

ORDINANCE #263

AN ORDINANCE AMENDING SECTION 2-3-7 TO MARTIN CITY CODE TITLE TWO CHAPTER THREE, DOGS AND CATS

BE IT ORDAINED BY THE CITY COUNCIL OF MARTIN, BENNETT COUNTY,
SOUTH DAKOTA

That Martin Code 2-3-7 is hereby amended to read as follows:

2-3-7 VICIOUS ANIMAL

The City's designated official may declare an animal vicious and take the following action to remove vicious animals:

(1) Declaring Vicious Animals. An animal may be declared vicious by the designated official upon reasonable investigation of reports that an animal attacked or threatened to attack an individual located within the City's boundaries under the following guideline:

- (i) 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 the streets, sidewalks, or any public grounds or places; or
- (ii) 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 mailman, meter reader, serviceman, journeyman, deliveryman, law enforcement officer, or other city employed person, or other animal who is on private property by reason of permission of the property occupant or who is on private property in the course of dealing with the property occupant.

(iii) An animal may not be declared vicious by the designated official in the following situations:

- (a) If an animal attacks, bites, inflicts injury, assaults or otherwise attacks a person or animal who is trespassing or committing another tort or criminal conduct upon the property where the animal is located; or
- (b) If an animal attacks, bites, inflicts injury, assaults as a reaction to a person teasing, tormenting, abusing, or assaulting the animal.

(2) Removing Vicious Animals. Upon an animal being declared vicious by the designated official, the designated official may provide notice, either verbally or in writing, to any occupant of property that such animal has been declared vicious. The occupant of the property shall remove the nuisance from the property within twelve (12) hours after receiving notice that the animal is vicious. Notice may be given by placing a written instrument on or under the door of the property or informing an individual at the house over the age of fourteen years old then residing at the property.

(i) The notice provided shall consist of the following information:

- (a) The name of the property occupant;
- (b) The property occupant's address;
- (c) A description of the alleged vicious behavior identifying the provision the animal is being declared vicious under Section 2-3-7(1)(i) or Section 2-3-7(1)(ii);

(d) Identifying the amount of time the property occupant has to remove the nuisance; and

(e) The designated official's contact information if the property owner has questions.

(ii) If the vicious animal is not permanently removed from the property after the expiration of the twelve (12) hours after being notified, the designated official may remove the vicious animal and immediately euthanize the vicious animal.

This Ordinance shall be in force from and after its passage and publication as required by law.

Dated this 14 day of May, 2025.

CITY OF MARTIN
A Municipal Corporation

By: _____
Gary Rayhill, Mayor

ATTEST:

By: _____
Finance Officer

1st Reading April 9, 2025
2nd Reading May 14, 2025
Published May 28, 2025
Effective June 17, 2025