

## ORDINANCE #264

### AN ORDINANCE AMENDING SECTION 2-3-6 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 2-3-6 is hereby amended to read as follows:

#### **2-3-6 NOTICE TO OWNER OF APPREHENSION-EUTHANIZATION OF DOGS OR CATS**

The City's designated official, to enforce Section 2-3-4 of this Code, may take the following actions:

(1) **Apprehend Dogs and Cats At-Large.** The designated official may apprehend dogs or cats running at large. Within a reasonable time after a dog or cat is apprehended, the City shall attempt to notify the owner of the dog or cat of the apprehension.

(i) The owner of any dog or cat so apprehended may reclaim such dog or cat upon payment of costs and expenses incurred by the City of Martin for apprehending or impounding the dog or cat. Costs and expenses shall be determined by the City and set at a fixed rate. If the dog or cat is unlicensed, the City may also require payment of the City's license fee and the cost of vaccination prior to the owner reclaiming the dog or cat.

(ii) No person can reclaim a dog or cat if that person, or that person's household, would be violating the total number of dogs or cats allowed by the City's ordinances by reclaiming the dog or cat.

(iii) The designated official may euthanize any dog or cat apprehended within city limits if it is in violation of Section 2-3-4(1)(vi)-(viii).

(2) **Eliminate Public Nuisances from Private Property.** The designated official, to enforce Section 2-3-4, may provide notice, either verbally or in writing, to any occupant of property where a public nuisance exists. The occupant of the property shall remove the nuisance from the property within forty-eight (48) hours after receiving notice of the public nuisance. Notice may be given by placing a written instrument on or under the door of the property, informing an individual at the house over the age of fourteen years old then residing at the property, or sending notice by first-class mail to the property occupant.

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

(a) The name of a property occupant;

(b) The property occupant's address;

(c) A description of the alleged nuisance and the Code provision being violated;

(d) The deadline for the property occupant to remove the nuisance;

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

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

(ii) If the public nuisance is not removed from the property after the expiration of the forty-eight (48) hours after being notified, the designated official may remove the nuisance and immediately euthanize any dog or cat not licensed or not vaccinated in violation of Section 2-3-4(vi)-(viii).

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

Authority: SDCL 21-10-6; SDCL 9-29-12; SDCL 9-29-13

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  
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