

CHAPTER TWELVE - ANIMALS

- ARTICLE 1     General Regulations
- ARTICLE 2     Dogs
- ARTICLE 3     Cats
- ARTICLE 4     Dog and Cat Licensing – Reserved

CHAPTER TWELVE

ANIMALS

**ARTICLE 1 - General Regulations..... 2**

- 12.0101       Cruelty - Penalty
- 12.0102       Killing Dangerous Animals
- 12.0103       Diseased Animals
- 12.0104       Housing
- 12.0105       Keeping of Certain Animals Prohibited
- 12.0106       Noises
- 12.0107       Penalty

**ARTICLE 2 - Dogs.....4**

- 12.0201       Purpose
- 12.0202       Definitions
- 12.0203       Number of Dogs
- 12.0204       Collar and Rabies Tag
- 12.0205       Nuisances
- 12.0206       Potentially Vicious Dogs
- 12.0207       Vicious Dogs
- 12.0208       Penalties
- 12.0209       Impoundment
- 12.0210       Destruction of Dangerous Animal

**ARTICLE 3 - Cats.....12**

- 12.0301       Number of Cats
- 12.0302       Nuisance - When
- 12.0303       Feeding Feral Cats
- 12.0304       Cat Laws - Penalties

**ARTICLE 4 – Dog and Cat Licensing - Reserved.....13**

## CHAPTER TWELVE

### ANIMALS

#### **ARTICLE 1 – General Regulations**

##### **12.0101 Cruelty – Penalty**

No person may cruelly treat any animal in the City. Any person who beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of cruelty.

No person may leave a dog, cat, or other small animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.

No person may chain or tether a dog in a manner that endangers the health or safety of the animal.

Cruelty to animals is an offense for which the penalty shall be a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500), thirty (30) day imprisonment, or both such fine and imprisonment.

Any person operating a motorcycle, snowmobile, or other motor vehicle who willfully harasses or frightens any domestic animal, is, upon conviction, guilty of a class B misdemeanor. If injury or death results to the animal due to such action, such person is liable for the value of the animal and exemplary damages as provided in Section 36-21-13 of the North Dakota Century Code.

##### **12.0102 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.

##### **12.0103 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 a law enforcement officer or a member of the Southwestern District Health Unit.

It is hereby made the duty of a member of the Southwestern District Health Unit 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.

##### **12.0104 Housing**

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

### **12.0105 Keeping of Certain Animals Prohibited**

It is unlawful to keep horses or animals commonly referred to as “livestock” (to include: swine or pigs, cattle, or goats) within 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. Chickens (hens only), not to exceed six (6) per lot, are permitted.

### **12.0106 Noises**

It is unlawful to harbor or keep any animal which habitually disturbs the peace by loud noises at any time of the day or night. (see 11.0504(8))

### **12.0107 Penalty**

Any person who violates the provisions of this Article for which a specific penalty is not otherwise provided shall be guilty of an infraction for which the maximum penalty is a fine of one hundred dollars (\$100). The owner of any animal impounded pursuant to the provisions of this Article shall pay all costs and charges assessed for such impoundment before such animal may be released to the owner.

## **ARTICLE 2 – DOGS**

### **12.0201 Purpose**

The purpose of this ordinance is to regulate the keeping of dogs and to provide for their leashing, muzzling, restraint, impoundment, and destruction, in order to protect the public health and safety of the City, and preserve the quiet enjoyment of its residents' homes and properties.

### **12.0202 Definitions**

For purposes of this ordinance, the following words and phrases shall apply:

1. "Dog" means any member of the canine species. For purposes of this ordinance, this term shall also include "working farm dogs" except as otherwise stated.
2. "Domestic animal" means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, partridge, or quail. The term shall include cultured fish propagated by commercial fish farms.
3. "Domestic pet" or "pet" means any domestic dog, domestic cat, or ferret.
4. "Enforcement Officer" means the County Sheriff, the Sheriff's Deputies, or any other Law Enforcement or a person designated as an Enforcement Officer by the City.
5. "Impoundment" means being held by the City at a place designated by the City Council or the Enforcement Officer. Such place may or may not be operated by the City, and may or may not be within City limits.
6. "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
7. "Premises" means the home and real property of the dog owner.
8. "Running at large" means that a dog is not:
  - a. on a leash; or
  - b. in a vehicle; or
  - c. on the owner's premises;
  - e. on the premises of another person with that person's permission; or
  - f. clearly under the verbal or non-verbal control of its owner.

9. “Potentially vicious dog” means a dog that unprovoked while on public or private property:
  - a. causes any person to reasonably fear attack or bodily injury from such dog;
  - b. chases or approaches a person including a person on a bicycle;
  - c. chases, worries, threatens to attack or attacks a domestic pet or domestic animal; or
  - d. causes damage to personal or real property;

This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.

10. “Working farm dog” means a dog that:
  - a. is bred or trained to herd or protect livestock or poultry or to protect crops; and
  - b. is being used for those purposes.

#### **12.0203 Number of Dogs**

The number and breed of dogs kept as pets is not restricted by this ordinance.

Each must have a collar or harness. Each dog must have an owner identification tag (or microchip). Each dog must have a current rabies vaccination tag.

The governing body may, by resolution, require registration or licensing of any dog.

#### **12.0204 Collar and Rabies Tag**

Each dog, while in public, shall wear a collar or harness with the current rabies vaccination tag attached. An additional tag with the current owner’s information shall be attached, or in lieu of this, the dog may be microchipped. A dog that is found without a collar or harness and tags shall be in violation of this Ordinance.

(Note: Law Enforcement does not have the means to determine if a dog has a microchip. It will have to be taken to a veterinarian to be checked.)

## 12.0205 Nuisances

This chapter does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

**Prohibitions.** An owner of a dog shall not allow or permit such dog to create a nuisance. The following activities shall be deemed nuisances:

1. **Nuisance One: Lack of collar, owner information tag, and/or rabies vaccination tag**  
A dog without a collar or harness with the current owner information tag or microchip, and/or valid rabies tag securely attached.
2. **Nuisance Two: Running at large**  
A dog running at large in the city.
3. **Nuisance Three: Failure to remove waste**  
A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
4. **Nuisance Four: Unconfined dog in heat**  
A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
5. **Nuisance Five: Disturbing the Peace**  
A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a periods of time as specified in 11.0504(8).
6. **Nuisance Six: Potentially vicious dog**  
A dog that unprovoked while on public or private property:
  - a. causes any person to reasonably fear attack or bodily injury from such dog;
  - b. chases or approaches a person including a person on a bicycle;
  - c. chases, worries, threatens to attack or attacks a domestic pet or domestic animal; or
  - d. causes damage to personal or real property;

**Complaints:** All Complaints shall be written, signed, and dated. Written complaints can be given to an Enforcement Officer or turned into the City Auditor to be forwarded to Law Enforcement.

**Exemptions.** The provisions of the sections pertaining to running at large and disturbing the peace shall not apply to working farm dogs if the working farm dog is:

1. barking in order to herd or protect livestock or poultry or to protect crops; or
2. running at large in order to herd or protect livestock or poultry or to protect crops.

### **12.0206 Potentially Vicious Dogs**

A person claiming that a dog is a “potentially vicious dog” may file a written, signed and dated, complaint with the City or the Enforcement Officer. The complaint shall contain the time, date, and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Enforcement Officer in its investigation. Upon receipt of a “potentially vicious dog” complaint, the Enforcement Officer shall determine if the behavior classifies the dog as “potentially vicious.” The Enforcement Officer may order any protective measures be taken to the exclusion of the dog being humanely destroyed.

### **12.0207 Vicious Dogs**

When a dog has bitten or attacked a person or domestic animal while the dog is on public or private property, such victim may file a written, signed, and dated, complaint with the City or the Enforcement Officer. The complaint shall contain the time, date, and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Enforcement Officer in conducting its investigation.

### **12.0208 Penalties**

Any person violating any provision of this Article 2 shall be guilty of an infraction and assessed an infraction fine of no less than twenty-five dollars (\$25) and no more than one thousand (\$1000) dollars as determined by the Hettinger County District Court.

Any person in violation of Section 12.0207 shall be guilty of an infraction. The violation will be subject to a citation to appear in court.

The owner shall be civilly liable for all injuries and damages suffered by any person, property, or domestic pet or animal who is attacked or bitten by a dog while in a public place or lawfully in a private place, including the property of the owner, regardless of the former viciousness of the dog or that person's knowledge of such viciousness.

## **12.0209 Impoundment**

### **1. Grounds for Impoundment**

Any dog may be immediately impounded if the dog:

- a. has been determined by the Enforcement Officer to be a "vicious dog," which presents an imminent danger to people or other animals;
- b. has been determined by the Enforcement Officer to be a "potentially vicious dog,";
- c. has an unknown rabies vaccination history or is suspected of having been exposed to rabies;
- d. is running at large;
- e. is an unconfined dog in heat; or
- f. is found without a collar or harness and owner information and rabies tags.

### **2. Release from Impoundment**

Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including, but not limited to, boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action, as determined by Enforcement Officer in consideration of the violation committed, is taken by the owner.

Remedial action may also include, but is not limited to:

- a. That the owner immediately advise the court if the animal bites or injures anyone else.
- b. That the animal undergo obedience training.
- c. That the owner spay/neuter the animal and provide proof, thereof, to the court, within five (5) days of the court's entry of its said order.
- d. That the owner post their property with warnings about a dangerous animal.
- e. That the animal not be allowed outdoors during certain times, such as: times when children may be present, or when it is known that deliveries are made.

- f. That the owner of a dangerous animal shall keep it, while on the owner's property, in a proper enclosure. If the animal is outside an enclosure, it must be securely muzzled and restrained by a chain or leash no longer than 6 feet under the physical restraint of a competent adult.
- g. That the animal be destroyed as provided by Section 12.0210, hereafter.

If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) calendar days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the City or Enforcement Officer of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization; or, if the Enforcement Officer is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the City or the Enforcement Officer for treatment, boarding and care of the dog for the duration of its impoundment, and any expenses associated with its transfer or humane disposal.

#### **12.0210 Destruction of Dangerous Animal.**

Upon a judicial determination, pursuant to Section 12.0209 [g], hereof, that a dangerous animal shall be destroyed, any law enforcement officer designated by the city of New England may destroy, and dispose of, that animal. Any cost or fee associated with the destruction or disposal of that animal shall be paid by the animal's owner and may be taxed as costs by the court.

## **ARTICLE 3 – Cats**

### **12.0301 Number of Cats**

1. The number of cats kept as pets is not restricted.
2. Each cat should be neutered or spayed. This is necessary to decrease the feral (non-owned, stray) cat problem.
3. Each cat must have a collar, a rabies vaccination tag, and microchip or tag that can be used to identify the owner. Any cat without a collar will be presumed to be a feral cat.

### **12.0302 Nuisance – When**

Any feral cat, cat running at large, or cat disturbing the peace, is hereby declared to be a nuisance. Any cat defecating on property other than its owner is hereby declared to be a nuisance.

Any person wishing to file a complaint shall be required to give their name and address and sign a complaint with a law enforcement official.

### **12.0303 Feeding Feral Cats**

No person shall feed or make food available to feral cats. This is aiding and abetting a nuisance and shall be considered an infraction.

### **12.0304 Cat Laws – Penalties**

Any non-feral cat trapped or impounded in violation of 12.0301(3) or 12.0302 shall not be released to its owner unless it has been spayed or neutered. If the lack of spaying or neutering prohibits the release of the animal, the person seeking its release may arrange for its spaying or neutering. If such arrangements are made within five (5) days, the time allowed for the redemption of the animal shall be extended accordingly. Otherwise, the animal will be humanely disposed of, or offered to the public for adoption after it has been spayed or neutered.

Any person violating any provision of Section 12.0301, 12.0302, or 12.0303, shall be guilty of an infraction and be given a warning for the first violation, and fined twenty-five dollars (\$25) for each subsequent violation.

## **ARTICLE 4 – Dog and Cat Licensing - Reserved**