

ORDINANCE NO. 2009-04-01

AN ORDINANCE FOR ANIMAL CONTROL IN RURAL EDMUNDS COUNTY

BE IT ORDAINED BY EDMUNDS COUNTY AS FOLLOWS:

ARTICLE I

STATEMENT OF PURPOSE

The Animal Control Ordinance is enacted for the purpose of controlling animals and protecting the public in those areas located entirely outside of a municipal boundary, yet within Edmunds County.

ARTICLE II

DEFINITIONS

The following words, terms, and phrases, when used in this ordinance shall have the following meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Animal: For the purpose of this ordinance, animal shall mean dog or cat.

Owner: A person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on or about his premises. The occupant of any premises to which a dog customarily returns is presumed to be the owner.

Premises: A lot, parcel, tract or plot of land together with all buildings and structures.

ARTICLE III

GEOGRAPHIC JURISDICTION

This ordinance providing for the control of animals shall apply to all of Edmunds County, State of South Dakota, except for those areas incorporated within any municipality where a city ordinance exists.

ARTICLE IV

RUNNING AT LARGE PROHIBITED

The owner of an animal should not permit such animal to run at large. An animal shall be deemed to be running at large whenever such animal is off the premises and not under the immediate physical control of its owner, possessor, keeper, agent, servant or a member of the immediate family thereof. Whenever an animal is found running at large, the same shall constitute prima facie evidence that the owner permitted it to run at large.

ARTICLE V

EXEPTIONS

The ordinance is not intended to prohibit or limit the ability of a dog to run at large in following circumstances:

- (1) While engaged in lawful hunting activity under the supervision of their owners or handlers;
- (2) While engaged in any lawful training activity under the supervision of their owners or handlers;
- (3) While engaged in any lawful herding or other farm related activity under the supervision of their owners or handlers.

ARTICLE VI

ENFORCEMENT OF ORDINANCE

It shall be the duty of the Sheriff's Department to carry out and enforce all the provisions of this ordinance. No person shall hinder, delay or obstruct the Sheriff, his/her assistance, or any law enforcement officer when such officer is engaged in performance of an official duty.

ARTICLE VII

SANCTIONS

Any owner found to be in violation of this section shall be given a written warning for the first offense, a fine in the amount of fifty dollars (\$50) for the second offense, one hundred dollars (\$100) for the third offense and two-hundred and fifty dollars (\$250) for each subsequent offense thereafter within any one-year period.

ARTICLE VIII

DISPOSITION OF FEES

All fees collected pursuant to this Ordinance shall be deposited in the General Fund. The Edmunds County Treasurer shall provide the County Commissioners with a report of fees collected, as requested, but not less than once per year, prior to budget finalization.

ARTICLE IV

SEVERABILITY

Should any provision or section of this ordinance be held unconstitutional or invalid, such holdings shall not be construed as affecting the validity of any of the remaining provisions or sections, it being the intent of the County Commissioners that this ordinance shall stand, notwithstanding the validity of any provision or section thereof.

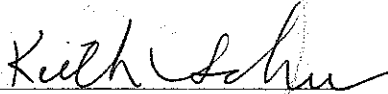
EDMUNDS COUNTY

By: 

Jeffrey C. Aman, Chairman

Edmunds County Board of Commissioners

ATTEST:



Keith Schurr,

Edmunds County Auditor

First Reading: March 25, 2009

Second Reading: April 7, 2009

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