

## **TITLE 32 ANIMALS**

(Title 1 moved to Title 32 and replaced in its entirety effective 4/22/05, Ordinance 2005-05)

Chapters:

- 32.01: General Provisions
- 32.02: Miscellaneous
- 32.03: Dogs and Cats

### **Chapter 32.01 GENERAL PROVISIONS**

SECTIONS:

- 32.01.01: Scope and Purpose
- 32.01.02: Definitions
- 32.01.03: Penalty

#### **32.01.01: SCOPE AND PURPOSE**

The purpose of this Title is to regulate the existence of animals within the City to assure the safety of the public while also assuring the humane treatment of animals within the City.

#### **32.01.02: DEFINITIONS**

**ANIMAL:** Any mammal, bird, reptile, amphibian or fish, except humans.

**ANIMAL CONTROL OFFICER:** An Animal Control Officer shall be any person appointed to perform this duty as provided by this Title or any police or law enforcement officer of the City of Sturgis.

**ANIMAL SHELTER:** Any premises designated by action of the City for the purpose of impounding and caring for all animals found to be in violation of this Title.

**APPOINTED DESIGNEE:** For the purpose of this Title the appointed designee shall be any person appointed by, or employee of the City of Sturgis, or in the case of a disaster, or other emergency situation, any member of an animal rescue or animal care group authorized by the City of Sturgis.

**AT LARGE:** Any animal shall be deemed to be at large when it is off the property of its owner and not under the immediate control of a competent person.

**EXPOSED TO RABIES:** An animal has been exposed to rabies within the meaning of this Title, if it has been bitten by or has been exposed to any animal known to or suspected of being infected with rabies.

**KENNEL:** Any person or corporation engaged in the commercial business of breeding, buying, selling or boarding animals. This definition shall not apply to the owner of only one breeding matron.

**OWNER:** Any person, groups of persons or corporations owning, keeping or harboring an animal.

**RESTRAINT:** An animal is under restraint if it is controlled by a leash, "at heel" beside a competent person and obedient to that person's commands, in a vehicle, if attached to said vehicle or confined inside of the vehicle, in such a manner as not to allow it to reach outside the confines of that vehicle, or within a vehicle being driven on the street or parked within the property limits of its owner or keeper.

**SHELTER TECHNICIAN:** Any person who is employed by the City to care for the daily needs of food, water, and shelter of any animal impounded by the Animal Control Officer or Meade County Sheriff's Deputy.

**SPAYED FEMALE:** An matron that has undergone surgery to prevent conception, whose owner can provide suitable proof of said surgery.

### **32.01.03: PENALTY**

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

**Chapter 32.02  
MISCELLANEOUS**

**SECTIONS:**

- 32.02.01: Animal Shelter
- 32.02.02: Certain Animals Prohibited
- 32.02.03: Exceptions
- 32.02.04: Animals to be Impounded: Redemption
- 32.02.05: Chemical Immobilization
- 32.02.06: Cruelty to Animals: Generally
- 32.02.07: Teasing and Molesting
- 32.02.08: Killing, Injuring, or Poisoning Animals
- 32.02.09: Fights Between Animals Prohibited
- 32.02.10: Abandonment
- 32.02.11: Rabies Control: Impounding for Observation
- 32.02.12: Keeping Rabid Animals
- 32.02.13: Report of Suspected Cases: General
- 32.02.14: Report of Suspected Cases: Veterinarians
- 32.02.15: Report of Suspected Cases: Physicians
- 32.02.16: Investigation
- 32.02.17: Interference
- 32.02.18: Records
- 32.02.19: Vicious, Ferocious, Venomous, or Dangerous  
Animals
- 32.02.20: Enforcement

**32.02.01: ANIMAL SHELTER**

The City shall provide and maintain suitable shelter for the impounding of animals. Such shelter shall be so constructed that animals of different kinds and different sizes may be segregated, and maintained in a safe and sanitary condition. Such shelter may either be constructed and operated by the City, or the City may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed, watered, and treated in a humane manner.

The City may hire Shelter Technicians as needed. Persons holding this position shall be responsible for the daily maintenance of the shelter, the record keeping of the intake and release of animals, the maintenance of a working adoption program, the accurate and detailed accounting of all monies generated by the animal shelter. Monies collected by Shelter Technicians shall be presented to the City Finance Officer without delay.

### **32.02.02: CERTAIN ANIMALS PROHIBITED**

No person shall allow, bring, keep, or maintain, into or within the City, whether under control or at large, any horse, cow, mule, swine, sheep, goats, fowl, and pigeons, except as otherwise provided in Section 32.02.03.

### **32.02.03: EXCEPTIONS**

The animals mentioned in the previous Section shall be allowed within the City only when:

- A. They are used or are part of a legally authorized circus, menagerie, or carnival;
- B. They are used in or are a part of a legally authorized parade, provided that such animals shall only be allowed within the City for said purpose for the length of time necessary to participate in said parade;
- C. They are in the process of being transported from one area outside of the City to another, in which case they shall be in constant supervision and control of the owner, manager, or driver and such transporting shall be done with all due speed and care;
- D. They are on the premises of a duly licensed stock exchange, livestock sale ring, or veterinarian hospital;
- E. They are a part of a legally authorized livestock show or exhibition; or
- F. They are animals of an exotic nature and are kept as pets. There shall be no more than one such species on any premises, and the owner shall have received prior approval of the City Public Safety Committee, and the Animal Control Officer before the animal is moved to the premises, and permitted to remain.

### **32.02.04: ANIMALS TO BE IMPOUNDED: REDEMPTION**

It shall be the duty of the Animal Control Officer to impound any animal found in violation of the provisions of this Title, and any persons claiming any animal so impounded shall pay to the Animal Control Officer for its discharge from the animal shelter, the sum of \$10.00 for each day or fractional part of a day each animal has been impounded, except that in the case of impounded fowl or pigeons the charge shall be \$1.50 per day per bird. The City shall have a lien against the animals for the cost of keeping and caring for such impounded animals in the amount it would take to have said animal discharged under the provisions herein. The City may foreclose said lien as by law provided by the foreclosure of liens against chattels.

**32.02.05: CHEMICAL IMMOBILIZATION**

The Animal Control Officer or his duly appointed designee is hereby authorized to use, operate and possess such devices that are designated to propel projectiles for the purpose of intermuscular injection of drugs used in the humane capture of animals. Any person using the above-described devices shall have specialized training in the use of the device, any and all departmental policies concerning the device, in the drugs, in the proper use of the drugs, and in the care of the animal after such drugs have been injected.

**32.02.06: CRUELTY TO ANIMALS: GENERALLY**

No person shall cruelly treat any animal in any way. Any person who inhumanely beats, or wantonly or maliciously tortures or deprives of necessary sustenance, drink, or shelter, overloads, abandons, mutilates or cruelly kills any animal shall be deemed guilty of a violation of this Section.

**32.02.07: TEASING AND MOLESTING**

Any person who inhumanely teases, molests, baits or in any way bothers any animal shall be deemed guilty of a violation of this Section.

**32.02.08: KILLING, INJURING, OR POISONING ANIMALS**

It shall be unlawful for any person to willfully or maliciously kill, wound, or injure any animal in any way except as to protect the lives of any person or livestock from being attacked by such animal; or to willfully or maliciously administer poison to any animal that is the property of another person or to expose any such poison substance with the intent that the same shall be taken and swallowed by any dog or cat or any animal that is the property of another person.

**32.02.09: FIGHTS BETWEEN ANIMALS PROHIBITED**

No person shall willfully allow any animal to fight, worry, or injure another animal, nor shall any person keep any house, pit, or other place to be used in permitting any fighting, worrying, or injuring of animals.

**32.02.10: ABANDONMENT**

It shall be unlawful for any person to abandon any animal upon a public right of way, or upon the property of another, or upon property owned by that person within the City.

**32.02.11: RABIES CONTROL: IMPOUNDING FOR OBSERVATION**

When any person owning or harboring an animal has been notified that said animal has bitten or attacked any person, the owner must immediately place the animal under the

care and observation of the Animal Control Officer or a licensed veterinarian for a period of not less than ten (10) days, however, in those cases where the animal is a dog and the owner has a current rabies vaccination for said dog, the Officer may, if he feels the facilities are adequate, and if the owner is a responsible person, allow the quarantine of the dog on the owner's premises. In such a case, the owner must sign a statement in which the owner recognizes and assumes the responsibility that is involved with the quarantine of a dog that has bitten. A quarantined dog must, at all times, be available for inspection during the quarantine.

At the end of the ten (10) day period of observation, the animal shall be examined by a veterinarian or the Animal Control Officer, and if cleared, may be reclaimed by the owner, and the owner must pay the expense incurred incident thereto to include a daily impound fee of \$10.00 per day.

Any animal impounded or placed for observation showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

Any animal that has bitten or attacked and cannot be captured, shows signs of or is suspected of rabies, or any animal that has no confirmable rabies vaccination history may be destroyed in such a manner that the head is not damaged and can be submitted for rabies examination to a laboratory.

Every unvaccinated animal bitten by another animal showing positive symptoms of rabies shall be forthwith destroyed or shall, at the owner's option and expense, be held for observation for not less than six (6) months under direct supervision of a veterinarian, and the animal is to receive a rabies vaccination one (1) month prior to its release from observation.

Every owner having knowledge that his animal has bitten or is suspected of biting a human being, shall forthwith report the same to the Sturgis Police Department for disposition of said animal under the provisions of the ordinance.

#### **32.02.12: KEEPING RABID ANIMALS**

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to be infected with rabies.

#### **32.02.13: REPORT OF SUSPECTED CASES: GENERAL**

Any person who shall suspect any animal in the City to be infected with rabies shall report said animal to the Animal Control Officer, describing the animal and giving the name and address of the owner if known.

#### **32.02.14: REPORT OF SUSPECTED CASES: VETERINARIANS**

Veterinarians within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to any Animal Control Officer in the City.

#### **32.02.15: REPORT OF SUSPECTED CASES: PHYSICIANS**

Physicians within the City, immediately upon treatment of any person bitten by an animal, shall report such information to any Animal Control Officer of the City.

#### **32.02.16: INVESTIGATION**

For the purpose of discharging the duties imposed by this Title and to enforce the provisions thereof, any Animal Control Officer, or their appointed designee, is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the extradition by the owner of such animal, the license, or a valid rabies certificate for said animal. It is further provided that the Animal Control Officer, or their appointed designee, may enter upon the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal if there is probable cause to believe an animal or animals have been treated inhumanely.

The Animal Control Officer, or their appointed designee, is hereby authorized to follow and enter upon any enclosure or lot within the City in quest of any animal suspected of being infected by rabies, or to apprehend any dog which has been observed running at large.

#### **32.02.17: INTERFERENCE**

No person shall interfere with, hinder or molest any official in the performance of any duty of his office, or seek to release any animal in the custody of the Animal Control Officer except as herein provided.

#### **32.02.18: RECORDS**

It shall be the duty of the Animal Control Officer to keep accurate and detailed records of the licensing of, impounding, and disposition of all animals coming into their custody. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all monies collected by them, belonging to the City. These records shall be open to inspection at all reasonable times by such person responsible for similar records in the City. The records shall be audited annually in the same manner as other City records are audited. The City Council may appoint another person to perform the duties under his Section.

**32.02.19: VICIOUS, FEROCIOUS, VENOMOUS, OR DANGEROUS ANIMALS**

It shall be unlawful for any person to allow to be kept or maintained, run at large, or displayed in a crowded area within the City, any animal of a venomous, vicious, ferocious, or dangerous habit, nature, or disposition. Any such animal found running at large within the City, may be impounded or disposed of by the Animal Control Officer. All persons or organizations authorized by the City are excluded from this provision.

**32.02.20: ENFORCEMENT**

The provisions of this title shall be enforced by the Animal Control Office and his duly appointed agents.

**Chapter 32.03  
DOGS AND CATS**

**SECTIONS:**

- 32.03.01: Rabies Certificate
- 32.03.02: Exemptions
- 32.03.03: Dogs, Cats, and Ferrets Running At Large
- 32.03.04: Impoundment and Disposition of Dogs, Cats, and Ferrets
- 32.03.05: Redemption or Destruction of Dogs, Cats, and Ferrets Running at Large – untagged
- 32.03.06: Dogs with Destructive Habits
- 32.03.07: Kennels – License Required For
- 32.03.08: License Fee for Kennels
- 32.03.09: Kennel License – How Maintained
- 32.03.10: Barking Dogs

**32.03.01: RABIES CERTIFICATE**

Every person who keeps, maintains, or has in his control any dog, cat or ferret within the City, shall have the dog, cat, or ferret inoculated for the prevention of rabies at least every two (2) years with the modified live virus. It shall be the duty of the owner of the dog, cat, or ferret to place a collar around the neck of each dog, cat, or ferret so owned or kept by him to which the metallic rabies tag furnished by a licensed veterinarian shall be securely fastened. It shall be unlawful for any person to keep or harbor any dog, cat, or ferret, over the age of six (6) months without obtaining the rabies certificate from a licensed veterinarian.

**32.03.02: EXEMPTIONS**

Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of dogs, cats, or ferrets are exempt from provisions of this ordinance.

**32.03.03: DOGS, CATS, AND FERRETS RUNNING AT LARGE**

- A. General – Any person who owns or who has under his care a dog, cat or ferret shall not allow said dog, cat, or ferret to run at large in the City, and said dog, cat, or ferret when present within the City, shall either be on a leash controlled by a person, or properly secured to a leash which has been tied to an immovable object, or confined within an enclosure sufficient to keep said dog, cat, or ferret restrained from escaping such enclosure. No dog, cat, or ferret shall be leashed to an immovable object so as to permit the dog, cat, or ferret to walk on or over any public sidewalk or street, or any property of another person other than that of the owner of said dog, cat, or ferret. Any dog, cat or ferret not confined by

leash or enclosure as set forth herein, is hereby declared to be running at large and is declared to be a public nuisance. When dogs, cats, and ferrets are found running at large, and their ownership can be discovered by examination of any rabies license which must be affixed to the dog, cat, or ferret or by inquiry of any person residing in the immediate vicinity where the dog, cat, or ferret was first taken into possession, such dog, cat or ferret need not be impounded, but the Animal Control Officer may cite the owner of such dog, cat, or ferret to appear in Court to answer charges of violations of this ordinance. Such citation shall state the violation date, time, location, breed, and color of the dog, cat, or ferret, rabies tag number, if known, and the name and address of the owner of said dog, cat, or ferret. Said notice shall direct the owner to appear before the Magistrate Court to answer to the charge of such violation.

- B. Public Park and Recreation Areas and Cemetery – It shall be unlawful to have any animal in any public park and recreation area or cemetery within the City, except under leash control and on designated roads and walkways. This excludes all persons or organizations authorized by the City.

#### **32.03.04: IMPOUNDMENT AND DISPOSITION OF DOGS, CATS, AND FERRETS**

Any dog, cat, or ferret found running at large as defined in this ordinance may be taken by the Animal Control Officer and impounded in the animal shelter to be confined in a humane manner. Any animal impounded and not claimed by their owners at the expiration of five (5) days may be disposed of at the discretion of the Animal Control Officer, or appointed designee, except as hereinafter provided in certain cases of certain dogs, cats, and ferrets. Immediately after impounding such dog, cat, or ferret, before euthanizing or disposing of it, the owner shall be given notice of the conditions whereby he/she may regain possession of such dog, cat, or ferret. If any owner has requested his animal to be euthanized and disposed of humanely, the Animal Control Officer or appointed designee, may collect from said owner a fee that will cover the cost of such euthanization, disposal and impoundment for the City.

#### **32.03.05: REDEMPTION OR DESTRUCTION OF DOGS, CATS, OR FERRETS RUNNING AT LARGE - UNTAGGED**

During the period of possession, any person, by paying the City the sum of \$10.00 per day or any part thereof to a maximum of five (5) days or any part thereof for the impound, and having a current rabies certificate may redeem and obtain possession of a dog, cat, or ferret that was untagged or tagged and thereby impounded. If the owner of any impounded dog, cat, or ferret, under the provisions of the article, shall fail to redeem such dog, cat, or ferret within five (5) consecutive days, not counting Sunday and holidays, after such impounding, said dog, cat, or ferret shall be disposed of by humane euthanization or adoption by the Animal Control Officer. The Animal Control Officer may euthanize by a humane manner any sick or injured animal which has been

impounded without holding it for five (5) days if its condition is such that euthanization is the most humane manner to dispose of the animal.

#### **32.03.06: DOGS WITH DESTRUCTIVE HABITS**

It shall be unlawful for any person to permit or suffer to run at large within the City, any dog with destructive habits or disposition, which destroys property other than that of his owner, or is in the habit of barking at persons passing along or using the streets and public sidewalks of the City. The Animal Control Officer under proper authority is hereby empowered to impound any such animal.

#### **32.03.07: KENNELS – LICENSE REQUIRED FOR**

Any person owning, possessing, keeping or desiring to keep or maintain within the City, a kennel composed of three (3) or more animals of any one species shall obtain from the City a license therefore before such kennel may be kept or maintained. For purposes of this provision, anyone keeping three (3) or more of any animal species shall be deemed to operate a kennel and shall comply with all the provisions of this ordinance and specifically all provisions of this Chapter relating to and in addition to all requirements of this provision.

#### **32.03.08: LICENSE FEE FOR KENNEL**

License or annual renewal inspection fee shall be \$25.00 per year. The Sturgis Animal Control Officer shall do annual inspections and renewals.

#### **32.03.09: KENNEL LICENSE – HOW MAINTAINED**

Every person desiring to obtain a kennel license provided for herein, shall make application on a form provided by the Sturgis Police Department. Along with the application, the applicant shall also provide to the Animal Control Officer the written consent of the majority of the persons of full age, residing within 400 feet of the exterior boundaries of the premises where such kennel is proposed to be located and kept. The Animal Control Officer shall make a site inspection and submit in writing the site inspection report, application and written consent to the Public Safety Committee. The report shall state the name and place where such kennel is to be located, and the size of the kennel proposed to be kept. Then, upon the payment of the license fee as herein provided, and upon the approval of the City Council, the license shall be issued. The approval of City Counsel shall be conditional upon compliance with all applicable zoning laws, all provisions of this title relating to the keeping of animals generally and upon compliance with all other properly promulgated rules and regulations of the State of South Dakota, and the City relating to the keeping of animals.

#### **32.03.10: BARKING DOGS**

No person owning or possessing any dog, licensed or unlicensed, confined on the premises, or otherwise, shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or howling or making other loud or unusual noises. It shall be the duty of any person in possession of any such dog, which disturbs the peace and quiet to dispose of the disturbance even if disposing of the dog is the only effective means.

**(Title 1 moved to Title 32 and replaced in its entirety effective 4/22/05, Ordinance 2005-05)**

## **Chapter 32.04 PIT BULL DOGS**

### **SECTIONS:**

- 32.04.01: Registration of New Pit Bull Dog
- 32.04.02: Registration of Existing Pit Bull Dog
- 32.04.03: Registration Fee
- 32.04.04: Pit Bull Dogs Defined
- 32.04.05: Determination of a Pit Bull Dog
- 32.04.06: Confinement and Leashing Of Pit Bull Dogs
- 32.04.07: Signs
- 32.04.08: Insurance
- 32.04.09: Identification Photographs
- 32.04.10: Reporting Requirements
- 32.04.11: Display of Tags Required
- 32.04.12: Offspring
- 32.04.13: Irrebuttable Presumption
- 32.04.14: Failure to Comply
- 32.04.15: Additional Penalty

### **32.04.01: REGISTRATION OF NEW PIT BULL DOG**

Any owner, keeper or harbinger of a pit bull dog within the City shall register said pit bull dog with the Animal Control Officer within ten (10) days of moving to the City or of obtaining a pit bull dog and be subject to the standards and requirement set forth within this Chapter. Said pit bull dog shall be re-registered with the Animal Control Officer every two (2) years from the date of registration.

### **32.04.02: REGISTRATION OF EXISTING PIT BULL DOG**

Any owner, keeper or harbinger of a pit bull dog within the City upon the effective date of this Ordinance shall register said pit bull dog with the Animal Control Officer and be in complete compliance with this Chapter within thirty (30) days of the effective date of this Ordinance. Said pit bull dog shall be re-registered with the Animal Control Officer every two (2) years from the date of registration.

### **32.04.03: REGISTRATION FEE**

The registration of a pit bull dog shall include a registration fee of Twenty Dollars (\$20.00). The registration shall not be considered complete until this fee is paid.

### **32.04.04: PIT BULL DOGS DEFINED**

A "Pit Bull Dog" is defined to mean:

- a. A bull terrier breed of dog;

- b. Staffordshire bull terrier breed of dog;
- c. The American pit bull terrier breed of dog;
- d. The American Staffordshire terrier breed of dog;
- e. The Presa Canario breed of dog;
- f. The Cane Corso breed of dog;
- g. Any dog of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull terriers; or
- h. Any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

#### **32.04.05: DETERMINATION OF A PIT BULL DOG**

If any owner of any dog alleged to be subject to the provisions of this Chapter disputes whether the dog falls under the definition set forth herein, the owner of such dog may file a written petition with the Animal Control Officer requesting that a determination be made as to the breed of the dog. The dog shall then be observed by the Animal Control Officer and two (2) veterinarians for the purpose of determining the dog's breed. Whether or not the dog meets the definition of a "pit bull dog" under the provisions of this Chapter shall be determined by the Animal Control Officer and the two veterinarians and in the event determination is made that the dog does fall under the definition set forth herein, said dog shall become in compliance with all provisions of this Chapter within five (5) days of the determination and may be impounded and held by the Animal Control Officer until compliance.

#### **32.04.06: CONFINEMENT AND LEASHING OF PIT BULL DOGS**

Any pit bull dog shall be securely confined indoors, in a securely enclosed and locked pen or kennel approved by the Animal Control Officer, or in a fenced area approved by the Animal Control Office, except when leashed as provided herein. Any pen, kennel, structure or fence shall be secure to assure that any pit bull dog confined therein cannot escape in any manner, including by digging under, climbing over or by force. Any structure or fence used to confine any pit bull dog shall be locked with a key or combination lock when such animal is within the structure or fence. Any structure or fence erected to confine pit bull dogs shall comply with all zoning and building regulations of the City. Any such structure shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

No person shall permit a pit bull dog to be kept on a porch, patio or in any part of the house or structure that would allow the dog to exit such building of its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

No person shall permit a pit bull dog to go outside its kennel or pen or approved fenced area unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit the pit bull dog to be kept on a chain, rope or other type of leash outside the kennel or pen or approved fenced area unless a person is in physical control

of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc.

#### **32.04.07: SIGNS**

Any owner, keeper or harborer of any pit bull dog within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public stating the breed of the dog on this property.

#### **32.04.08: INSURANCE**

Any owner, keeper or harborer of any pit bull dog shall within ten (10) days of moving to the City or obtaining a pit bull dog provide proof to the Animal Control Officer of public liability insurance in a single incident amount of \$250,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintaining of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Animal Control Officer.

#### **32.04.09: IDENTIFICATION PHOTOGRAPHS**

Any owner, keeper or harborer of a pit bull dog shall within ten (10) days of moving to the City or of obtaining a pit bull dog provide to the Animal Control Officer two color photographs of the animal clearly showing the color and approximate size of the animal.

#### **32.04.10: REPORTING REQUIREMENTS**

Any owner, keeper or harborer of a pit bull dog shall within ten (10) days of the incident, report the following information in writing to the Animal Control Officer as required hereinafter:

- a. The removal from the City or death of a pit bull dog;
- b. The birth of offspring of a pit bull;
- c. The new address of a pit bull dog owner should the owner moved within the corporate City limits.

#### **32.04.11: DISPLAY OF TAGS REQUIRED**

It shall be the responsibility of the owner of the pit bull dog to place a collar around the neck of each dog to which the registration tag furnished by the Animal Control Officer shall be securely fastened. The tag shall be used by the Animal Control Officer to identify whether or not any pit bull dog has been properly registered pursuant to this Chapter.

#### **32.04.12: OFFSPRING**

Any offspring born of any pit bull dog within the City shall be in compliance with all City Ordinances within eight (8) weeks of birth.

#### **32.04.13: IRREBUTTABLE PRESUMPTION**

There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds discussed within this Chapter is in fact a dog subject to the requirements of this Chapter.

#### **32.04.14: FAILURE TO COMPLY**

It shall be unlawful for any owner, keeper or harbinger of a pit bull dog within the City to fail to comply with the requirements and conditions set forth in this Chapter. Any dog found to be the subject of a violation of this Chapter shall be subject to immediate seizure and impoundment. In addition, failure to comply may result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City or resulting in the animal being permanently placed in the control of the Animal Control Officer with the final disposition of the pit bull dog at the discretion of the Animal Control Officer.

#### **32.04.15: ADDITIONAL PENALTY**

In addition to the penalties set forth in 32.01.03 and 32.04.13, any person violating or permitting the violation of any provision of this Chapter may be subject to the revocation of the registration of any pit bull dog. Revocation of said registration shall result in the pit bull dog being immediately removed from the City and/or the dog to be placed in the immediate and permanent control of the Animal Control Officer with final disposition of the animal being at the discretion of the Animal Control Officer. In addition, any person who violates this Chapter shall pay all expenses including shelter, food, handling, veterinary care, restitution, and testimony necessitated by the enforcement of this Chapter.

(Addition of Chapter 32.04 Pit Bull Dogs effective November 5, 2008, Ordinance 2008-19)