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CHAPTER ELEVEN
ANIMALS AND FOWL

ARTICLE 1 – General Regulations

11.0101 Cruelty – Penalty

No person shall cruelly treat any animal in the City in any way. Any person who inhumanly beats, underfeeds, overloads or abandons any animal shall be deemed guilty of an offense for which the maximum penalty shall be a fine of ~~five hundred dollars (\$500.00)~~ **One Thousand Dollars (\$1,000.00) and or thirty (30) day imprisonment**, or both such fine and imprisonment. (Source: North Dakota Century Code Section 36-21.1-02)

Resolution to amend ordinances 11.0102, 11.0206, and 11.0211 and shall read as follows.

11.0102 Dangerous Animals

It shall be unlawful to permit any dangerous, aggressive, or vicious animal of any kind within the city. Dangerous animals ~~will include but are not limited to: Dobermans, Rottweilers, and Pit Bulls.~~

shall be defined under this Chapter to include the following:

- (A) Any animal known to its owner or keeper to have a propensity, tendency, or disposition to attack, bite, cause injury or to otherwise endanger the safety of or menace human beings or domestic animals;
or
- (B) Any animal which attacks, bites, or injures a human being or another domestic animal one (1) or more times without provocation; or
- (C) Any animal which, when unprovoked, in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
- (D) Any animal owned or harbored primarily or in part for purposes of fighting or any animal trained for fighting; or
- (E) Any animal not licensed according to state and / or city law; or
- (F) Any animal certified by a doctor of veterinary medicine licensed within the State of North Dakota, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this article; or
- (G) Any animal which has been determined to be dangerous by the City council or municipal court under this article.

(2) Notwithstanding the foregoing, no animal may be found or declared dangerous if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or was teasing, abusing, or assaulting the animal or was committing or attempting to commit a crime.

(3) No animal may be found or declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, taunting, abusing or assaulting the animal. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an attack or assault. No animal may be deemed dangerous if the animal was protecting or defending its young offspring.

11.0104 Killing Dangerous Animals

The members of the police department or any other person in the City are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

11.0105 Diseased Animals

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the chief of police or the health officer.

It is hereby the duty of the health officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state department of health is empowered to act.

11.0106 Housing

No person shall cause or allow any stable or place where any animal is or may be kept to be unclean, or unwholesome.

11.0107 Keeping of Certain Animals Prohibited

It shall be unlawful to keep any live sheep, swine or pigs, cattle, chickens or other poultry, goats, or rabbits in the City. This section shall not apply to any person, partnership or corporation keeping or handling such animals under consignment in the course of regular business or to a licensed livestock auction market. Nor shall this apply to 4H animals being exhibited in an official 4H function.

11.0108 Strays

It shall be unlawful to permit any cattle, horses, sheep, swine, goats or poultry to run at large in the City; and any such animal running at large in any public place in the City shall be impounded. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

11.0109 Noises

It shall be unlawful to harbor or keep any animals, which habitually disturbs the peace by loud noises at any time of the day or night.

ARTICLE 2 – Dogs and Cats

11.0201 License Required

No dog or cat shall be permitted to be or remain in the City without being licensed as herein after provided if over one month of age. It shall be the duty of the owner or keeper of any dog or cat kept within the City to have the dog or cat inoculated against rabies and proof thereof is shown to the person issuing the license.

11.0202 Licensing Procedure and Terms

All dogs and cats shall be registered as to sex, breed, name and addressees of owner and name of dog. Licenses shall be issued by animal control officer on an annual basis as hereinafter more fully provided. The person paying the license fee shall receive a receipt therefore and a metal tags or badge with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag or badge to be securely attached around the dogs neck and kept there at all times during the license period.

11.0203 License Fee

\$10.00 for dogs and \$5.00 for cats and are good for one year.

11.0204 License: When Due and Payable

The license fees or renewal fees previously provided for shall become due and payable on the 1st day of May in each year and shall become delinquent on the 1st day of June. If the fee is not paid before the first day of June a penalty of **\$25.00** shall be added to the license or renewal fee.

11.0205 Dogs Running at Large Prohibited

It shall be unlawful for the owner or keeper of any dog to permit the same to run at large in the City at any time. A dog shall not be considered running at large if attended and on a leash or when in the confines of the owner's or keeper's premises.

11.0206 Disposition of Unlawful Dogs

Any ~~unlicensed~~ dog running at large may be taken by the animal control officer and impounded at the City dog pound, or such other place as may be designated by the governing body. The dog shall not be released to any person until such dog is licensed (if unlicensed); a fee of **\$25.00** for the first offense, **\$50.00** for the second offense and **\$100.00** for any offense thereafter, will be paid by the owner for each animal. All pound charges are paid by the owner directly to the facility where the dog is housed.

11.0207 Disposition of Unclaimed Dogs

The owner or keeper shall be notified of the taking of a dog. If the owner or keeper fails to pay the charges (including license if necessary) or does not claim the animal within three days of notification the animal may be destroyed. If the owner or keeper is unknown, the animal control officer shall give public notice of the taking of the animal before it is destroyed or otherwise disposed of.

11.0208 Return to Owner if Known

Notwithstanding the provisions of Section 11.0206, if a dog is found at large and its owner can be identified and located, such dog or cat need not be impounded but may, instead, be taken to the owner. In such case the animal control officer or other officer may proceed against the owner or keeper for violation of this article. The owners will be subject a fine of **\$25.00** for the first offense, **\$50.00** for the second offense and **\$100.00** for any offense thereafter.

11.0209 Noisy Dog Prohibited

It shall be unlawful to keep or harbor within the City any dog that disturbs the peace by habitually howling, barking, whining, or making other disagreeable noise. Any person wishing to file a complaint shall be required to give his name and address and sign a complaint.

11.0210 Nuisance – When

Any licensed dog, any dog running at large, any dog disturbing the peace, or any dog molesting passers by, chasing vehicles or trespassing upon private property is hereby declared to be a nuisance.

11.0211 Penalty

Any person violating any provision of these articles shall be guilty of an infraction and be fined not to exceed ~~five hundred dollars (\$500.00)~~ **One thousand dollars (\$1,000.00)** plus the costs associated with shelter, food, handling, veterinary care, and testimony necessitated by the enforcement of this article. In addition, if any person has been found to have violated section 11.0102, such person, as well as any member of his or her household, shall be prohibited from keeping any animal of any type having been the subject of any prior violation within the City limits. Such prohibition shall not apply to k-9 law enforcement animals or credentialed service which are properly licensed with the City auditor. Said exemption shall not apply to emotional support animals that have no specific proof of training to assist with a specific disability as outlined by the ADA.

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