

AN ORDINANCE AMENDING TITLE 4 (ANIMALS) OF THE MUNICIPAL CODE OF THE CITY OF CLARK, SOUTH DAKOTA, TO RECOGNIZE ELECTRONIC AND WIRELESS CONTAINMENT AND CONTROL DEVICES AS A MEANS OF CONTROLLING AN ANIMAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLARK, SOUTH DAKOTA:

Section 1. Chapter 4.02 (Definitions) of Title 4 of the Municipal Code of the City of Clark is hereby amended by adding a new section 4.02.14 to read as follows:

4.02.14 Electronic or Wireless Control Device

An electronic or wireless control device means any functioning wearable electronic device designed to govern the movement of an animal through remote or automated correction, including a remote-activated electronic collar operated by the owner or a competent member of the owner's household and a wireless or GPS-based collar. The term does not include a device whose sole function is to deter or reduce barking.

Section 2. Section 4.02.04 (At Large) of Title 4 of the Municipal Code of the City of Clark is hereby amended

to read as follows:

4.02.04 At Large

An animal shall be deemed to be running at large when off or away from the premises and not under the control of the owner, possessor, keeper, agent or a member of the family. An animal off or away from the premises shall nonetheless be deemed to be under the control of its owner, and shall not be deemed to be running at large, when the animal is fitted with a functioning electronic or wireless control device to which the animal has been trained and is responsive, the owner or a competent member of the owner's household is present and in immediate possession of the device's transmitter or control, and the animal in fact remains under control. An animal that is not responsive to the control of its owner shall be deemed to be running at large notwithstanding the presence of any such device.

Section 3. Nothing in this ordinance shall be construed to permit an electronic or wireless control device to satisfy any requirement of Chapter 4.12 (Vicious Animals). An animal declared vicious under Chapter 4.12 shall at all times remain subject to the muzzle, physical leash, enclosure, and other restraint requirements of that

Chapter.

Section 4. If any section, provision, or portion of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions, which shall remain in full force and effect.

Section 5. This ordinance shall take effect and be in force twenty (20) days after its passage and publication as provided by law.

Kerry Kline
Mayor

ATTEST:

Rae Jean Flora, City Finance Officer
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Second Reading: August 10, 2026
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