

AGENDA	Tuesday, June 20, 2017
Public Services Committee	4:30 PM*
Sioux Falls City Council	Carnegie Town Hall
	235 West 10th Street

\*The meeting will start following the adjournment of the 4 p.m. Informational Meeting

1. Call To Order

2. Approval of Minutes

A. Tuesday, February 14, 2017

3. Reports and Updates

A. Revisions to Animal Control Ordinances by Keith Allenstein, Assistant City Attorney; and Julie DeJong, Animal Control Supervisor  
Presentation: Approximately 10 minutes followed by discussion

B. Discussion on Barking Dog Ordinance and Procedures by Keith Allenstein, Assistant City Attorney; and Julie DeJong, Animal Control Supervisor  
Presentation: Approximately 10 minutes followed by discussion

4. Open Discussion

5. Adjournment

Date: 2017-06-20  
SIRE Meeting ID: 2591  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/2tQ7x5QS-Wg>  
Agenda Item: Not Assigned  
Item ID: 83929

The following document(s) are public records obtained from the  
City of Sioux Falls.

Minutes are considered “Draft” until approved at the next scheduled meeting.

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# MINUTES

Tuesday, February 14, 2017

Public Services Committee

4:42 PM

Carnegie Town Hall

Sioux Falls City Council

235 West 10<sup>th</sup> Street

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**Members Present:** Christine M. Erickson, Theresa Stehly, Marshall Selberg, and Pat Starr

## 1. Call To Order

Committee Chair Christine M. Erickson called the meeting to order at 4:42 p.m.

## 2. Approval of Minutes

A. Meeting of Tuesday, December 13, 2016

A motion was made by Pat Starr and seconded by Theresa Stehly to approve the minutes. A voice vote was taken, all members voted yes. **Motion Passed.**

## 3. Reports and Updates

A. Tobacco-Free Ordinance by Mary Michaels, Public Health Prevention Coordinator  
Presentation: Approximately 10 minutes followed by discussion

Mary Michaels, Public Health Prevention Coordinator, reviewed the following PowerPoint slides: City Property Leased to a Third Party; City-Owned, Non-Park Property, and City-Owned Parks Property. Discussion followed.

Pat Starr asked if there were any concerns regarding implementation impacting current contract agreements. David Pfeifle, City Attorney, responded that there would not be any issues with implementation because the existing contracts mandate compliance with city ordinances.

Committee Member Marshall Selberg asked about the future actions for this ordinance. Erickson stated that either the Administration or the City Council could bring this forward, but at this time it is being continually reviewed. The full City Council can review this item again or it can be scheduled for a future Public Services Committee Meeting for further discussion.

Committee Member Theresa Stehly stated the efforts have encouraged the community to discuss this item.

Starr stated that people are ready to move this item forward with specific proposals. He stated there are enough items that are agreed on now that this item can be moved forward.

Erickson encouraged a measured, "step" approach to working together and moving forward. Erickson stated that conversations will continue with the Health Department on this item.

**4. Open Discussion**

There was none.

**5. Adjournment**

Committee Chair Christine M. Erickson adjourned the meeting at 5:03 p.m.

Tamara Jorgensen, MMC  
Assistant City Clerk

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**Public Services Committee Members:**  
Councilor Christine M. Erickson, Chair  
Councilor Marshall Selberg  
Councilor Pat Starr  
Councilor Theresa Stehly

**Staff:**  
Jim David, Legislative/Operations Manager  
Tamara Jorgensen, Assistant City Clerk

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1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 90: ANIMALS AND FOWL.

BE IT ORDAINED BY THE CITY OF SIOUX FALLS, SD:

*Section 1. That Section 90.005 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.005 CRUELTY TO ANIMALS; RIGHT OF ENTRY.**

No person shall mistreat, neglect, or subject any animal or fowl to cruelty as defined by South Dakota Codified Laws. Any animal control officer finding an animal or fowl treated in violation of this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine the animal and to take possession of the animal, when in his or her opinion, the animal requires humane treatment.

*Section 2. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered § 90.017 to read as follows:*

**§ 90.017 EXEMPTIONS.**

Nothing in this chapter may be construed to interfere with an animal under the direct and proper care of a licensed veterinarian or with persons engaged in standard and accepted agricultural pursuits or animal husbandry practices.

In addition, the following are exempt from the provisions of this chapter:

- (a) Any usual and customary practice;
  - (1) In the production of food, feed, or fiber, including all aspects of the livestock industry;
  - (2) In the boarding, breeding, competition, exhibition, feeding, raising, service work, showing, training, transportation, and use of animals; or
  - (3) In the harvesting of animals for food or byproducts;
- (b) Any humane killing of an animal;

- (c) Any lawful hunting, trapping, fishing, or other activity authorized by the South Dakota Department of Game, Fish and Parks;
- (d) Any lawful pest, vermin, predator, and animal damage control, including the disposition of wild animals;
- (e) Any reasonable action taken by a person for the destruction or control of an animal known to be dangerous, a threat, or injurious to life, limb, or property; and
- (f) Any actions taken by personnel or agents of the South Dakota Animal Industry Board, the South Dakota Department of Agriculture, South Dakota Department of Game, Fish and Parks, or the United States Department of Agriculture in the performance of duties as prescribed by law.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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In addition, the following are exempt from the provisions of this chapter:

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(1) In the production of food, feed, or fiber, including all aspects of the livestock industry;

(2) In the boarding, breeding, competition, exhibition, feeding, raising, service work, showing, training, transportation, and use of animals; or

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ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 90: ANIMALS AND FOWL TO PROVIDE FOR A DISTINCTION BETWEEN RESTRICTED AND VICIOUS ANIMALS; TO PROVIDE AN EXCEPTION FOR POLICE DOGS; AND TO PROVIDE FOR ADDITIONAL ENFORCEMENT POWERS OF ANIMAL CONTROL OFFICER.

*Section 1. That Section 90.002 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.002 RUNNING AT LARGE PROHIBITED.**

- (a) Except on property designated by the city as an animal off-leash area, it shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or her or under his or her control to be at large and to go in or upon the private premises of others or upon any public property.
- (b) Any person convicted of subsection (a) more than two (2) times in a twelve- (12-) month period shall be considered a reckless owner. Any fine for a reckless owner shall, at a minimum, be double the usual fine for animal running at large.

*Section 2. That Section 90.003 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.003 RESTRICTED ANIMALS.**

- (a) An animal may be declared restricted by the chief of police, or the attending physician of the victim of an animal bite or scratch may request the declaration, under the following guidelines:
  - (1) An animal which in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places.
  - (2) No animal may be declared restricted if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

- (3) An animal that has been previously declared by another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a restricted declaration had the events occurred within the city of Sioux Falls.
- (b) When the chief of police declares an animal restricted, the chief of police shall notify the owner of the declaration in writing that the animal must be registered as a restricted animal within 15 days after the receipt of the written notice. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) The owner of an animal that has been declared restricted shall make application to the animal control office to register the restricted animal and shall comply with the following:
  - (1) The owner of the animal shall notify animal control of any changes in the following:
    - A. Ownership of the animal;
    - B. Name, address, and telephone number of a new owner;
    - C. Address change of the owner or any change in where the animal is housed;
    - D. Any change in the health status of the animal; and
    - E. Death of the animal.
  - (2) If the animal is indoors, the animal shall be under the control of a person over 18 years old;
  - (3) If the animal is outdoors and attended, the animal shall be muzzled on a leash no longer than 6' and under the control of a person over 18 years of age;
  - (4) If the animal is outdoors and unattended, the animal must be locked in an escape-proof kennel approved by animal control. Minimum standards shall include the following:
    - A. Fencing materials shall not have openings with a diameter of more than 2". In the case of a wooden fence, the gaps shall not be more than 2".
    - B. Any gates within the pen or structure shall be lockable and of a design to prevent the entry of children or the escape of the animal;
    - C. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete;
    - D. The pen or structure shall protect the animal from the elements; and
    - E. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.

- (5) The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The number and the veterinarian who injected the microchip are to be reported to animal control;
- (6) A sign provided by or approved by animal control denoting a restricted animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept. Said sign must warn the public as follows:

WARNING. RESTRICTED DOG ON THIS PROPERTY. DOG IS ONLY ALLOWED OUT OF HOUSE OR PEN WITH LEASH AND MUZZLE. THIS DOG HAS BEEN DECLARED RESTRICTED UNDER CITY OF SIOUX FALLS ORDINANCE 90.003. REPORT VIOLATIONS TO SIOUX FALLS ANIMAL CONTROL (367-7000).

The sign must also include a picture or symbol that conveys the idea of a vicious dog to small children who cannot read;

- (7) The owner shall carry \$100,000 animal liability insurance covering the medical and/or veterinary costs resulting from the vicious actions or any other damage the animal may do or cause to be done. Proof of insurance shall be filed with animal control;
  - (8) The owner shall present proof of current rabies vaccination and current city license of the animal to animal control; and
  - (9) The owner shall present proof the animal has been altered to prevent reproduction to animal control.
- (d) The restricted animal shall be impounded by animal control at the owner's expense until a time as all provisions of division (c) above are complied with.
  - (e) If the conditions in division (c) above are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with animal control.
  - (f) Any restricted animal not in compliance with this article shall be seized by the animal control officer or any police officer and impounded. If the animal cannot be captured, it may be destroyed. An animal control officer or any police officer may order the owner to deliver the animal to the animal shelter within 24 hours and the owner ordered to appear in court to show cause why this animal shall not be destroyed. If the owner of the animal fails to deliver the animal as ordered, the animal control officer or any police officer shall use those means as are necessary to impound the animal.

*Section 3. That Section 90.003.1 of the Code of Ordinances of Sioux Falls, SD, is hereby renumbered to read:*

**§ 90.003.3 IMMEDIATE NOTICE OF BITE.**

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately by the quickest means of communication give notice of such incident to animal control or the police department and remain on the scene until the responding animal control officer or police officer has indicated the person may leave.

*Section 4. That Section 90.003.2 of the Code of Ordinances of Sioux Falls, SD, is hereby renumbered to read:*

**§ 90.003.4 DUTY TO GIVE INFORMATION, RENDER AID.**

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately stop and give his or her name and address and shall render to any person injured reasonable assistance.

*Section 5. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.003.1 to read:*

**§ 90.003.1 VICIOUS ANIMALS.**

- (a) An animal may be declared vicious by the chief of police under the following guidelines:
- (1) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places, resulting in the death of the person or other animal.
  - (2) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal resulting in a Level 4 or higher on the Dunbar scale set forth in section 90.003.2.
  - (3) An animal that has been previously declared in another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a vicious declaration had the events occurred within the city of Sioux Falls.
  - (4) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

- (b) When the chief of police declares an animal vicious, the chief of police shall notify the owner of the declaration in writing. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) It is unlawful for any person to own, harbor, or possess a vicious dog.
- (d) Any dog declared vicious shall be euthanized in a humane manner and proof of euthanasia filed with animal control.
- (e) Any dog declared vicious shall also have been deemed declared restricted for purposes of any administrative appeal.

*Section 6. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.003.2 to read:*

**§ 90.003.2 DUNBAR SCALE.**

- (a) Level 1. Obnoxious or aggressive behavior but no skin contact by teeth.
- (b) Level 2. Skin contact by teeth but no skin puncture. However, may be skin nicks (less than one tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.
- (c) Level 3. One to four punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites, and drops to floor).
- (d) Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held and bore down) or lacerations in both directions (dog held and shook its head from side to side).
- (e) Level 5. Multiple bite incident with at least two Level 4 bites or multiple attack incident with at least one Level 4 bite in each.
- (f) Level 6. Victim dead.

*Section 7. That Section 90.006 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.006 STRAY, ABANDONED, OR UNKEPT ANIMALS.**

- (a) No person shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the animal control officer.
- (b) No person shall put out any food for the purpose of feeding or attracting any stray, abandoned, or unkept animal. The placing of food to capture stray, abandoned, or unkept



animals by animal control officers or for the purpose of turning the animal over to animal control is not prohibited.

*Section 8. That Section 90.008 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.008 KEEPING OF ANIMALS.**

- (a) The keeping of animals on any personal land in the city shall not be on a scale creating a nuisance.
- (b) Domestic fowl of the order Galliformes in the genus of Gallus (chickens) and animals of the order Lagomorpha in the family of Leporidae (rabbits and hares):
  - (1) A maximum of six animals may be kept on personal land in the city.
  - (2) The maximum number may be increased by obtaining a license issued by the city pursuant to § 90.078.
  - (3) Roosters are prohibited.
- (c) Domestic fowl of the order of Gallinaceous birds (fowl-like birds that are not chickens) and the order Anseriformes (water fowl):
  - (1) Every owner or keeper of domestic fowl other than chickens shall obtain a license issued by the city pursuant to § 90.078.
  - (2) Roosters are prohibited.
- (d) It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured or abandoned birds and animals by people licensed for that purpose) or to sell native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic animals, or venomous snakes.
- (e) Nothing in this section shall be deemed to prohibit the keeping of (*Felis catus*) the domestic cat, (*Mustela putorius furo*) the European polecat otherwise known as the ferret, or (*Canis familiaris*) the domestic dog, as long as all provisions of ordinance are followed.
- (f) It shall be unlawful for livestock to be kept within the city limits, except that such livestock may be kept on property that is classified as AG, Agricultural District under the zoning ordinance of the city of Sioux Falls. This section shall not apply to livestock kept as a part of any research, educational institution, stockyard, or temporarily exhibited.
- (g) Slaughter of animals is prohibited. This prohibition shall not include slaughter as part of any research, educational instruction, stockyard, or slaughterhouse.
- (h) This section shall not apply to any circus or menagerie property licensed by the city or to the Great Plains Zoo.

*Section 9. That Section 90.011 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.011 ENFORCEMENT.**

The animal control officer is authorized to enforce all the provisions of this chapter as well as section 95.013 through section 95.015, inclusive, and section 95.032 for any prohibitions related to animals and may issue citations for violations of any section or may issue warning tickets requiring correction of a violation.

*Section 10. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.017 to read:*

**§ 90.017 EXEMPTION FOR POLICE DOGS.**

The provisions of this chapter shall not apply to any federal, state, or local law enforcement agency or dog used by or belonging to such agency, provided that such dog shall be vaccinated for rabies as required by this chapter, and a dog's handler shall have proof of such vaccination for display as may be required. Also, at any time such dog is off leash or otherwise at large, it shall be under the control of or in the performance of functions or duties for a law enforcement officer or handler acting on behalf of a law enforcement agency.

*Section 11. That Section 90.051 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.051 INTERFERENCE WITH PERFORMANCE OF DUTIES.**

No person shall hinder, delay, or obstruct the animal control officer, his or her assistant, or any law enforcement officer while in performance of any duty of his or her office or when engaged in capturing, securing, or impounding any animal.

Date adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

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- (b) Any person convicted of subsection (a) more than two (2) times in a twelve- (12-) month period shall be considered a reckless owner. Any fine for a reckless owner shall, at a minimum, be double the usual fine for animal running at large.

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- (1) An animal which in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places.
  - (2) No animal may be declared restricted ~~vicious~~ if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

(3) An animal that has been previously declared by another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a restricted declaration had the events occurred within the city of Sioux Falls.

- (b) When the chief of police declares an animal ~~to be vicious~~ restricted, the chief of police shall notify the owner of the declaration in writing that the animal must be registered as a ~~vicious~~ restricted animal within 15 days after the receipt of the written notice. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) The owner of an animal that has been declared ~~vicious~~ restricted shall make application to the animal control office to register the ~~vicious~~ restricted animal and shall comply with the following:
- (1) The owner of the animal shall notify animal control of any changes in the following:
    - A. Ownership of the animal;
    - B. Name, address, and telephone number of a new owner;
    - C. Address change of the owner or any change in where the animal is housed;
    - D. Any change in the health status of the animal; and
    - E. Death of the animal.
  - (2) If the animal is indoors, the animal shall be under the control of a person over 18 years old;
  - (3) If the animal is outdoors and attended, the animal shall be muzzled on a leash no longer than ~~six feet~~ 6' and under the control of a person over 18 years of age;
  - (4) If the animal is outdoors and unattended, the animal must be locked in an escape-proof kennel approved by animal control. Minimum standards shall include the following:
    - A. Fencing materials shall not have openings with a diameter of more than ~~two inches~~ 2". In the case of a wooden fence, the gaps shall not be more than ~~two inches~~ 2".
    - B. Any gates within the pen or structure shall be lockable and of a design to prevent the entry of children or the escape of the animal;
    - C. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete;
    - D. The pen or structure shall protect the animal from the elements; and

- E. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.
- (5) The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The number and the veterinarian who injected the microchip are to be reported to animal control;
- (6) A ~~universal~~ sign provided by or approved by animal control denoting a ~~vicious~~ restricted animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept. Said sign must warn the public as follows:

WARNING. RESTRICTED DOG ON THIS PROPERTY. DOG IS ONLY ALLOWED OUT OF HOUSE OR PEN WITH LEASH AND MUZZLE. THIS DOG HAS BEEN DECLARED RESTRICTED UNDER CITY OF SIOUX FALLS ORDINANCE 90.003. REPORT VIOLATIONS TO SIOUX FALLS ANIMAL CONTROL (367-7000).

The sign must also include a picture or symbol that conveys the idea of a vicious dog to small children who cannot read;

- (7) The owner shall carry \$100,000 animal liability insurance covering the medical and/or veterinary costs resulting from the vicious actions or any other damage the animal may do or cause to be done. Proof of insurance shall be filed with animal control;
- (8) The owner shall present proof of current rabies vaccination and current city license of the animal to animal control; and
- (9) The owner shall present proof the animal has been altered to prevent reproduction to animal control.
- (d) The ~~vicious~~ restricted animal shall be impounded by animal control at the owner's expense until a time as all provisions of division (c) above are complied with.
- (e) If the conditions in division (c) above are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with animal control.
- (f) Any ~~vicious~~ restricted animal not in compliance with this article shall be seized by the animal control officer or any police officer and impounded. If the animal cannot be captured, it may be destroyed. ~~If the animal has been running at large, or bites a person, or bites another animal, the~~ An animal control officer or any police officer may order the owner to deliver the animal to the animal shelter within 24 hours and the owner ordered to appear in court to show cause why this animal shall not be destroyed. If the owner of the animal fails to deliver the animal as ordered, the animal control officer or any police officer shall use those means as are necessary to impound the animal.

*Section 3. That Section 90.003.1 of the Code of Ordinances of Sioux Falls, SD, is hereby renumbered to read:*

**§ 90.003.13 IMMEDIATE NOTICE OF BITE.**

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately by the quickest means of communication give notice of such incident to animal control or the police department and remain on the scene until the responding animal control officer or police officer has indicated the person may leave.

*Section 4. That Section 90.003.2 of the Code of Ordinances of Sioux Falls, SD, is hereby renumbered to read:*

**§ 90.003.24 DUTY TO GIVE INFORMATION, RENDER AID.**

The owner, keeper, possessor, caretaker, or attendant of an animal that bites, inflicts injury to, assaults, or otherwise attacks a person or other animal shall immediately stop and give his or her name and address and shall render to any person injured reasonable assistance.

*Section 5. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.003.1 to read:*

**§ 90.003.1 VICIOUS ANIMALS.**

(a) An animal may be declared vicious by the chief of police under the following guidelines:

- (1) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places, resulting in the death of the person or other animal.
- (2) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal resulting in a Level 4 or higher on the Dunbar scale set forth in section 90.003.2.
- (3) An animal that has been previously declared in another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a vicious declaration had the events occurred within the city of Sioux Falls.
- (4) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

- (b) When the chief of police declares an animal vicious, the chief of police shall notify the owner of the declaration in writing. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) It is unlawful for any person to own, harbor, or possess a vicious dog.
- (d) Any dog declared vicious shall be euthanized in a humane manner and proof of euthanasia filed with animal control.
- (e) Any dog declared vicious shall also have been deemed declared restricted for purposes of any administrative appeal.

*Section 6. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.003.2 to read:*

**§ 90.003.2 DUNBAR SCALE.**

- (a) Level 1. Obnoxious or aggressive behavior but no skin contact by teeth.
- (b) Level 2. Skin contact by teeth but no skin puncture. However, may be skin nicks (less than one tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.
- (c) Level 3. One to four punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites, and drops to floor).
- (d) Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held and bore down) or lacerations in both directions (dog held and shook its head from side to side).
- (e) Level 5. Multiple bite incident with at least two Level 4 bites or multiple attack incident with at least one Level 4 bite in each.
- (f) Level 6. Victim dead.

*Section 7. That Section 90.006 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.006 STRAY, ABANDONED, OR UNKEPT ANIMALS.**

- (a) No person shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the animal control officer.
- (b) No person shall put out any food for the purpose of feeding or attracting any stray, abandoned, or unkept animal. The placing of food to capture stray, abandoned, or unkept



animals by animal control officers or for the purpose of turning the animal over to animal control is not prohibited.

*Section 8. That Section 90.008 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

**§ 90.008 KEEPING OF ANIMALS.**

- (a) The keeping of animals on any personal land in the city shall not be on a scale creating a nuisance.
- (b) Domestic fowl of the order Galliformes in the genus of Gallus (chickens) and animals of the order Lagomorpha in the family of Leporidae (rabbits and hares):
  - (1) A maximum of six animals may be kept on personal land in the city.
  - (2) The maximum number may be increased by obtaining a license issued by the city pursuant to § 90.078.
  - (3) Roosters are prohibited.
- (c) Domestic fowl of the order of Gallinaceous birds (fowl-like birds that are not chickens) and the order Anseriformes (water fowl):
  - (1) Every owner or keeper of domestic fowl other than chickens shall obtain a license issued by the city pursuant to § 90.078.
  - (2) Roosters are prohibited.
- (d) It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured or abandoned birds and animals by people licensed for that purpose) or to sell native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic animals, or venomous snakes.
- (e) Nothing in this section shall be deemed to prohibit the keeping of (*Felis catus*) the domestic cat, (*Mustela putorius furo*) the European polecat otherwise known as the ferret, or (*Canis familiaris*) the domestic dog, as long as all provisions of ordinance are followed.
- (f) It shall be unlawful for livestock to be kept within the city limits, except that such livestock may be kept on property that is classified as AG, Agricultural District under the zoning ordinance of the city of Sioux Falls. This section shall not apply to livestock kept as a part of any research, educational institution, stockyard, or temporarily exhibited.
- (g) Slaughter of animals is prohibited. This prohibition shall not include slaughter as part of any research, educational instruction, stockyard, or slaughterhouse.
- (h) This section shall not apply to any circus or menagerie property licensed by the city or to the Great Plains Zoo.

Section 9. That Section 90.011 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 90.011 ENFORCEMENT.**

The animal control officer is authorized to enforce all the provisions of this chapter as well as section 95.013 through section 95.015, inclusive, and section 95.032 for any prohibitions related to animals and may issue citations for violations of any section or may issue warning tickets requiring correction of a violation.

Section 10. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.017 to read:

**§ 90.017 EXEMPTION FOR POLICE DOGS.**

The provisions of this chapter shall not apply to any federal, state, or local law enforcement agency or dog used by or belonging to such agency, provided that such dog shall be vaccinated for rabies as required by this chapter, and a dog’s handler shall have proof of such vaccination for display as may be required. Also, at any time such dog is off leash or otherwise at large, it shall be under the control of or in the performance of functions or duties for a law enforcement officer or handler acting on behalf of a law enforcement agency.

Section 11. That Section 90.051 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:

**§ 90.051 INTERFERENCE WITH PERFORMANCE OF DUTIES.**

No person shall hinder, delay, or obstruct the animal control officer, his or her assistant, or any law enforcement officer while in performance of any duty of his or her office or when engaged in capturing, securing, or impounding any animal.

Date adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Date: 2017-06-20  
SIRE Meeting ID: 2591  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/2tQ7x5QS-Wg>  
Agenda Item: Not Assigned  
Item ID: 83926

The following document(s) are public records obtained from the  
City of Sioux Falls.

# Public Services Committee

## Revisions to Animal Control Ordinances

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JULIE DEJONG, PHD

KEITH ALLENSTEIN, ASSISTANT CITY ATTORNEY

# 90.005 Cruelty to Animals; Right of Entry

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## § 90.005 CRUELTY TO ANIMALS; RIGHT OF ENTRY.

No person shall ~~maltreat or abuse or mistreat~~, neglect, or subject any animal or fowl to cruelty as defined by South Dakota Codified Laws. Any animal control officer finding an animal or fowl treated in violation of this section ~~mistreated as described in this section~~ shall have the power to lawfully enter the premises where the animal is kept and demand to examine the animal and to take possession of the animal, when in his or her opinion, the animal requires humane treatment.

- Cleans up the language and matching the cruelty definition to that of state law.

# 90.002 Running at Large Prohibited

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## § 90.002 RUNNING AT LARGE PROHIBITED.

- (a) Except on property designated by the city as an animal off-leash area, it shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him or her or under his or her control to be at large and to go in or upon the private premises of others or upon any public property.
- (b) Any person convicted of subsection (a) more than two (2) times in a twelve- (12-) month period shall be considered a reckless owner. Any fine for a reckless owner shall, at a minimum, be double the usual fine for animal running at large.

- Adding the extra penalties for repeat Running At Large offenders.
- Similar to ordinance in Springfield, Missouri

# 90.003 Vicious Animals

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## § 90.003 ~~VICIOUS~~ RESTRICTED ANIMALS.

- (a) An animal may be declared ~~to be vicious~~ restricted by the chief of police, or the attending physician of the victim of an animal bite or scratch may request the declaration, under the following guidelines:
- (1) An animal which in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places.
  - (2) No animal may be declared restricted ~~vicious~~ if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

- Renaming the current definition of VICIOUS to RESTRICTED
- Adding a more severe penalty for animals deemed “VICIOUS” (discussed on a later slide)

# 90.003 Restricted (formerly Vicious) Animals

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(3) An animal that has been previously declared by another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a restricted declaration had the events occurred within the city of Sioux Falls.

- (b) When the chief of police declares an animal ~~to be vicious~~ restricted, the chief of police shall notify the owner of the declaration in writing that the animal must be registered as a ~~vicious~~ restricted animal within 15 days after the receipt of the written notice. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) The owner of an animal that has been declared ~~vicious~~ restricted shall make application to the animal control office to register the ~~vicious~~ restricted animal and shall comply with the following:

- Allows restrictions on dogs that have been deemed vicious in other jurisdictions.
- Circumstances of the vicious declaration would have to match the City of Sioux Falls.



# 90.003 Restricted (formerly Vicious) Animals

- (6) A ~~universal~~ sign provided by or approved by animal control denoting a ~~vicious~~ restricted animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept. Said sign must warn the public as follows:

WARNING. RESTRICTED DOG ON THIS PROPERTY. DOG IS ONLY ALLOWED OUT OF HOUSE OR PEN WITH LEASH AND MUZZLE. THIS DOG HAS BEEN DECLARED RESTRICTED UNDER CITY OF SIOUX FALLS ORDINANCE 90.003. REPORT VIOLATIONS TO SIOUX FALLS ANIMAL CONTROL (367-7000).

The sign must also include a picture or symbol that conveys the idea of a vicious dog to small children who cannot read;



- Many people have “BEWARE OF DOG” signs and are written in English.
- Require a special sign with picture and required restrictions for the dog on the property assist in keeping visitors safe.

# 90.003.1 Vicious Animals (new section)

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## § 90.003.1 VICIOUS ANIMALS.

- (a) An animal may be declared vicious by the chief of police under the following guidelines:
- (1) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal, upon the streets, sidewalks, or any public or private grounds or places, resulting in the death of the person or other animal.
  - (2) An animal which in a vicious or terrorizing manner bites, inflicts injury, assaults, or otherwise attacks a person or other animal resulting in a Level 4 or higher on the Dunbar scale set forth in section 90.003.2.
  - (3) An animal that has been previously declared in another jurisdiction if the circumstances leading to the declaration in the other jurisdiction would have been sufficient for a vicious declaration had the events occurred within the city of Sioux Falls.
  - (4) No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

- Death of an animal or severity of bite determines whether RESTRICTED or VICIOUS

# 90.003.1 Vicious Animals (continued)

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- (b) When the chief of police declares an animal vicious, the chief of police shall notify the owner of the declaration in writing. The notice shall be served either in person or by mailing the notice by certified mail.
- (c) It is unlawful for any person to own, harbor, or possess a vicious dog.
- (d) Any dog declared vicious shall be euthanized in a humane manner and proof of euthanasia filed with animal control.
- (e) Any dog declared vicious shall also have been deemed declared restricted for purposes of any administrative appeal.

- Animals declared vicious will be euthanized. Some dogs are too dangerous to return home.
- Eliminates an additional process of deeming the animal restricted if the vicious appeal is upheld.

# 90.003.2 Dunbar Scale

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## § 90.003.2 DUNBAR SCALE.

- (a) Level 1. Obnoxious or aggressive behavior but no skin contact by teeth.
- (b) Level 2. Skin contact by teeth but no skin puncture. However, may be skin nicks (less than one tenth of an inch deep) and slight bleeding caused by forward or lateral movement of teeth against skin, but no vertical punctures.
- (c) Level 3. One to four punctures from a single bite, which may have lacerations in a single direction, caused by victim pulling hand away, owner pulling dog away, or gravity (little dog jumps, bites, and drops to floor).
- (d) Level 4. One to four punctures from a single bite with at least one puncture deeper than half the length of the dog's canine teeth. May also have deep bruising around the wound (dog held and bore down) or lacerations in both directions (dog held and shook its head from side to side).
- (e) Level 5. Multiple bite incident with at least two Level 4 bites or multiple attack incident with at least one Level 4 bite in each.
- (f) Level 6. Victim dead.

Level 4 or higher for Vicious



- Dr. Ian Dunbar is a world renowned veterinarian, animal behaviorist, and dog trainer.
- His “BITE SCALE” is used across the US in many municipalities.
- Allows objective measurement of the severity of the dog bite

# 90.006 Stray, Abandoned, or Unkept Animals

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## § 90.006 STRAY, ABANDONED, OR UNKEPT ANIMALS.

- (a) No person shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the animal control officer.
- (b) No person shall put out any food for the purpose of feeding or attracting any stray, abandoned, or unkept animal. The placing of food to capture stray, abandoned, or unkept animals by animal control officers or for the purpose of turning the animal over to animal control is not prohibited.

- Will help reduce interactions of people with wild animals and people harboring stray animals.
- Reduce rabies transmission and bites

# 90.008 Keeping of Animals

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- (d) It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured or abandoned birds and animals by people licensed for that purpose) or to sell native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic animals, or venomous snakes.
- (e) Nothing in this section shall be deemed to prohibit the keeping of (*Felis catus*) the domestic cat, (*Mustela putorius furo*) the European polecat otherwise known as the ferret, or (*Canis familiaris*) the domestic dog, as long as all provisions of ordinance are followed.
- (f) It shall be unlawful for livestock to be kept within the city limits, except that such livestock may be kept on property that is classified as AG, Agricultural District under the zoning ordinance of the city of Sioux Falls. This section shall not apply to livestock kept as a part of any research, educational institution, stockyard, or temporarily exhibited.
- (g) Slaughter of animals is prohibited. This prohibition shall not include slaughter as part of any research, educational instruction, stockyard, or slaughterhouse.
- (h) This section shall not apply to any circus or menagerie property licensed by the city or to the Great Plains Zoo.

- Allows the zoo or other permitted handlers to have animals listed under (d) in city limits.

# 90.001 Enforcement

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## § 90.011 ENFORCEMENT.

The animal control officer is authorized to enforce all the provisions of this chapter as well as section 95.013 through section 95.015, inclusive, and section 95.032 for any prohibitions related to animals and may issue citations for violations of any section or may issue warning tickets requiring correction of a violation.

*Section 10. That the Code of Ordinances of Sioux Falls, SD, are hereby amended by adding a section to be numbered 90.017 to read:*

Allows Animal Control Officers to enforce Parks ordinances which pertain to animals:

- 95.013 - Animals Protected
- 95.014 – Feeding and Keeping Waterfowl
- 95.015 – Trapping Prohibited
- 95.032 – Authority of Director to Prohibit Certain Conduct; Notice. (Arrowhead park, Jazzfest)

# 90.017 Exemption for Police Dogs

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## § 90.017 EXEMPTION FOR POLICE DOGS.

The provisions of this chapter shall not apply to any federal, state, or local law enforcement agency or dog used by or belonging to such agency, provided that such dog shall be vaccinated for rabies as required by this chapter, and a dog's handler shall have proof of such vaccination for display as may be required. Also, at any time such dog is off leash or otherwise at large, it shall be under the control of or in the performance of functions or duties for a law enforcement officer or handler acting on behalf of a law enforcement agency.

- Excludes police dogs from the provisions of this chapter.





# 90.004 Disturbing the Peace

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## 90.004 DISTURBING THE PEACE.

(a) The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises any time of the night or day.

(b) Any animal control officer or police officer may remove and impound any animal which is disturbing the peace when the owner of the animal cannot be located. A notice advising the owner of the impoundment shall be left on the premises.

(c) Any person having custody or control of any female dog or cat in heat shall be required to keep the dog or cat confined in a building, secure enclosure, veterinary hospital or boarding kennel so that it cannot attract or come into contact with another animal on public or private property except for controlled breeding purposes.

(1992 Code, § 7-4) (Ord. 21-75, passed 4-7-1975; Ord. 78-86, passed 8-25-1986)

# 90.004 Disturbing the Peace

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1. Complaint comes in to dispatch
2. Officer goes to the scene
  - Officer hears or does not hear the dog barking
  - Officer tries to make contact at door of residence, leaves notice if no contact is made
3. If multiple complaints come in but Animal Control doesn't hear barking, they advise of the barking dog log
4. Barking dog log filled out by RP.
  - Witnessed by someone who does not live at the address.
5. Case created and log entered into case. AC supervisor reviews for indication of excessive noise.
6. If excessive noise is indicated, log is sent to Assistant City Attorney for review.
7. Other neighbors are interviewed.
8. Affidavit drawn up by Police Department Detective.
9. Dog owner has the opportunity to present their case in court

Date: 2017-06-20  
SIRE Meeting ID: 2591  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/2tQ7x5QS-Wg>  
Agenda Item: Not Assigned  
Item ID: 84232

The following document(s) are public records obtained from the  
City of Sioux Falls.



# **Sioux Falls Police Animal Control Division**

**320 West Fourth Street  
Sioux Falls, South Dakota 57104  
Phone (605) 367-8764**

## **Animal Disturbing the Peace Log**

A person wishing to have a warrant issued against the owner of an animal creating a disturbance by making loud noises must first maintain an Animal Disturbing the Peace Log. A detailed, specific, and accurately kept log means a better chance of success if the case should be challenged in court. Successful prosecution of the animal owner is the most effective manner to resolve the disturbance problem.

After this log is completed and signed, contact Animal Control and advise us that this log is ready to be picked up. We will send an Animal Control Officer out to pick up this log. If sufficient evidence exists for a complaint, a warrant will be served on the animal owner.

---

**Sample Log and Instructions on Page 2**

**Log is on Pages 3 and 4**

**All conditions must be met before a warrant  
will be issued for disturbing the peace.**

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### **Sec. 7-4(a) Disturbing the Peace**

The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises any time of the night or day.

\*\*\* Sample Log \*\*\*

Date	Time	Type of Noise	Duration of Noise
5-2	6 a.m.	Yelp	22 min.
5-2	4 p.m.	Bark	5 min.
5-2	4:30 p.m.	Howl	7 min.
5-2	11:20 p.m.	Whine	4 min.

***Please  
Print  
Clearly***

**Read all instructions before beginning this log**

This log must be kept in the following manner:

1. **Be specific.** Example: "Dog barked all day." **Wrong!!**  
"April 2, 4 a.m., barked 10 min." **Right!!**
2. Keep the log for **48 continuous hours. No longer, no less.** It is not necessary to stay up all night to monitor noise; just note when noise annoys you.
3. Indicate each and every time the noise is annoying and for how long the animal makes noise. Make sure you verify that the animal complained of is the animal making the noise.
4. The log should be signed by at least one additional witness at a different residence in addition to the person keeping the log.
5. When the log is completed (after 48 hours), call Animal Control at 367-8764 and an Animal Control Officer will stop by and pick it up. A warrant will be issued to the animal owner if sufficient evidence exists.

**A detailed, specific, and accurate  
disturbing the peace log  
is absolutely necessary in order to resolve  
noisy animal problems**

Animal Owner's Name: \_\_\_\_\_

Animal Owner's Address: \_\_\_\_\_

Animal Description: \_\_\_\_\_

Date	Time	Type of Noise	Duration of Noise	Date	Time	Type of Noise	Duration of Noise

**\*\*\*\*\* Remember Detail, Accuracy, and Be Specific \*\*\*\*\***

Date	Time	Type of Noise	Duration of Noise	Date	Time	Type of Noise	Duration of Noise

\*\*\*\*\* Notice \*\*\*\*\*

**Read this before you sign:** By signing this log, you are stating that at the times indicated on the log, the noise of the particular dog complained of was loud and annoyed or disturbed **you personally**. If a warrant is issued and a trial set, you will be required to testify based on your verification of the evidence contained in this log.

Complainant's Name (Please Print or Type): \_\_\_\_\_

Complainant's Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

#1 Witness Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

#2 Witness Signature: \_\_\_\_\_

Address: \_\_\_\_\_ Phone # \_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_



Date: 2017-06-20  
SIRE Meeting ID: 2591  
Meeting Type: Committee Meeting  
Subtype: Public Services Committee  
YouTube:<https://youtu.be/2tQ7x5QS-Wg>  
Agenda Item: Not Assigned  
Item ID: 84232

The following document(s) are public records obtained from the  
City of Sioux Falls.

**90.004 DISTURBING THE PEACE.**

- (a) The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises any time of the night or day.
- (b) Any animal control officer or police officer may remove and impound any animal which is disturbing the peace when the owner of the animal cannot be located. A notice advising the owner of the impoundment shall be left on the premises.
- (c) Any person having custody or control of any female dog or cat in heat shall be required to keep the dog or cat confined in a building, secure enclosure, veterinary hospital or boarding kennel so that it cannot attract or come into contact with another animal on public or private property except for controlled breeding purposes.

(1992 Code, § 7-4) (Ord. 21-75, passed 4-7-1975; Ord. 78-86, passed 8-25-1986)