

**TITLE 32
ANIMALS**

(Title 1 moved to Title 32 and replaced in its entirety effective 4/22/05, Ordinance 2005-05)

Chapters:

- 32.01: General Provisions
- 32.02: Miscellaneous
- 32.03: Dogs and Cats
- 32.04: Vicious Animals
- 32.05: Hobby Beekeeping

**Chapter 32.01
GENERAL PROVISIONS**

SECTIONS:

- 32.01.01: Scope and Purpose
- 32.01.02: Definitions
- 32.01.03: Penalty

32.01.01: SCOPE AND PURPOSE

The purpose of this Title is to regulate the existence of animals within the City to assure the safety of the public while also assuring the humane treatment of animals within the City.

32.01.02: DEFINITIONS

ANIMAL: Any mammal, bird, reptile, amphibian or fish, except humans.

ANIMAL CONTROL OFFICER: An Animal Control Officer shall be any person appointed to perform this duty as provided by this Title or any police or law enforcement officer of the City of Sturgis.

ANIMAL SHELTER: Any premises designated by action of the City for the purpose of impounding and caring for all animals found to be in violation of this Title.

APPOINTED DESIGNEE: For the purpose of this Title the appointed designee shall be any person appointed by, or employee of the City of Sturgis, or in the case of a disaster, or other emergency situation, any member of an animal rescue or animal care group authorized by the City of Sturgis.

AT LARGE: Any animal shall be deemed to be at large when it is off the property of its owner and not under the immediate control of a competent person.

EXPOSED TO RABIES: An animal has been exposed to rabies within the meaning of this Title, if it has been bitten by or has been exposed to any animal known to or suspected of being infected with rabies.

KENNEL: Any person or corporation engaged in the commercial business of breeding, buying, selling or boarding animals. This definition shall not apply to the owner of only one breeding matron.

OWNER: Any person, groups of persons or corporations owning, keeping or harboring an animal.

RESTRAINT: An animal is under restraint if it is controlled by a leash, “at heel” beside a competent person and obedient to that person’s commands, in a vehicle, if attached to said vehicle or confined inside of the vehicle, in such a manner as not to allow it to reach outside the confines of that vehicle, or within a vehicle being driven on the street or parked within the property limits of its owner or keeper.

SHELTER TECHNICIAN: Any person who is employed by the City to care for the daily needs of food, water, and shelter of any animal impounded by the Animal Control Officer or Meade County Sheriff’s Deputy.

SPAYED FEMALE: A matron that has undergone surgery to prevent conception, whose owner can provide suitable proof of said surgery.

VICIOUS ANIMAL: An animal that has killed a human being or has inflicted injury on a human being that required medical treatment, or has killed or seriously injured a domestic animal without provocation, except for the following:

- a. An animal that was provoked
- b. An animal that was acting to protect persons or property, or
- c. An animal that injured or killed a person who was trespassing.

(Vicious Animal added by Ordinance 2014-10, effective 8/6/2014)

32.01.03: PENALTY

Any violation of the provisions of this Title is a Class 2 misdemeanor punishable by the maximum punishment set forth by the laws of the state of South Dakota pursuant to SDCL 22-6-2. Said punishment may also include payment of any costs and/or restitution authorized by this Title and/or state law.

(32.01.03 revised by Ordinance 2015-11, effective 11-18-2015)

(32.01.03 revised by Ordinance 2016-06, effective 8-17-2016)

Chapter 32.02
MISCELLANEOUS

SECTIONS:

- 32.02.01: Animal Shelter
- 32.02.02: Certain Animals Prohibited
- 32.02.03: Exceptions
- 32.02.04: Animals to be Impounded: Redemption
- 32.02.05: Chemical Immobilization
- 32.02.06: Cruelty to Animals: Generally
- 32.02.07: Teasing and Molesting
- 32.02.08: Killing, Injuring, or Poisoning Animals
- 32.02.09: Fights Between Animals Prohibited
- 32.02.10: Abandonment
- 32.02.11: Rabies Control: Impounding for Observation
- 32.02.12: Keeping Rabid Animals
- 32.02.13: Report of Suspected Cases: General
- 32.02.14: Report of Suspected Cases: Veterinarians
- 32.02.15: Report of Suspected Cases: Physicians
- 32.02.16: Investigation
- 32.02.17: Interference
- 32.02.18: Records
- 32.02.19: Vicious, Ferocious, Venomous, or Dangerous Animals
- 32.02.20: Enforcement

32.02.01: ANIMAL SHELTER

The City shall provide and maintain suitable shelter for the impounding of animals. Such shelter shall be so constructed that animals of different kinds and different sizes may be segregated, and maintained in a safe and sanitary condition. Such shelter may either be constructed and operated by the City, or the City may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed, watered, and treated in a humane manner.

The City may hire Shelter Technicians as needed. Persons holding this position shall be responsible for the daily maintenance of the shelter, the record keeping of the intake and release of animals, the maintenance of a working adoption program, the accurate and detailed accounting of all monies generated by the animal shelter. Monies collected by Shelter Technicians shall be presented to the City Finance Officer without delay.

32.02.02: CERTAIN ANIMALS PROHIBITED

No person shall allow, bring, keep, or maintain, into or within the City, whether under control or at large, any horse, cow, mule, swine, sheep, goats, fowl, and pigeons, except as otherwise provided in Section 32.02.03.

32.02.03: EXCEPTIONS

The animals mentioned in the previous Section shall be allowed within the City only when:

- A. They are used or are part of a legally authorized circus, menagerie, or carnival;
- B. They are used in or are a part of a legally authorized parade, provided that such animals shall only be allowed within the City for said purpose for the length of time necessary to participate in said parade;
- C. They are in the process of being transported from one area outside of the City to another, in which case they shall be in constant supervision and control of the owner, manager, or driver and such transporting shall be done with all due speed and care;
- D. They are on the premises of a duly licensed stock exchange, livestock sale ring, or veterinarian hospital;
- E. They are a part of a legally authorized livestock show or exhibition; or
- F. They are animals of an exotic nature and are kept as pets. There shall be no more than one such species on any premises, and the owner shall have received prior approval of the City Public Safety Committee, and the Animal Control Officer before the animal is moved to the premises, and permitted to remain.

32.02.04: ANIMALS TO BE IMPOUNDED: REDEMPTION

It shall be the duty of the Animal Control Officer to impound any animal found in violation of the provisions of this Title, and any persons claiming any animal so impounded shall pay to the Animal Control Officer for its discharge from the animal shelter, the sum of \$10.00 for each day or fractional part of a day each animal has been impounded, except that in the case of impounded fowl or pigeons the charge shall be \$1.50 per day per bird. The City shall have a lien against the animals for the cost of keeping and caring for such impounded animals in the amount it would take to have said animal discharged under the provisions herein. The City may foreclose said lien as by law provided by the foreclosure of liens against chattels.

32.02.05: CHEMICAL IMMOBILIZATION

The Animal Control Officer or his duly appointed designee is hereby authorized to use, operate and possess such devices that are designated to propel projectiles for the purpose of intermuscular injection of drugs used in the humane capture of animals. Any person using the above-described devices shall have specialized training in the use of the device, any and all departmental policies concerning the device, in the drugs, in the proper use of the drugs, and in the care of the animal after such drugs have been injected.

32.02.06: CRUELTY TO ANIMALS: GENERALLY

No person shall cruelly treat any animal in any way. Any person who inhumanely beats, or wantonly or maliciously tortures or deprives of necessary sustenance, drink, or shelter, overloads, abandons, mutilates or cruelly kills any animal shall be deemed guilty of a violation of this Section.

32.02.07: TEASING AND MOLESTING

Any person who inhumanely teases, molests, baits or in any way bothers any animal shall be deemed guilty of a violation of this Section.

32.02.08: KILLING, INJURING, OR POISONING ANIMALS

It shall be unlawful for any person to willfully or maliciously kill, wound, or injure any animal in any way except as to protect the lives of any person or livestock from being attacked by such animal; or to willfully or maliciously administer poison to any animal that is the property of another person or to expose any such poison substance with the intent that the same shall be taken and swallowed by any dog or cat or any animal that is the property of another person.

32.02.09: FIGHTS BETWEEN ANIMALS PROHIBITED

No person shall willfully allow any animal to fight, worry, or injure another animal, nor shall any person keep any house, pit, or other place to be used in permitting any fighting, worrying, or injuring of animals.

32.02.10: ABANDONMENT

It shall be unlawful for any person to abandon any animal upon a public right of way, or upon the property of another, or upon property owned by that person within the City.

32.02.11: RABIES CONTROL: IMPOUNDING FOR OBSERVATION

When any person owning or harboring an animal has been notified that said animal has bitten or attacked any person, the owner must immediately place the animal under the care and observation of the Animal Control Officer or a licensed veterinarian for a period of not less than ten (10) days, however, in those cases where the animal is a dog and the owner has a current rabies vaccination for said dog, the Officer may, if he feels the facilities are adequate, and if the owner is a responsible person, allow the quarantine of the dog on the owner's premises. In such a case, the owner must sign a statement in which the owner recognizes and assumes the responsibility that is involved with the quarantine of a dog that has bitten. A quarantined dog must, at all times, be available for inspection during the quarantine.

At the end of the ten (10) day period of observation, the animal shall be examined by a veterinarian or the Animal Control Officer, and if cleared, may be reclaimed by the owner, and the owner must pay the expense incurred incident thereto to include a daily impound fee of \$10.00 per day.

Any animal impounded or placed for observation showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

Any animal that has bitten or attacked and cannot be captured, shows signs of or is suspected of rabies, or any animal that has no confirmable rabies vaccination history may be destroyed in such a manner that the head is not damaged and can be submitted for rabies examination to a laboratory.

Every unvaccinated animal bitten by another animal showing positive symptoms of rabies shall be forthwith destroyed or shall, at the owner's option and expense, be held for observation for not less than six (6) months under direct supervision of a veterinarian, and the animal is to receive a rabies vaccination one (1) month prior to its release from observation.

Every owner having knowledge that his animal has bitten or is suspected of biting a human being, shall forthwith report the same to the Sturgis Police Department for disposition of said animal under the provisions of the ordinance.

32.02.12: KEEPING RABID ANIMALS

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to be infected with rabies.

32.02.13: REPORT OF SUSPECTED CASES: GENERAL

Any person who shall suspect any animal in the City to be infected with rabies shall report said animal to the Animal Control Officer, describing the animal and giving the name and address of the owner if known.

32.02.14: REPORT OF SUSPECTED CASES: VETERINARIANS

Veterinarians within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to any Animal Control Officer in the City.

32.02.15: REPORT OF SUSPECTED CASES: PHYSICIANS

Physicians within the City, immediately upon treatment of any person bitten by an animal, shall report such information to any Animal Control Officer of the City.

32.02.16: INVESTIGATION

For the purpose of discharging the duties imposed by this Title and to enforce the provisions thereof, any Animal Control Officer, or their appointed designee, is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the extradition by the owner of such animal, the license, or a valid rabies certificate for said animal. It is further provided that the Animal Control Officer, or their appointed designee, may enter upon the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal if there is probable cause to believe an animal or animals have been treated inhumanely.

The Animal Control Officer, or their appointed designee, is hereby authorized to follow and enter upon any enclosure or lot within the City in quest of any animal suspected of being infected by rabies, or to apprehend any dog which has been observed running at large.

32.02.17: INTERFERENCE

No person shall interfere with, hinder or molest any official in the performance of any duty of his office, or seek to release any animal in the custody of the Animal Control Officer except as herein provided.

32.02.18: RECORDS

It shall be the duty of the Animal Control Officer to keep accurate and detailed records of the licensing of, impounding, and disposition of all animals coming into their custody. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all monies collected by them, and promptly transfer and deliver all money or funds received to the Finance Office consistent with City policies. These records shall be open to inspection at all reasonable times by Police Department and Finance Office staff, and other persons ~~such person~~ responsible for

similar records in the City. The records shall be audited annually in the same manner as other City records are audited. The City Manager ~~Council~~ may appoint another person to perform the duties under this Section.

(32.02.18 revised by Ordinance 2016-06, effective 8-17-2016)

32.02.19: VICIOUS, FEROCIOUS, VENOMOUS, OR DANGEROUS ANIMALS

It shall be unlawful for any person to allow to be kept or maintained, run at large, or displayed in a crowded area within the City, any animal of a venomous, vicious, ferocious, or dangerous habit, nature, or disposition. Any such animal found running at large within the City, may be impounded or disposed of by the Animal Control Officer. All persons or organizations authorized by the City are excluded from this provision.

32.02.20: ENFORCEMENT

The provisions of this title shall be enforced by the Animal Control Office and his duly appointed agents. All violations in this section may be investigated by the Police Department with possible criminal charges as well as administrative fees being filed.

In addition, an Animal Control Officer as defined in this Title, and a Code Enforcement officer as defined in Title 36, are authorized to issue an administrative citation for any violation of this Title. The administrative penalty shall be \$100 for a first violation, \$200 for a second violation within twelve months, and \$300 for a third violation within eighteen months. An appeal of any administrative citation issued under this Title shall follow the procedure for an administrative citation appeal as set forth in Chapter 36.04 of Title 36 of Sturgis City Ordinances.

(32.02.20 revised by Ordinance 2016-06, effective 8-17-2016)

Chapter 32.03 DOGS AND CATS

SECTIONS:

- 32.03.01: Rabies Certificate
- 32.03.02: Exemptions
- 32.03.03: Dogs, Cats, and Ferrets Running At Large
- 32.03.04: Impoundment and Disposition of Dogs, Cats, and Ferrets
- 32.03.05: Redemption or Destruction of Dogs, Cats, and Ferrets Running at Large –
untagged
- 32.03.06: Dogs with Destructive Habits
- 32.03.07: Kennels – License Required For
- 32.03.08: License Fee for Kennels
- 32.03.09: Kennel License – How Maintained
- 32.03.10: Barking Dogs

32.03.01: RABIES CERTIFICATE

Every person who keeps, maintains, or has in his control any dog, cat or ferret within the City, shall have the dog, cat, or ferret inoculated for the prevention of rabies at least every two (2) years with the modified live virus. It shall be the duty of the owner of the dog, cat, or ferret to place a collar around the neck of each dog, cat, or ferret so owned or kept by him to which the metallic rabies tag furnished by a licensed veterinarian shall be securely fastened. It shall be unlawful for any person to keep or harbor any dog, cat, or ferret, over the age of six (6) months without obtaining the rabies certificate from a licensed veterinarian.

32.03.02: EXEMPTIONS

Hospitals, clinics and other premises operated by a licensed veterinarian for the care and treatment of dogs, cats, or ferrets are exempt from provisions of this ordinance.

32.03.03: DOGS, CATS, AND FERRETS RUNNING AT LARGE

- A. General – Any person who owns or who has under his care a dog, cat or ferret shall not allow said dog, cat, or ferret to run at large in the City, and except as provided for in 32.03.03(B), when said dog, cat, or ferret ~~when~~ is present within the City, it shall either be on a leash not longer than ten feet controlled by a person, or properly secured to a leash which has been tied to an immovable object, or confined within an enclosure sufficient to keep said dog, cat, or ferret restrained from escaping such enclosure. No dog, cat, or ferret shall be leashed to an immovable object so as to permit the dog, cat, or ferret to walk on or over any public sidewalk or street, or any property of another person other than that of the owner of said dog,

cat, or ferret. Any dog, cat or ferret not confined by leash or enclosure as set forth herein, is hereby declared to be running at large and is declared to be a public nuisance. When dogs, cats, and ferrets are found running at large, and their ownership can be discovered by examination of any rabies license which must be affixed to the dog, cat, or ferret or by inquiry of any person residing in the immediate vicinity where the dog, cat, or ferret was first taken into possession, such dog, cat or ferret need not be impounded, but the Animal Control Officer may cite the owner of such dog, cat, or ferret to appear in Court to answer charges of violations of this ordinance. Such citation shall state the violation date, time, location, breed, and color of the dog, cat, or ferret, rabies tag number, if known, and the name and address of the owner of said dog, cat, or ferret. Said notice shall direct the owner to appear before the Magistrate Court to answer to the charge of such violation.

- B. Public Park, Recreation Areas, Bike Path and Cemetery – It shall be unlawful to have any animal in any public park, recreation area, Bike Path, or cemetery, or in an area specifically designated as a pet area within the City, except under leash control and on designated roads and walkways,. Any persons or organizations otherwise authorized by the City Council are exempt from this limitation.

(32.03.03 revised effective 7-4-2012, Ordinance 2012-10)

32.03.04: IMPOUNDMENT AND DISPOSITION OF DOGS, CATS, AND FERRETS

Any dog, cat, or ferret found running at large as defined in this ordinance may be taken by the Animal Control Officer and impounded in the animal shelter to be confined in a humane manner. Any animal impounded and not claimed by their owners at the expiration of five (5) days may be disposed of at the discretion of the Animal Control Officer, or appointed designee, except as hereinafter provided in certain cases of certain dogs, cats, and ferrets. Immediately after impounding such dog, cat, or ferret, before euthanizing or disposing of it, the owner shall be given notice of the conditions whereby he/she may regain possession of such dog, cat, or ferret. If any owner has requested his animal to be euthanized and disposed of humanely, the Animal Control Officer or appointed designee, may collect from said owner a fee that will cover the cost of such euthanization, disposal and impoundment for the City.

32.03.05: REDEMPTION OR DESTRUCTION OF DOGS, CATS, OR FERRETS RUNNING AT LARGE - UNTAGGED

During the period of possession, any person, by paying the City the sum of \$10.00 per day or any part thereof to a maximum of five (5) days or any part thereof for the impound, and having a current rabies certificate may redeem and obtain possession of a dog, cat, or ferret that was untagged or tagged and thereby impounded. If the owner of any impounded dog, cat, or ferret, under the provisions of the article, shall fail to redeem such dog, cat, or ferret within five (5) consecutive days, not counting Sunday

and holidays, after such impounding, said dog, cat, or ferret shall be disposed of by humane euthanization or adoption by the Animal Control Officer. The Animal Control Officer may euthanize by a humane manner any sick or injured animal which has been impounded without holding it for five (5) days if its condition is such that euthanization is the most humane manner to dispose of the animal.

32.03.06: DOGS WITH DESTRUCTIVE HABITS

It shall be unlawful for any person to permit or suffer to run at large within the City, any dog with destructive habits or disposition, which destroys property other than that of his owner, or is in the habit of barking at persons passing along or using the streets and public sidewalks of the City. The Animal Control Officer under proper authority is hereby empowered to impound any such animal.

32.03.07: KENNELS – LICENSE REQUIRED FOR

Any person owning, possessing, keeping or desiring to keep or maintain within the City, a kennel composed of three (3) or more animals of any one species shall obtain from the City a license therefore before such kennel may be kept or maintained. For purposes of this provision, anyone keeping three (3) or more of any animal species shall be deemed to operate a kennel and shall comply with all the provisions of this ordinance and specifically all provisions of this Chapter relating to and in addition to all requirements of this provision.

32.03.08: LICENSE FEE FOR KENNEL

License or annual renewal inspection fee shall be \$25.00 per year. The Sturgis Animal Control Officer shall do annual inspections and renewals as directed.

(32.03.08 revised by Ordinance 2016-06, effective 8/17/2016)

32.03.09: KENNEL LICENSE – HOW MAINTAINED

Every person desiring to obtain a kennel license provided for herein, shall make application on a form provided by the Sturgis Police Department. Along with the application, the applicant shall also provide to the Animal Control Officer the written consent of the majority of the persons of full age, residing within 400 feet of the exterior boundaries of the premises where such kennel is proposed to be located and kept. The Animal Control Officer shall make a site inspection and submit in writing the site inspection report, application and written consent to the Public Safety Committee. The report shall state the name and place where such kennel is to be located, and the size of the kennel proposed to be kept. Then, upon the payment of the license fee as herein provided, and upon the approval of the City Council, the license shall be issued. The approval of City Counsel shall be conditional upon compliance with all applicable zoning laws, all provisions of this title relating to the keeping of animals generally and upon compliance with all other properly promulgated rules and regulations of the State of South Dakota, and the City relating to the keeping of animals.

32.03.10: BARKING DOGS

No person owning or possessing any dog, licensed or unlicensed, confined on the premises, or otherwise, shall suffer or permit such dog to disturb the peace and quiet of the neighborhood by continuous barking or howling or making other loud or unusual noises. It shall be the duty of any person in possession of any such dog, which disturbs the peace and quiet to dispose of the disturbance even if disposing of the dog is the only effective means.

(Title 1 moved to Title 32 and replaced in its entirety effective 4/22/05, Ordinance 2005-05)

Chapter 32.04 VICIOUS ANIMAL

(32.04 replaced in entirety by Ordinance 2014-10, effective 8/6/14)

SECTIONS:

- 32.04.01: Definition of a Vicious Animal
- 32.04.02: Declaration of a Vicious Animal
- 32.04.03: Violations of this Ordinance

32.04.01: DEFINITION OF A VICIOUS ANIMAL

An animal may be declared to be vicious by the chief of police under the following guidelines:

- A. Upon written request of the victim or the attending physician of the victim of an animal bite or serious scratch.
- B. Upon receipt of an officer report or credible written witness statement describing an animal which in a vicious or terrorizing manner approaches a person or another animal 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 within the City.
- C. No animal may be declared vicious if the injury or damage is sustained by any person who is committing or attempting to commit 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 who was committing or attempting to commit a crime.

32.04.02: DECLARATION OF A VICIOUS ANIMAL

When the chief of police, after researching the matter thoroughly, signs a Declaration of Vicious Animal, the Declaration shall be filed with the City Finance Office and the chief of police shall notify the owner of the declaration in writing that the animal must be registered as a vicious animal within 24 hours after the receipt of the written notice. The notice shall be served either in person or by mailing the notice by certified mail.

The owner of an animal that has been declared vicious shall make application to the animal control office to register the vicious animal and shall comply with the following:

- A. The owner of the animal shall notify animal services if:
 - i. Changes in ownership of the animal;
 - ii. Name, address and telephone number of a new owner;
 - iii. Address change of the owner or any change in where the animal is housed;

- iv. Any change in the health status of the animal;
 - v. Death of the animal.
- B. If the animal is outdoors, attended, and off the owners property, the animal shall be muzzled on a leash no longer than six feet and under the control of a person over 18 years of age;
- C. If the animal is outdoors and unattended, the animal must be locked in an escape-proof area approved by animal services. Minimum area standards shall include the following:
- i. Fencing materials shall not have openings with a diameter of more than two inches. In the case of a wooden fence, the gaps shall not be more than two inches.
 - ii. 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.
 - iii. The required pen or structure shall have secure sides and may need a secure top if determined by animal services. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - iv. The pen or structure shall protect the animal from the elements.
 - v. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
- C. 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 staff and the Sturgis Police Department.
- D. A universal sign denoting a vicious animal shall be displayed on the area or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.
- E. 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 staff and the Sturgis Police Department.
- F. The owner shall present proof of current rabies vaccination and current city license of the animal to animal services.
- G. The owner shall present proof the animal has been altered to prevent reproduction to animal control staff and the Sturgis Police Department.

32.04.03: VIOLATIONS OF THIS CHAPTER

If the conditions the ordinance are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia filed with animal control.

Any vicious animal not in compliance with this Chapter may 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 animal control officer or any police officer may order the owner to deliver the animal to the animal shelter immediately and the owner ordered to appear in court to show just cause to why this animal shall not be destroyed. If the owner fails to deliver the animal as ordered, the animal services officer or any police officer shall use those means as are necessary to impound the animal. If a vicious animal is impounded, all costs of keeping and caring for the animal while impounded, in excess of the normal daily charge, shall be at the owner's expense and shall be paid before the animal may be released to the owner.

If the registered owner of the animal refuses to comply with the conditions of this ordinance the animal may be euthanized in a humane manner and proof of euthanasia filed with animal control staff, the Police Department and the City Finance Office.

(32.04 replaced in entirety by Ordinance 2014-10, effective 8/6/14)

CHAPTER 32.05 HOBBY BEEKEEPING

(32.05 added with Ordinance 2017-01, effective 04-06-2017)

Section

- 32.05.01- Scope and Purpose.
- 32.05.02- Definitions.
- 32.05.03- Compliance With All Applicable Laws.
- 32.05.04- Required Location of Hives.
- 32.05.05- Apiary Management.
- 32.05.06- Colony Densities
- 32.05.07- Nuisance Prohibited.
- 32.05.08- City Not Liable
- 32.05.09- Liability
- 32.05.10- Penalties

32.05.01 SCOPE AND PURPOSE:

The City of Sturgis recognizes the unique role bees play in maintaining the growth of the wide variety of plant species present in the Sturgis community. To balance the interests of those persons who desire to keep bees with those who might find unregulated bee keeping activities and the unrestricted presence of bees offensive, the City now adopts this ordinance.

32.05.02 DEFINITIONS:

The following words, terms and phrases are defined and shall be interpreted as such throughout this chapter:

- A. **APIARY.** Any place where one or more colonies of bees are kept.
- B. **BEES.** Any “life” stage of the common honeybee, *Apis mellifera L.*, or any other species of bees which is allowed in South Dakota by SDCL Chapter 38-18.
- C. **COLONY.** The bees in any hive, including queens, workers and drones.
- D. **HIVE.** Any frame hive, box hive, box, barrel, log gum, skep or any other container or combinations of such containers which may be used as a domicile for bees, with a total size not to exceed 36 inches wide, 36 inches deep and 78 inches high.
- E. **BEEKEEPER.** A person who engages in hobby beekeeping within the City.
- F. **HOBBY BEEKEEPING.** The activities associated with keeping, controlling, harboring, and/or maintaining one or more colonies of bees within city limits.

32.05.03 COMPLIANCE WITH ALL APPLICABLE LAWS:

Beekeepers shall register each hive and apiary they own, possess or manage within the City as required by SDCL Chapter 38-18. Beekeepers shall comply with all applicable federal and state laws, including but not limited to those provisions found within SDCL

Chapter 38-18, South Dakota Administrative Rules Article 12:41, and city ordinances, including any applicable zoning regulations.

32.05.04 REQUIRED LOCATION OF HIVES:

- A. *PROXIMITY TO RESIDENCES.* No person shall establish or maintain any hive or keep any bees on the premises within 15 feet of any dwelling. This restriction does not apply to residences occupied by a beekeeper residing on the same lot where the hive is located.
- B. *HIVE PLACEMENT.* All hives shall be placed appropriately on the lot so as to inhibit access to the hive from adjacent properties and to prevent interference with the movements of people on adjacent property or in the public right-of-way. Hives shall not be placed within any setback applicable to the zoning district as found in Title 18. Hives shall not be placed within any drainage easement on the property. In addition, the front of the hive shall face away from the nearest property line, sidewalk, and/or right-of-way, whichever is closest. However, the “facing” requirement shall not be applicable if sufficient screen exists, as described in subsection C below, between the hive and the closest property line, side walk or right-of-way.
- C. *SCREENING.* Hobby beekeepers are encouraged to use screening which meets or exceeds accepted industry standards between the hive and neighboring lots, sidewalks and/or rights-of-way, such as fences, hedges, walls or similar barriers to inhibit interference between bees and persons on adjacent sidewalks, rights-of-way and property.

32.05.05 APIARY MANAGEMENT:

A beekeeper shall:

- A. Provide an adequate and convenient source of water at all times to the bees on the property on which the apiary is located, to prevent bees from congregating at other water sources where they may come into contact with humans and animals and the water shall be maintained so as not to become stagnant; and
- B. Maintain and manage such hives so as not to create a nuisance; and
- C. Ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

32.05.06 COLONY DENSITY:

In addition to the location requirements set forth above, it shall be unlawful to keep more than one colony in a hive on any tract, lot, or parcel within the City. However, if the perimeter of the lot on which one or more hives are placed permits all hives to be located at least 100 feet from all property lines, the maximum number of hives which

may be placed on that lot shall not exceed the number permitted by SDCL 38-18-3 and by Article 12:41 of the Administrative Rules of the South Dakota Department of Agriculture. For each two colonies authorized above, there may be maintained upon the same tract one nucleus colony as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony with 30 days after the date it is acquired.

32.05.07 NUISANCE PROHIBITED:

Notwithstanding complete compliance with the requirements of this chapter, it shall be unlawful for any person to keep any colony or colonies in such a manner, or bees of such a disposition, as to cause any unhealthy condition, interfere with the normal use and enjoyment of private property by residents and domestic animals, interfere with the normal use and enjoyment of public property by persons within the community or which in any manner constitutes a nuisance to others. Public nuisances under this Section shall be subject to the Code Enforcement provision of Title 36 of City Ordinances, or may be abated in accordance with the provisions in Title 12, Title 18 and state law. If a colony is found to be a nuisance, the hobby beekeeper must relocate or destroy all hives, at the beekeeper's expense, within a maximum of 30 days of a final determination that a nuisance exists.

32.05.08 CITY NOT LIABLE:

The City shall not be liable for any damage to bees, hives, colonies, or hobby beekeeping operations resulting from the City's use of spray to kill pests or weeds, or other legal use of the same, on public rights-of-way, public property, city property or in other approved areas.

32.05.09 LIABILITY:

The owner of the property upon which the hive and/or colony is located and the owner of the bees on the property shall share equally in the responsibility to ensure the bees and hive are maintained in an acceptable manner. The responsibility described herein shall include payment for any damages suffered by a third party. Compliance with all applicable state statutes and rules shall be evidence of such compliance.

32.05.10 PENALTIES:

The City may utilize any action available under the law to address violations of this chapter, including but not limited to the following:

- A. Any person violating this chapter shall be subject to the general penalty provision of SDCL 22-6-2. In addition, the City may seek to enjoin the actions of any person or operation which violate the provisions of this chapter.
- B. The City may enforce penalties for violation of this chapter under the provision of Title 36, of Sturgis City Ordinances.

- C. If there is an immediate threat to public safety as a result of any violation of this chapter, the City shall have the authority to remove or re-locate the hive or colony which is the source of the threat. In addition where such a threat to public safety exists, the City may direct and require the beekeeper of said hive or colony to destroy and/or relocate said hive or colony at the beekeeper's expense. The term "threat to public safety" shall include but is not limited to a circumstance when there is a colony not residing in a hive structure intended for beekeeping; or a dangerous swarm of bees that poses an immediate risk to the safety of humans; or a colony residing in a man-made hive which is not properly registered as require by SDCL Chapter 38-18 or which, by virtue of its apparent condition, appears abandoned by a beekeeper.

(32.05 added with Ordinance 2017-01, effective 04-06-2017)