

ORDINANCE #O2022-08

**AN ORDINANCE AMENDING SECTION 6-1-1 OF THE MITCHELL CITY CODE
REGARDING ANIMALS AT LARGE.**

BE IT ORDAINED BY THE CITY OF MITCHELL, SOUTH DAKOTA AS FOLLOWS:

Section 1.

That Mitchell City Code Section 6-1-1 be AMENDED by changing the definition of “AT LARGE OR RUNNING AT LARGE” to read as follows:

“An animal shall be deemed to be running at large when off or away from the owner’s premises and not under the complete control of the animal’s owner, possessor, keeper, agent, servant, or a member of the owner’s immediate family by a leash, verbal command, or remote pet collar. However, an animal present at a public gathering of ten (10) or more people, not including leash free parks, must be restrained by a leash and not by verbal command or remote pet collar. An animal is not to be deemed running at large if it is within the vehicle of the animal’s owner, possessor, keeper, agent, servant, or a member of the owner’s immediate family, or if the animal is within a posted leash free park as designated by the park and recreation board of the City of Mitchell.”

Section 2.

That Mitchell City Code Section 6-1-1 be AMENDED by adding a definition for the term “REMOTE PET COLLAR” to read as follows:

“A collar worn by an animal that when signaled by remote control delivers an electrical shock to the animal.”

Section 3.

That Mitchell City Code Section 6-1-1 be AMENDED by adding a definition for the term “COMPLETE CONTROL” to read as follows:

“A state where an animal is restrained by leash, verbal command, or remote pet collar from taking an action which is not desired by the animal’s owner, possessor, keeper, agent, servant, or a member of the owner’s immediate family and such restraint does actually prevent the animal from taking an undesired action. For verbal commands and remote pet collars to be deemed to be restraining the animal, the animal shall behave as if on a leash short enough to prevent non-consensual contact with another person, short enough to prevent trespass onto the private property of another, and in no event longer than fifty (50’) feet. Examples of undesired actions include, but are not limited to, straying

too far from the animal's handler, not following handler commands, and making contact with another person without consent. An animal is not under complete control if the animal is the aggressor in an incident where the animal is declared to be a Restricted Animal or Vicious Animal.”

Section 4.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 5.

The City Finance Officer shall cause notice of adoption of this ordinance to be published in the official newspaper and twenty (20) days after the completed publication, unless the referendum is invoked, this ordinance shall become effective.

Adopted by majority vote of the Mitchell SD City Council in regular session this ____ day of _____, 2022.

Robert B. Everson, Jr. – Mayor

Attest:

(seal)

Michelle Bathke – City Finance Officer

First Reading: _____

Second Reading: _____

Adoption: _____

Published: _____