exotic animals that are housed or kept prior to the effective date of this ordinance must be registered with the Animal Control Officer within ninety days subsequent to the adoption of this ordinance. This provision shall not apply to any circus or exotic animal exhibit or display that is validly and legally operating within the County for a specific and limited time period.

### 3.06 INJURED ANIMALS.

- \_\_\_\_(A) If an animal is injured and the owner cannot be found, it will be the duty of the Animal Control Officer to determine if that animal for humane reasons, due to the extent of the injury and the suffering, shall be humanely euthanized. The County and Animal Control Officer shall not be held liable in any way for this humane act.

## **ARTICLE IV. DISPOSITION OF ABUSED ANIMALS**

4.01 In cases where an animal or animals have been seized by the Animal Control Officer or Law Enforcement Officer based upon cruelty, neglect or abandonment, such animal may be adopted to another owner or humanely euthanized thereby extinguishing all property rights of the existing owner following the procedures as hereinafter provided:

- \_\_\_\_(A) Upon seizure of the animal or animals, the Animal Control Officer shall serve notice upon the existing owner, if the identity of said existing owner is known, informing said existing owner of the Animal Control Officer's intent to have said animal disposed of.
- (B) The existing owner shall have five (5) business days to:
- (1). Declare in writing and deliver to the animal shelter keeping said animal or animals -