

**ORDINANCE NO. 5796**

**AN ORDINANCE TO PROHIBIT ANIMALS WHICH DISTURB THE PEACE BY AMENDING SECTION 6.08.090 OF THE RAPID CITY MUNICIPAL CODE**

WHEREAS, the City of Rapid City currently has ordinances regulating the control of animals within the City; and

WHEREAS, Section 6.08.090 of Rapid City Municipal Code currently prohibits the keeping of noisy animals; and

WHEREAS, the Common Council desires to better define what conduct constitutes a noisy animal that disturbs the peace and declare such animals a nuisance; and

WHEREAS, the Common Council desires to codify the current practice of Animal Control officers to require a written warning prior to any formal charge being made against a person owning or keeping a noisy animal; and

WHEREAS, the Common Council of Rapid City desires to promote the health, safety, and general welfare of the City by amending Section 6.08.090 of the Rapid City Municipal Code to incorporate these changes.

NOW THEREFORE, BE IT ORDAINED by the City of Rapid City, that Section 6.08.090 of the Rapid City Municipal Code is hereby amended to read as follows:

**6.08.090      ~~Noisy animals~~ Animal disturbing the peace.**

A.      It is unlawful for any No-person may to own, harbor or keep any animal which disturbs the peace. An animal disturbs the peace by persistently, habitually, constantly or continuously makes barking, howling, growling or making other unreasonably loud noises, to the great discomfort of the peace and quiet of the neighborhood, or in such continuous manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Animals disturbing the peace are hereby declared a public nuisance.

B.      It shall be a defense to the violation of this Section if the animal was provoked by teasing, taunting, or other behavior sufficient to cause the animal to create a disturbance.

C.      Upon the first violation of this Section, the Animal Control Officer or Police Officer responding to the complaint shall issue a written warning. The owner or keeper of the animal shall have three days to correct the violation, during which period, no enforcement action may be taken pursuant to this Section. If the violation persists or reoccurs after the three-day period expires, a summons and complaint may be issued. If the violation does not persist or reoccur for a period of one year, no enforcement action may be taken until another three-day warning is issued.

D. An animal that is disturbing the peace may be impounded pursuant to 6.08.230 under one of the following circumstances:

1. The owner or keeper cannot be found;
2. The owner or keeper refuses to take remedial action to quiet the animal; or
3. After the three-day warning provided by subsection C., the Animal Control Officer or Police Officer responding determines impoundment is warranted.

CITY OF RAPID CITY

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Mayor

ATTEST:

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Finance Officer

(SEAL)