

2010 Legal and Public Notices

animal control ordinances. Each kennel shall be kept in a clean and sanitary condition, and not permitted to become a nuisance. Any real property for which a kennel license has been issued, or upon real property for which a person claims a kennel exists, may be inspected at reasonable times by the animal control officer to ensure that it meets the requirements of all city ordinances and state statutes, and is being operated in a humane manner. If issued a written notice to clean such kennel, then the owner shall do so within twenty four (24) hours after the notice is actually received by the kennel owner.

5-42Pet Limitations. No person may possess in any dwelling unit within the city more than three (3) adult dogs; a dog or cat is considered an "adult" is six (6) months old or older. No person shall possess more than any mix of six (6) domesticated animals. When calculating the number of animals, hens shall not be counted within the six (6) animals. Exceeding the number of permissible pets is a class 2 misdemeanor.

Offspring of the animals currently owned may be kept in excess to this number until they reach the age of six (6) months. Any person may keep more than six (6) fish.

Any person who can prove, through city licensing records, that they legally possessed animals in excess of that prohibited by Sec. 5-42 on the date this ordinance is enacted, which is November 11, 2013, may keep such animals until the animal's demise or removal from the city. Any such paperwork will require a specific description of any dog or cat. No new animals may be added to the household until the amount of animals is in compliance with this section. In addition to any other penalty prescribed by this chapter, the animal control officer may take the excess animals. The owner will be liable for all costs.

DIVISION 4. Unlicensed or Unvaccinated Animals

5-50 Authority. The animal control officer is hereby authorized and empowered to take possession and to impound any at large animal or any unlicensed or unvaccinated dog or cat found within the City.

The Board of City Commissioners shall establish and maintain facilities to be used for a pound within the City or it may contract with any person or entity in the private sector for the establishment and maintenance of a pound. Subject to the City Manager's discretion, such public pound shall be under the charge of the chief of police or his or her designated representative.

5-51 Duty to Impound. Any dog or cat not licensed or not vaccinated as required by this chapter may be taken into City possession and then impounded at the city pound or other suitable place within the discretion of the animal control officer. A pickup and transportation fee shall be charged for every animal seized and then transported to the pound.

5-52 Alternate Procedure. If a dog or cat cannot be seized for any reason and the owner is known to the animal control officer, then said officer may serve upon the owner a ticket indicating that dog or cat is in violation of an animal control ordinance. Said notice shall state the violation date, time, location, breed and color of the dog or cat, the license number, if known, and the name and address of the owner of such dog or cat.

5-53 Animal Impound Registry. There shall be one animal impound registry of all animals taken into City possession and/or released from the City's possession. The animal impound registry shall be maintained and kept accurate by the animal control officer.

The animal impound registry shall contain the following information: (a) the breed, (b) color and sex of such dog or cat, (c) whether the dog or cat is licensed, (d) the place the animal was apprehended, and (e) the dates of possession of the place the dog or cat. If the dog or cat is licensed, the registry shall note the name and address of the owner and the number of the license tag.

5-54 Separation. To the extent possible, licensed dogs or cats shall be separated from unlicensed dogs or cats.

All animals captured, transported and impounded as provided by this chapter shall be kept with humane treatment and supplied with sufficient food and water

5-55 Notice of Impoundment. If the animal is licensed, then the animal control officer shall at his or her earliest convenience serve written notice of the impoundment upon the owner of the dog or cat.

If the animal is unlicensed, then the animal control officer shall either post a written notice containing the information required for the registry at a conspicuous place in the Yankton County Courthouse or publish the same on the City of Yankton's website.

5-56 Impoundment Charges. The Board of City Commissioners from time to time shall establish fees for seizing or transporting an animal and charges for the im-

2010 Legal and Public Notices

poundment and maintenance of animals.

5-57 Payment of Impoundment Charges. Prior to receiving re-possession of an impounded animal, the owner shall pay all seizure and transportation fees and impoundment charges.

5-58 Unlicensed or Unvaccinated Animals. In addition, prior to receiving re-possession of an animal, the owner shall properly license the animal. If the animal is unvaccinated, then the animal control officer shall cause the animal to be vaccinated and the owner, prior to receiving re-possession of the animal, shall reimburse the City for the costs of said vaccination.

5-59 Time of City's Possession of Animals. Licensed dogs or cats impounded pursuant to this division shall be kept for at least three (3) consecutive days, but no longer than ten (10) consecutive days, after service of notice of the impoundment. Unlicensed dogs or cats impounded pursuant to this division shall be kept for three (3) days, but no longer than ten (10) consecutive days, after giving or posting of the notice required by this division.

5-60 Disposition of Unclaimed Animals. All animals impounded herein which remain unclaimed after the times set forth herein shall be considered abandoned or a stray animal. The animal control officer may then dispose of the animal by any humane means.

5-61 Fraudulently Claiming Ownership. No person shall falsely claim ownership of a dog or cat. Fraudulently claiming ownership is a class 2 misdemeanor.

5-62 Fraudulent Adoption. No person shall adopt a dog or cat for the purpose of permitting the original owner to avoid payment of any imposed fees or charges. Fraudulent adoption is a class 2 misdemeanor.

5-63 Impoundment for Other Government Agency. The City may receive possession of any cat or dog from any other government agency so long as that agency pays for the impoundment fees.

DIVISION 5. Rabies

5-80 Duty to Report. If a person, including any veterinarian or any physician, has knowledge that any animal has bitten a person, or suspects that an animal is infected with rabies, then he or she shall timely notify the animal control officer, or other proper City official, of the same, including the name and address of the owner of the animal if known. Failing to properly report a rabid animal is a class 2 misdemeanor.

5-81 Review of License Registry. After the animal control officer has knowledge that an animal has bitten a person, then he or she shall conduct an investigation to determine whether the animal in question is licensed with the City, whether it has a current rabies vaccination, whether it is registered as a dangerous animal, and whether it is listed on the animal bite registry.

5-82 Duty to Maintain Animal Bite Registry. There shall be one animal bite registry of all animals that have bitten any person. The animal bite registry shall be maintained and kept accurate by the animal control officer.

5-83 Authority, Duty to Impound & Observation. The animal control officer is hereby authorized and empowered to take possession and to impound any animal suspected of having rabies found within the City.

If the animal in question does not have a current rabies vaccination, then the animal control officer shall impound the animal, or make other suitable and reasonable arrangements, for up to and including ten (10) consecutive days in order to observe the animal. The animal control officer may consult with a licensed veterinarian to assist in the observation of said animal.

5-84 Home Confinement & Observation If the animal in question does have a current rabies vaccination, then the animal control officer, in his or her discretion, may order home quarantine for at least (10) consecutive days in order to observe the animal.

5-85 Negative Observation & Release. If, after the ten (10) day observation period, the animal does not show active signs of rabies, and the animal is not being held as a dangerous animal, then the animal control officer shall transfer possession of the animal to the owner, who shall first pay for any impound fees, license fees, and veterinarian fees (which will be incurred if the animal was not previously vaccinated).

5-86 Positive Observation & Disposal If an animal is, or appears to be, suffering from rabies, then the animal control officer shall immediately consult with a licensed veterinarian. If the animal control officer and the licensed veterinarian agree that the animal is rabid, then the animal shall be immediately and humanely destroyed. The animal control officer shall within a reasonable time after making the decision to destroy the animal notify the owner of the animal.

The animal control officer has

2010 Legal and Public Notices

discretion to remove the head or other organs or parts, as required for the diagnosis of rabies, and send the same to an appropriate laboratory for an expedited determination of whether or not the animal committing the bite is infected with rabies.

5-87 Possession of Rabid Animal. No person shall knowingly possess any animal that is infected with rabies or any animal that has been bitten by an animal that the person knows to have been infected with rabies. Illegally possessing a rabid animal is a class 2 misdemeanor.

5-88 Muzzling Proclamation. Whenever the city manager shall have determined that there is danger of the existence or spread of rabies in the City, he or she shall make the facts known to the Board of City Commissioners, in writing, and he or she shall have authority, in the interest of public safety and general welfare of the citizenry, to order all animals to be muzzled when off the premises of the owner. Forty eight (48) hours after the publication of said proclamation, all un-muzzled animals found off the premises of the owner, may be seized and impounded.

DIVISION 6. - Dangerous Animals

5-100 Findings. The City finds that the prohibition of dangerous animals is warranted because of the immediate danger that said animals may pose to the public and other animals.

5-101 Applicability. Nothing in this section shall be construed to limit, affect, or apply to the use of animals by law enforcement, military, legitimate service animals, or certified and established rescue organizations.

5-102 Investigation. If the animal control officer receives information that an animal may be dangerous, then he or she shall conduct an investigation of said animal.

5-103 Dangerousness Factors. The following factors (the "dangerousness factors") shall be considered when determining whether an animal constitutes a dangerous animal:

- Provocation by any person or animal.
- Severity of the attack, including attempts to bite, or actual injury to a person or another animal.
- The person injured, such as a minor child.
- Previous aggressive history of the animal, including chasing persons or other animals.
- Observable behavior of the animal.
- Site and circumstances of the incident.
- Statements from interested parties.

5-104 Authority. The animal control officer is hereby authorized and empowered to take possession and to impound any animal suspected of being a dangerous animal.

If the animal control officer determines that an animal presents an immediate danger to the life of any person(s), then the animal control officer, due to the exigent circumstances, may use lethal force to seize or to destroy the animal.

5-105 Release. If the animal control officer concludes that the animal is not dangerous, then the animal shall not be returned to the owner after it is verified that it and the owner are in compliance with all applicable city ordinances.

5-106 Impoundment Factors. If the animal control officer, after conducting his or her investigation and applying the dangerousness factors (5-103), concludes that an animal constitutes a dangerous animal, then he or she must determine whether the animal should be impounded without first providing a hearing to the owner. The following factors (the "impoundment factors") shall be considered when determining whether to impound the animal:

- Whether the owner is an adult and physically capable of controlling the animal.
- Whether the owner has access to an indoor lockable kennel or room in which to secure the animal.
- Whether the owner possesses a muzzle and chain.
- Whether the owner has an outdoor escape-proof kennel, the location of the kennel to public areas, appropriate fencing around his or her yard, lockable gates, locks, and sufficient cartilage to provide clean and sanitary conditions.
- The severity of the injury.
- Whether the attack occurred on the owner's premises or elsewhere.
- The number of persons injured.
- Whether or not the animal has previously injured another person or animal.
- Whether the owner has liability insurance covering any damages the animal caused or causes.
- Whether the animal is licensed.
- Whether the animal is properly vaccinated for rabies.
- Whether the complaint was

2010 Legal and Public Notices

initiated by the animal's owner or a third party.

(m) The size and strength, breed and age of the animal.

(n) How long the owner has possessed the animal.

(o) The demonstrated and promised cooperation of the owner.

If, after applying all of the factors, and not giving more weight to one over another, the animal control officer determines that the public safety would be better served by impounding the animal, then the animal shall be impounded.

If, after applying all of the factors, and not giving more weight to one over another, the animal control officer determines that the public safety would be better served by not impounding the animal, then the animal shall be returned to the owner, with any reasonable restrictions imposed by the animal control officer. If the owner refuses to abide by the restrictions, then the animal shall be impounded.

5-107 Impoundment Notice. If the animal is impounded, then the City, within three (3) days after impoundment, shall provide written notice of impoundment, either by in person or mail service, to the owner. The letter shall include a notice of hearing, which shall occur within ten (10) days after the date of service of the notice of impoundment. The owner may waive the hearing, consent to a later hearing date, or consent to the impoundment. Notice of the hearing shall also be provided to the complainant, if any.

5-108 Impoundment Hearing. At the impoundment hearing, the City shall have the burden of proving by a preponderance of the evidence that continued impoundment is justified. The court shall consider the impoundment factors (5-106) and issue a written order. If the animal is not impounded, and a petition regarding dangerousness is still pending, then the Court shall order that the owner keep the animal in the City pending the outcome of the dangerousness trial and may order any other conditions for keeping possession of the animal as it sees fit.

5-109 Dangerousness Notice. If the animal control officer believes that the animal is a danger, then the City, within three (3) days after danger determination is made, shall provide written notice of the same, either by in person or mail service, to the owner. The letter shall include a notice of hearing, which shall be heard within twenty (20) days after the date of service of the dangerousness notice. The owner may waive the hearing, consent to a later hearing, or consent to the dangerousness determination. Notice of the hearing shall also be provided to the complainant, if any.

5-110 Dangerousness Hearing. At the dangerousness hearing, the City shall have the burden of proving by a preponderance of the evidence that animal is a danger and any costs that it has incurred regarding the animal, if any. At the hearing, all interested persons shall be given the opportunity to present evidence on the issue of the animal's dangerousness or potential dangerousness.

The court shall consider the dangerousness factors (5-103), issue a written decision, and, if dangerousness is found, then it shall issue an Order of Dangerousness. If the court determines that the animal is not a danger, then the animal shall be returned to the owner, after it is verified that it and the owner are in compliance with all applicable city ordinances. If the court determines that the animal is a danger, then the Court shall order that the animal be delivered to the City, and, if the owner has possession of the animal that the animal be destroyed within five (5) business days after the date of the court's written decision. The Court shall also identify the amount then owed by the owner and include a judgment for the same in favor of the City and against the owner.

If the owner of the dangerous animal appeals the court's decision, or in any way challenges the ultimate conclusion that the animal is dangerous, then the owner shall monthly pay for all kennel fees, which shall be invoiced on the 1st day of each month. Interest at the Category C rate, as found at SDCL 54-3-16(3), shall accumulate for all accounts not paid in full thirty (30) days after be invoiced.

5-111 Dangerous Animal Possession Prohibited. No person in the City shall own or have possession of any animal designated as a dangerous and/or vicious animal by any municipality, county or state government. Illegally possessing a dangerous animal is a class 2 misdemeanor.

5-112 Designation by other Entity. Any person owning or having custody of any animal designated as a dangerous and/or vicious animal by any municipality, county or state government shall notify, in writing, the City's animal control officer of the animal's address and conditions of maintenance within ten (10) days after the date upon which the person first resides within the City with the animal in question. "Resides" refers to taking possession of real

2010 Legal and Public Notices

property, either through ownership, lease, or license. A violation of this provision is a class 2 misdemeanor.

First Reading: October 28, 2013
Second Reading and Adoption: November 11, 2013
Publication: November 23, 2013
Effective Date: December 13, 2013

Nancy Wenande, Mayor

Attest:

Al Viereck, Finance Officer
Published once at the approximate cost of \$565.18.

Dallas

From Page 1

But Friday was a new day, perhaps opening a new chapter in this city's history, and a time to honor Kennedy and all the contributions he made to the country and nation.

"We stand in awe of a dreamer," Rawlings said during the first formal event held in the city to honor the life and legacy of the country's 35th president, calling Kennedy an "idealist without illusions who helped build a more just and equal world."

No matter what, though, Rawlings said, Kennedy and Dallas "will forever be linked."

Thousands of people who won tickets to Friday's high-security memorial event gathered in downtown Dallas — standing on the grassy knoll and throughout the area or sitting in wooden white folding chairs — for prayers, speeches, musical tributes and readings of Kennedy's own words.

"I think it was very respectful, somber, but respectful," said Sandra Howell, a 47-year-old Arlington, Texas, history teacher. "I think it was a very nice tribute to his life and legacy."

"This was a once in a lifetime thing." Cold and rainy weather forced organizers to cut two planned features from Friday's tribute — a musical performance by the Dallas Symphony Orchestra before the ceremony and a flyover at the end.

But those gathered say they didn't miss a thing.

"I thought it was very dignified," said Andrea Canafax, a 27-year-old Dallas woman who attended the event. "It is a good representation of the legacy."

Canafax and Howell were among the 5,000 people who won the ticket lottery — and were successfully vetted by Dallas police, who looked for violent criminal history — to attend the high-security memorial event.

Dallas Bishop Kevin J. Farrell offered up prayers for Kennedy, Dallas and all affected by the assassination.

"You, Lord, have lifted us up from the horrible tragedy enacted in this place," he said, adding that the "place that was a disgrace" has been made better.

"You turned our sorrow into a firm commitment to move forward," Farrell said. "May you always inspire us (as you did Kennedy) to dream of a world that never was and say, 'Why not?'"

Presidential historian David McCullough spoke of the president and his desire to make the world a better place that made the 1960s an "exciting time."

And he read part of the speech that Kennedy never got to give on Nov. 22, 1963.

The last paragraph of the speech Kennedy planned to deliver at his Dallas speech, had he made it, is now inscribed on a memorial plaque in Dealey Plaza that was unveiled during the anniversary ceremony.

"We, in this country, in

YOUR NEWS!

The Press & Dakotan

YOU'RE NEWS!

this generation, are — by destiny rather than by choice — the watchmen on the walls of world freedom," Kennedy had planned to say. "We ask, therefore, that we may be worthy of our power and responsibility, that we may exercise our strength with wisdom and restraint, and that we may achieve in our time and for all time the ancient vision of 'peace on earth, good will toward men.' That must always be our goal, and the righteousness of our cause must always underlie our strength. For as was written long ago: 'except the Lord keep the city, the watchmen waketh but in vain.'"

The 73-member U.S. Naval Academy Men's Glee Club sang. The Rev. Emeritus Zan W. Holmes Jr. of Dallas offered up additional prayers.

Former President George W. Bush, who lives in Dallas, put out a statement remembering Kennedy.

"Today we remember a dark episode in our nation's history, and we remember the leader whose life was cut short 50 years ago," Bush said. "John F. Kennedy dedicated himself to public service, and his example moved Americans to do more for our country."

"He believed in the greatness of the United States and the righteousness of liberty, and he defended them. On this solemn anniversary, Laura and I join our fellow citizens in honoring our 35th President."

On the morning of Nov. 22, 1963, Kennedy woke up at the old Hotel Texas in Fort Worth — now the site of the Hilton Fort Worth hotel.

He spoke to a large cheering crowd outside the hotel, talked to civic leaders gathered at a Fort Worth Chamber of Commerce breakfast and then went to the former Carswell Air Force Base and boarded Air Force One for a short flight to Dallas.

He and his wife, Jacqueline, along with Texas Gov. John Connally and Connally's wife, Nellie, rode in a presidential motorcade that was expected to take them to the Dallas Trade Mart for a luncheon with Dallas business and civic leaders.

Instead — about 12:30 p.m. — as the motorcade passed by the grassy knoll at Dealey Plaza on the west end of downtown Dallas, shots rang out, hitting Kennedy and Connally.

Kennedy was taken to Parkland Hospital and was later declared dead. Connally survived.

Less than a year later, the Warren Commission, a federal panel appointed by President Lyndon Johnson to investigate the assassination, concluded in an 888-page report that Lee Harvey Oswald, acting alone, shot Kennedy from the sixth floor of the nearby Texas School Book Depository.

"It's kind of eerie being here, kind of emotional," Cheryl Gilmore, a 55-year-old Dallas woman said after Friday's ceremony. "I'm right where it happened."

"I'm part of history." Longtime Dallas civic leader Ruth Altschuler headed up the committee that raised money for, and planned, this free event.

GOT NEWS?

Call The P&D At 665-7811



AM 1450

MORNING COFFEE

WEEKDAYS 7:40AM MONDAY THRU FRIDAY

Yankton's Home Team!