

## **CHAPTER 3-2 ANIMALS**

### **3-2-1**

#### **LICENSING OF ANIMALS**

All animals kept, harbored or maintained, in the City of Brandon shall be licensed and registered if over six months of age. Animal licenses shall be issued by the Finance Officer upon payment of a fee in an amount to be established by resolution of the City Council. The owner shall state at the time application is made for such license and upon such forms as the Finance Officer may provide for such purpose the owner's name and address, and the name, breed, color and sex of each animal owned or kept by him, and present to the Finance Officer a record by a licensed veterinarian that the animal has been vaccinated for rabies as provided hereafter. This section includes, but is not limited to dogs and cats. Violation of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

**Legislative History:**

1990 Revisions.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL § 9-29-12.

### **3-2-2**

#### **CONDITIONS FOR ANIMAL LICENSE**

As a condition to the issuance of an animal license, the person making such application shall furnish a certificate from a licensed veterinarian that the animal sought to be licensed has been vaccinated for and made immune to rabies within the previous year.

**Legislative History:**

1990 Revisions.  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §9-29-12 and Ch. 40-34 generally.

### **3-2-3**

#### **RABIES VACCINE IN GENERAL**

On or before July first of each year, every owner shall have his animals vaccinated against rabies, except in cases where an animal shall have been properly vaccinated with the type of vaccine known as the modified live virus, chick embryo origin or another type of vaccine having a longer immunization period. The vaccination required by this section need not be repeated during the time for which the animal is effectively immunized as determined by the licensed veterinarian granting a vaccination certificate under this title.

**Legislative History:**

Ordinance No. 2, Article 4,  
§20, 12/10/73, in part;  
Ordinance No. 24, 2/24/75, in part.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-34-1, 9-29-12  
9-29-3; SDCL Ch. 40-34 in general.

### 3-2-4

#### CITY ANIMAL TAGS

Upon payment of the license fee, as set by resolution of the City Council, the Finance Officer shall issue to the owner a tag for each animal so licensed. Every owner shall be required to provide each animal with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Animal tags shall not be transferrable from one animal to another and no refunds shall be made on any animal license fee because of death of the animal or the owner's leaving the City before expiration of the license period.

Violation of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

**Legislative History:**

Ordinance No. 2, Art.4, §22,  
12/10/73, in part.  
Ordinance No. 24, 2/24/75, in part.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-29-3,  
9-29-12, 9-34-1.

### 3-2-5

#### RABIES CERTIFICATES AND TAGS

A licensed veterinarian who vaccinates any animal shall issue to the owner thereof a vaccination certificate. The vaccination certificate shall be prepared and issued in triplicate, one copy to be retained by the issuing licensed veterinarian. A second copy shall be sent to the City Finance Officer for safe keeping.

Each certificate shall bear the name and address of the licensed veterinarian who issued it and a statement containing the description and name of the animal immunized, the type of vaccine used, the date of the vaccination, the date on which the period of effective immunization will expire, and a serial number.

The licensed veterinarian shall also furnish each owner with a metal tag bearing the certificate number and the year of vaccination. Said tag shall be affixed by the owner of the animal to the collar or harness of the said animal for which the certificate was issued. No one except the owner or his duly authorized agent shall remove the collar with the attached tag from the animal.

Violation of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

**Legislative History:**

Ordinance No. 2, Art.4, §22,  
12/10/73, in part.  
Ordinance No. 24, 2/24/75,  
in part.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-29-3,  
9-29-12, 9-34-1.

**Collateral Reference:**

Try SDCL Ch. 40-34 generally.

### 3-2-6

#### ALIEN VACCINATIONS

Any owner who has had his animal vaccinated against rabies in another state or

municipality by a licensed veterinarian therein shall not be required to have such animal re-vaccinated during the current year when the animal is brought into this municipality; provided, that the requirements of such state or municipality under which the vaccination was made were of a standard which is equal or greater than those required by this article, and further provided that such animal wears a tag affixed to his collar or harness bearing the date of such vaccination.

**Legislative History:**

Ordinance No. 2, Art.4, §22,  
12/10/73, in part.  
Ordinance No. 24, 2/24/75, in part.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-29-3,  
9-29-12, 9-34-1,

**Collateral Reference:**

Try SDCL Ch. 40-34 generally.

### 3-2-7

#### **RABIES OBSERVATION**

If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies or has bitten any individual, who is not a member of the owner's family such animal shall be confined and shall be placed under the observation of a licensed veterinarian or the animal control officer or other agent as specified by the city at the expense of the owner for a period of at least ten (10) days or as ordered by said licensed veterinarian, Animal Control Officer, or other agent of the City. The owner of any animal shall notify the police of the fact that his animal has been exposed to rabies or has bitten an individual, and the Animal Control Officer shall have such animal removed from the owner's premises and placed under observation in the City pound or the Humane Society for a period of ten (10) days at the expense of the owner.

**Legislative History:**

Ordinance No. 2, Article 4,  
§23, 12/10/73, in part.  
Ordinance No. 24, 2/24/75, in part.  
Ordinance No. 213, 5/5/93  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-29-3 & 12

### 3-2-8

#### **QUARANTINE**

Whenever the governing body of the City or the Animal Control Officer thereof, has reason to believe that there is danger that rabies may spread within the municipality, the City Council shall publish a notice requiring owners of animals, and other specified animals in the area designated, to confine the animals for such period as may be necessary to prevent the spread of rabies. The City Council shall have the authority to quarantine for a period not less than six (6) months, any animal bitten by another animal known or suspected to have rabies, and to quarantine for a period not to exceed ten (10) days, any animals which have bitten a human being or which exhibit symptoms of rabies. The animal shall be held in a kennel as specified by the Police Department. If an animal that has bitten another person should become ill or die within the quarantine period, the owner shall be financially responsible for the expense of the animal being tested for rabies by a proper laboratory. All confinement imposed shall be of sufficient strength to hold such animal securely.

**Legislative History:**

Ordinance No. 2, Article 4,  
§23, 12/10/73, in part.

**Authority:**

SDCL §§ 9-29-3 & 13

Ordinance No. 24, 2/24/75, in part.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

### 3-2-9

#### ANIMALS RUNNING AT LARGE

It shall be unlawful for any person, firm or corporation, to allow any animal, owned, controlled or harbored by any person to run at large on the streets, alleys, or property of any other person within the City limits of Brandon, South Dakota.

Any person having an animal within the City limits may allow it to roam but shall have it tied, leashed, or fenced upon their property. It shall be unlawful for any person to allow an animal off the premises without the animal being held in leash. Any animal riding in a motor vehicle is considered to be on the owner's property. Violation of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

Any person, firm, or corporation having permanent or temporary control of any animal within the City limits and located upon the animal owner's private property, or upon any other private property, or upon any public property, or in or upon a motorized or unmotorized vehicle of any kind, shall at all times:

- A. Have the animal tied to a stake, post or tree of a size sufficient to restrict the animal; or
- B. Have the animal leashed and the leash under the control of a person who is physically large enough to control the animal; or
- C. Have the animal contained by a visible or invisible fence. The presence of functional invisible fencing on private property shall be made known by prominent placement of a sign indicating such fencing is present, which sign shall be readily visible to passers-by. Failure to post notice of the presence of invisible fencing shall constitute acknowledgment that no such fence is present and mere failure to post the notice shall not be a defense to any action brought by the City of violation of this ordinance.

**Legislative History:**

Ordinance No. 2, Article 4,  
§2, 12/10/73, in part  
Ordinance No. 213, 5/5/93  
Ordinance No. 271, 9/7/98  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL § 9-29-13;  
Compare SDCL § 40-34-14.

**Cross Reference:**

The Brandon City Code, § 3-2-11.

### 3-2-10

#### DISTURBING THE PEACE

- A. The owner or custodian of an animal shall not allow the animal to create a nuisance by making loud noises any time of the night or day.
- B. A nuisance shall constitute an ongoing problem over several days and/or at several intervals throughout a 24-hour period for any length of time. The Police Department shall have the authority to use all reasonable means to abate such

nuisance, including but not limited to, requiring that the owner make bona fide efforts to quiet his animal, and impoundment of the animal when the owner is absent from the premises. A notice advising the owner of the impoundment shall be left on the premises. No summons and complaint shall be issued unless there are at least two (2) or more complaining witnesses from separate households who shall have signed such complaint. The Police Department or Animal Control Officer that has investigated and documented the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its frequent, habitual and continued loud noises, may satisfy the requirement for the second complaining witness and may also testify to his observations at trial.

- C. An animal or several animals contained upon one property constitute a nuisance when loud noises are made by the animal or animals either consistently throughout the day or night, or, at intervals over the course of a day or night.
- D. Complaints by citizens about animals violating Section 3-2-10(B) shall be made in writing, signed by the complaining party, and delivered or mailed to the Police Department. Upon receipt of two or more signed complaints from separate households within any fourteen-day period, the Animal Control Officer or Police Department shall provide written notice to the residents of the property complained of that the animal must be quieted or the animal may be impounded by the City, and the residents cited for violation of this ordinance. One of the two required complaining parties may be the Animal Control Officer or Police Officer.
- E. If the resident is absent from the premises at the time of impounding for violation of Section 3-2-10(C), a notice advising of the impoundment shall be left on the premises of the resident(s) of the premises.

**Legislative History:**  
Ordinance No. 2, Article 4,  
§2, 12/10/73, in part.  
Ordinance No. 271, 9/7/98  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL § 9-29-13.

## 3-2-11

### VICIOUS ANIMALS

- A. An animal may be declared to be vicious by the Animal Control Officer for the following reasons:
  - 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 any public ground or place; or
  - 2. An animal which on private property in a vicious or terrifying manner approaches in an apparent attitude of attack, or bites or inflicts injury or otherwise attacks a person or other animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property in the of course of dealing with the owner or occupant of such property, or
  - 3. Any animal of a known propensity, tendency or otherwise threaten the safety of human beings or animals,

4. No animal may be declared vicious if the injury or damage is sustained to any person or animal who was tormenting, abusing or assaulting the animal or who was trespassing on the property by committing or attempting to commit a crime.
- B. When the animal control officer declares an animal to be vicious, the officer shall notify the owner of such declaration in writing that such animal must be registered as a vicious animal. Said notice shall be served either in person or by mailing such notice by certified mail.
- C. The owner of an animal that has been declared vicious shall make application to the animal control officer to register said vicious animal and shall comply with the following:
1. The owner of the animal shall notify the animal control officer 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 or death of the animal.
  2. If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six feet and under control of a person over 18 years of age.
  3. If the animal is outdoors and unattended, the animal must be locked in an escape proof kennel approved by the animal control officer. Minimum standards shall include the following:
    - a. Fencing material shall not have openings with a diameter of more than 2".
    - b. Any gates within such pen or structure shall be lockable and of such design to prevent the entry of children or the escape of the animal.
    - c. The pen or structure shall have secure sides and top. If the pen or structure has not bottom secured to the sides, the sides shall be embedded in the ground or concrete.
    - d. The pen or structure shall protect the animal from the elements.
    - e. The pen or structure may be required to have a double exterior wall to prevent the insertion of fingers or other objects.
  4. A universal sign denoting a vicious animal shall be displayed on the pen or structure visible from the sidewalk/street and adjacent to the property where the animal is kept.
  5. The kennel or structure shall be inspected annually by the animal control officer. All expenses incurred for said inspection will be the responsibility of the owner.
  6. The owner shall carry \$100,000 liability insurance covering the medical and/or veterinary costs resulting from the vicious animal's actions or any other damage the animal may do. Proof of insurance shall be filed with the animal control officer annually.

7. The owner of the animal shall present proof to the animal control officer that the animal has been altered to prevent reproduction.
- D. The vicious animal shall be impounded by the animal control officer, at the owner's expense until such time as the provisions in Section C are complied with.
- E. If the conditions in Section C are not met within a period of 30 days, the animal shall be euthanized by the Humane Society. All costs associated with impoundment, compliance with Section C herein, and euthanasia shall be paid by the owner.
- F. The owner or caretaker of a vicious animal shall immediately notify the animal control officer if the animal should become loose or attacks a human or animal.
- G. If the vicious animal is owned by a minor, the parent/guardian of the minor shall be responsible for the compliance of all the regulations imposed and liable for all injuries or damage sustained by any person caused by an attack by the animal.
- H. Any vicious animal found off the premises of the owner, other than provided by this section, shall be seized by the animal control officer and impounded. If the animal can not be captured, the animal control office may have the animal destroyed. If the animal was seen off the property or if it bites a person or animal, the animal will be delivered to the Humane Society within 24 hours and the owner to appear in court to show cause why this animal should not be destroyed. The animal control officer shall use such means as necessary to impound the animal. The owner shall bear all cost of impoundment and board.

**Legislative History:**  
 Ordinance No. 2, Article 4,  
 Ordinance No. 266, 5/5/98  
 Ordinance No. 330, 8/1/03  
 Ordinance No. 351, 7/20/04

**Authority:**  
 SDCL §§ 9-29-3, 12 & 13

### 3-2-12

#### **ENFORCING OFFICER OR CITY AGENT DEFINED**

Any animal control officer appointed by the City Council shall be defined as an agent of the City, or as an enforcing officer, both of which shall have power under this title. The Council may choose the Chief of Police when filling this position.

**Legislative History:**  
 1990 Revisions.  
 Ordinance No. 351, 7/20/04

**Authority:**  
 SDCL §§ 9-29-3, 9-29-12,  
 9-29-13, 2-14-4.

### 3-2-13

#### **RIGHT OF ENTRY IN PURSUIT.**

When in immediate pursuit of any animal found to be at large in the City, an animal control officer may enter upon the premises of the owner of such offending animal for the purpose of apprehending such animal, provided that, for the purposes of this section, the word premises shall not be construed to include the inside of any dwelling.

**Legislative History:**  
 1990 Revisions.

**Authority:**  
 SDCL §§ 9-29-3, 9-29-12.

### 3-2-14

#### **IMPOUNDMENT**

Any animal found running at large contrary to the provisions of this title, may be impounded in the City pound or other suitable place. Notice shall be posted at the residence from which the animal was removed, indicating the violation, time, date and where the animal can be reclaimed. The person in charge upon receiving any such animal shall make a complete registry, entering the breed, color and sex of the animal and whether it is licensed. If licensed he shall enter the name and address of the owner and the number of the license tag. As soon as practical after the impounding of any animal, the owner shall be notified, or if the owner of the animal is unknown, notice shall be given by posting in the City Finance Officer's office describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of the license fee, if unpaid, and all costs and charges incurred by the city of Brandon, for the impounding, notice and maintenance of said animal. The Council is empowered to set fees. It shall be the duty of the person in charge to keep all animals so impounded for a period of seventy-two (72) hours. If at the expiration of three seventy-two (72) hours from the date of notice to the owner or the posting of notice such animal shall not have been redeemed by the owner, then any other person may, upon compliance with the terms of this title, redeem such animal from the pound and become the lawful owner thereof. If no person redeems the animal, it may, at the discretion of the animal control officer, be destroyed or adopted.

**Legislative History:**  
Ordinance No. 2, Article 4,  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-29-12 & 13

### 3-2-15

#### **KENNEL LICENSES ISSUED**

The City Finance Officer, upon receipt of an application showing the owner's name and address, the name, breed, age, color and sex of each animal kenneled by the owner, a certificate signed by a licensed veterinarian that each animal has been vaccinated and upon payment of the appropriate kennel license fee, as established by the City Council, shall issue a kennel license to the owners of animal kennels. All animals housed in a licensed kennel shall be exempt from the other licensing provision of this ordinance.

**Legislative History:**  
1990 Revisions.  
Ordinance No. 330, 8/1/03.  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-29-12, 9-29-3.  
SDCL §§ 9-29-3, 12 & 13.

### 3-2-16

#### **RELEASING SHELTERED ANIMALS**

No person shall unlawfully release, or assist in releasing any animal from the City impoundment facility. A violation of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

**Legislative History:**  
1990 Revisions  
Ordinance No. 271, 9/7/98  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §9-19-3.

**3-2-17**

**CRUELTY TO ANIMALS**

No person shall willfully or negligently mistreat, abuse or neglect in a cruel or inhumane manner any animal or fowl.

**Legislative History:**  
Ordinance No. 2, Article 4,  
§6, 12/10/73.  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL § 9-29-11.

**3-2-18**

**STRAY ABANDONED OR UNKEPT ANIMALS**

No person shall harbor or keep any stray animals. Animals known to be strays shall be reported to the animal control officer and/or police officer immediately.

**Legislative History:**  
Ordinance No. 2, Article 4,  
§7, 12/10/73.  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL § 9-29-12.

**3-2-19**

**UNLAWFUL TO POISON**

It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal with the intent to injure or destroy such animal, or to wilfully or maliciously place any poison or poisoned food where the same is accessible to any such animal.

**Legislative History:**  
Ordinance No. 2, Article 4,  
§8, 12/10/73.  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL § 9-29-11.

**3-2-20**

**CITY POUND MASTER IN GENERAL**

The City Council is hereby authorized to provide for the appointment of animal control offices for the enforcement of this Title, for the impounding, destroying, and disposal of animals, and for a schedule of fees to be charged for services rendered, and for a monthly amount to be paid by the City for this service.

**Legislative History:**  
Ordinance No. 2, Article 4  
§3, 12/10/73.  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-29-3 & 12

**3-2-21**

**INTERFERENCE WITH PERFORMANCE OF DUTIES**

No person shall hinder, delay or obstruct any animal control officer or his assistant or when engaged in capturing, securing, or impounding any animal or animals.

**Legislative History:**  
Ordinance No. 2, Article 4, §42, 12/10/73.  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL § 9-29-3

### **3-2-22**

#### **REPORT OF SUSPECTED CASES - GENERALLY**

Any person who shall suspect that any animal within the city limits is infected with rabies shall report said animal to the animal control officer, or the police department.

**Legislative History:**

Ordinance No. 2, Article 4,  
§25, 12/10/73.  
Ordinance No. 61, 4/3/78.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-32-1.

### **3-2-23**

#### **SAME - BY VETERINARIANS**

Licensed veterinarians receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to the police department or animal control officer.

**Legislative History:**

Ordinance No. 2, Article 4,  
§26, 12/10/73.  
Ordinance No. 61, 4/3/78  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-32-1.

### **3-2-24**

#### **SAME BY PHYSICIANS**

Physicians immediately upon treatment of any person bitten by an animal shall report such information to the police department or animal control officer.

**Legislative History:**

Ordinance No. 2, Article 4,  
§27, 12/10/73.  
Ordinance No. 61, 4/3/78.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-32-1.

### **3-2-25**

#### **DESTRUCTION OF RABID ANIMALS**

If it is not reasonable under the circumstances to impound or to attempt to seize an animal reasonably believed to be rabid, the police officer or animal control officer has permission to destroy the animal immediately in any humane manner.

**Legislative History:**

Ordinance No. 2, Article 4, §28, 12/10/73.  
Ordinance No. 61, 4/3/78.  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**

SDCL §§ 9-32-1.

### **3-2-26**

#### **NUMBER OF PETS LIMITED**

It is unlawful for any person to have or to keep more than three (3) domestic pets over the age of six (6) months, except birds and fish, on any lot or premises in the City, unless such person residing on or in the lot or premises has a valid kennel license issued by the City. The City humane society, veterinarian officers and retail pet stores are exempt from the provisions of this section. Those domestic pets that are licensed by the

City as of May 1, 1993 are exempt.

**Legislative History:**  
Ordinance No. 213, 5/5/93  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-32-1  
SDCL §§ 9-29-12

### 3-2-27

#### **DISPOSITION OF ABUSED ANIMALS**

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

- A. Upon seizure of the animal or animals, the animal control officer shall serve notice upon the existing owner, if the identity of said existing owner is known, informing said existing owner of the animal control officer's intent to of the animal.
- B. The existing owner shall have 72 hours:
1. Declare in writing and deliver to the animal shelter keeping said animal or animals:
    - a. Notice of said existing owner's intent to maintain ownership of the animal or animals and to object to the adoption or euthanasia thereof, and;
    - b. Notice that said existing owner will pay when due all impoundment, board and veterinary costs until such time as the animal or animals shall be release to said existing owner or be adopted or euthanized.
  2. Pay to the animal control officer all impoundment, board and veterinary costs up to the date of the owner's declaration of intent to maintain his ownership of said animal or animals to the animal control shelter.
- C. Upon notification of said existing owner's intent to maintain ownership of the animal or animals and the existing owner's objection to the adoption of euthanasia of the animal or animals, said existing owner shall continue said payments to the animal control shelter for impoundment, board and veterinary costs on a weekly basis until such time as the animal or animals shall be released to said existing owner, or be adopted or euthanized.

If, after 72 hours the existing owner or the animal of animals fails to declare the hereinbefore stated intent, or if the existing owner fails to make any payment in a timely manner, or if the identity of said existing owner is unknown or notification to said existing owner cannot be made, ownership of the animal or animals will revert to the animal shelter.

**Legislative History:**  
Ordinance No. 262, 4/15/97  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-29-11, 12 & 13  
SDCL §§ 9-32-1

### 3-2-28

#### **EXOTIC OR WILD ANIMALS:**

- A. Exotic Animals Prohibited - No exotic animal as defined by this ordinance may

be housed or kept except for those legally within the City at the time of the effective date of this ordinance. Any exotic animals that are housed or kept prior to the effective date of this ordinance must be registered with the Police Department within ninety (90) days subsequent to the adoption of this ordinance. Facilities shall be maintained for these animals grand fathered in to insure protection of the public and humane care of the animal. This provision shall not apply to any circus or exotic animal exhibit or display that is validly and legally operating within the City for a specific and limited time period.

- B. No person shall allow any exotic or wild animal to run at large unattended.
- C. Any exotic or wild animal that is at large will be impounded by the animal control officer. If the animal control officer can not capture the animal, the animal may be destroyed.
- D. The owner shall bear all costs of impoundment, board and euthanasia of the animal.

**Legislative History:**  
Ordinance No. 266, 5/5/98  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-29-11, 12 & 13  
SDCL §§ 9-32-1

### 3-2-29

#### **RESPONSIBILITY:**

- A. No person shall create or maintain any condition or operate any equipment or keep any animal, fowl, pet or insect under his jurisdiction in a way that is likely to cause the transmission of diseases from animals or insects to humans.
- B. No owner, keeper, caretaker, or attendant of an animal shall allow an animal to defecate on public or private property other than his own. If such animal does defecate upon public or private property, the owner, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property.

Violation of any part of this ordinance is punishable by a fine or by imprisonment, or both, as established in 1-10-1 of the Brandon Municipal Code.

- C. Anyone walking an animal on public or private property other than his own must carry with him visible means of cleaning up any fecal matter left by the animal. Animals used in parades or involved in law enforcement are exempt from this section.

**Legislative History:**  
Ordinance No. 266, 5/5/98  
Ordinance No. 330, 8/1/03  
Ordinance No. 351, 7/20/04

**Authority:**  
SDCL §§ 9-29-11, 12 & 13  
SDCL §§ 9-32-1  
SDCL §§ 9-32-10