

CHAPTER 3-1 DEFINITIONS

3-1-1

ANIMALS

Intent: These regulations are enacted for the purpose of regulating the ownership and possession of animals in order to protect and promote the public health, safety and welfare for the residents and animals of the City of Brandon.

Effective Date: These regulations shall be in full force and effect from and after its passage and publication as provided by law.

Saving Clause: These regulations shall in no manner affect pending actions either civil or criminal, founded on or growing out of any regulations hereby repealed. These regulations shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any regulations repealed.

Severability: Should any provision of this ordinance be declared invalid for any reason, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof.

Legislative History:
Ordinance No. 330, 8/1/03

Authority:
SDCL § 9-29-1, 2, 3, 11, 12 & 13

3-1-2

DEFINITIONS IN GENERAL

Words, when used in this chapter, unless the context otherwise plainly refers, shall have the meaning indicated:

- A. **ANIMAL:** Any mammal, bird, reptile, amphibian or fish, except humans.
- B. **ANIMAL CONTROL OFFICER:** Any person or persons duly appointed to the position by the City Council or an employee of the Sioux Falls Humane Society responsible for the animal control within the City.
- C. **ANIMAL SHELTER:** Facility designated for the care of animals impounded, whether maintained by the City or a contracted agency.
- D. **AT LARGE:** An animal which is not under the control of the owner, possessor, keeper, agent, servant, or a member of his immediate family by a leash or lead or by being tied to a sturdy stake or tree, or is not within an area which is fenced.
- E. **EXOTIC ANIMALS:** Any animal which is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to: Lions, tigers, cheetahs, panthers, leopards, cougar, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes. "Exotic Animal" shall not include domestic ferrets (*Mustelia Furo*), livestock, or household pets as defined herein. Alleged domestication of any exotic animals shall not affect its status under this definition.

- F. **FENCE:** A fence may be visible or invisible. Fences meant to contain an unleashed or untied animal must be constructed of materials and in a manner designed to achieve the purpose of containment of the animal intended to be kept within the area fenced. An animal which is able to breach the fences may be considered to be at large and may be impounded.
- G. **HOUSEHOLD PET:** An animal customarily permitted to be kept in a yard or dwelling for company or pleasure, including but not limited to, dogs, cats, pot-bellied pigs, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose. "Household Pet" shall not include animals which are the offspring of a household pet or are exotic animals as defined herein.
- H. **IMPOUND:** The act by an authorized person of taking up and confining an animal within an animal control facility or shelter.
- I. **LIVESTOCK:** Includes but is not limited to horses, mules, cattle, bison, burros, llamas, alpacas, swine, sheep and goats. Poultry includes but is not limited to chickens, turkeys, game birds, peafowl and ostriches.
- J. **LEASH:** Means a cord, thong, or chain not more than ten (10) feet in length by which an animal is controlled by the person accompanying it off the caretaker's property.
- K. **OWNER:** Means a person owning, keeping or harboring an animal; the occupant of any premises to which a dog or animal customarily returns is presumed to be the owner.
- L. **PREMISES:** Means the dwelling house and outbuildings and the lot or tract of land on which the same are situated and shall include an automobile or other vehicle in which the owner of the animal shall be an occupant or of which he shall have control, or in which the animal shall be situated with the consent of the owner of the vehicle.
- M. **VACCINATION:** Means the injection by a licensed veterinarian of vaccine.
- N. **VETERINARIAN:** Means any licensed practitioner of veterinary medicine licensed to practice such profession in the state.
- O. **VICIOUS ANIMAL:** Is one that bites or attempts to bite any person; bites another animal, or in a vicious and terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated.

Legislative History:

Ordinance No. 2, Article 4,
Ordinance No. 266, 5/5/98
§1, 12/10/73 in part
Ordinance No. 330, 8/1/03
Ordinance No. 351, 7/20/04

Authority:

SDCL § 9-29-3, 9-29-12;
See Also § 2-14-4.