

ORDINANCE NO. 293

AN ORDINANCE, AMENDING AND RE-ENACTING CHAPTER XI, ARTICLES 1, 2, AND 3 –ANIMALS AND FOWL OF THE CITY CODE OF THE CITY OF BELFIELD, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELFIELD, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF BELFIELD, AS FOLLOWS:

**CHAPTER XI.
ANIMALS AND FOWL**

ARTICLE 1.

GENERAL REGULATIONS

11.0101 DEFINITION:

1. **"ANIMAL" or "ANIMALS"**. The word "animal" or "animals" shall mean any horse, cattle, jackass, sheep, goat, swine, rats, mice, guinea pigs, rabbits, dogs, cats or other animals or rodents.
2. **"AT LARGE"**. The words "at large" shall mean not under the control of a person. The animal shall be attached to a leash held by a person, or attached to a leash which is securely fastened, or kept within a fenced area from which it cannot readily escape, or within a trailer or vehicle. The animal shall be controlled in such a manner so that it may not come in contact with persons using the public streets and sidewalks.
3. **"CAT"**. The word "cat" shall be any member of the feline family, either male or female.
4. **"DOG"**. The word "dog" shall be any animal of the canine family, both male and female.
5. **"FOWL"**. The word "fowl" shall mean chickens, ducks, geese, turkeys, pigeons or other domestic fowl.
6. **"OWNER"**. The word "owner" means any person owning, keeping or harboring a dog, cat, animal or fowl, wherever the context requires the different usages.
7. **"VICIOUS DOG"**. The words "vicious dog" shall mean a dog which without provocation bites, attempts to bite, or threatens bodily injury to any person or other animals while the person is not at the time trespassing on the property of the dog's owner or doing damage or injury to the person or property of the owner; or

in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon a street, sidewalk, or any public ground or place; or has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans, or domestic animals.

8. “DANGEROUS ANIMAL”. The words “dangerous animal” shall mean any animal which without provocation, bites, attempts to bite, or threatens bodily injury to any person or other animals while the person or other animal is not at the time trespassing on the property of the animal’s owner or doing damage or injury to the person or property of the owner; or in a vicious or terrorizing manner approaches any person in apparent attitude of attack upon a street, sidewalk, or any public ground or place; or has a known propensity, tendency, or disposition to attack, unprovoked, causing injury or otherwise threatening the safety of humans, or domestic animals..

11.0102 CRUELTY: No person shall cruelly treat any animal in the City in any way; any person who inhumanely beats, under feeds, overloads or abandons any animal shall be deemed guilty of a violation of this Section.

11.0103 DANGEROUS ANIMALS: It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City.

11.0104 NOISES: It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

11.0105 STRAYS: It shall be unlawful to permit any cattle, horses, sheep, swine, goats or poultry to run at large in the City; 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.

11.0106 KILLING DANGEROUS ANIMALS: Members of the Police Department or any other person in the City are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

11.0107 DISEASED ANIMALS: No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in public places 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 made the duty of the Health Officer or Chief of Police 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 Veterinarian is empowered to act.

11.0108 HOUSING: No person shall cause or allow any stable or any place where any animal may be kept to become unclean or unwholesome; and it shall be unlawful to keep any live swine, pigs, or jackasses within the corporate limits of the City.

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 hereinafter provided if over one (1) month of age. No license or renewal licenses shall be issued for a dog or cat over six (6) months of age unless it has been inoculated against rabies.

11.0202 LICENSE FEE: All dogs and cats kept in the City shall be registered as to sex, breed, name and address of the owner and name of dog or cat. At the time of such registration such owner shall obtain a license for such dog or cat and shall pay a fee for each male dog or cat and a fee for each female dog or cat; which fees shall be set forth in the annual City of Belfield Fee Schedule. It shall be the duty of said owner to cause such license tag to be securely attached around the animal's neck and kept there at all times during the license period.

11.0203 DANGEROUS DOGS: No vicious, dangerous, ferocious dog or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the City.

11.0204 NUISANCE - WHEN:

Any animal within the city limits is a public nuisance when:

- (a) It frequently frightens, annoys, barks at or chases any person or vehicle;
- (b) It is a female in heat and not continually confined indoors by its owner;
- (c) It is more than 6 months old and does not have a current vaccination or inoculation against rabies.
- (d) It is not wearing a collar bearing a City Animal license tag and rabies vaccination tag verifying up to date vaccination.
- (e) By loud and frequent, excessive or continuous barking, yelping, crying or howling it annoys any person;
- (f) It damages any property not the property of its owner;
- (g) It runs at large upon any right of way, public property, or upon the private premises of any person other than the owner or the keeper of the animal.

(h) It bites any person, when the person so bitten was not at the time injuring the animal or the person or property of the owner or keeper of such animal.

(i) When it is dead and buried improperly, so as to cause a hazard or potential hazard to the public health.

11.0205 RABIES INOCULATION: It shall be the duty of the owner or person in custody of any dog or cat kept in the City to have the dog or cat inoculated against rabies at least once each year if the vaccine used was Phenalized Vaccine and within three (3) years if the vaccine used was Avianized Vaccine, and no license shall be issued for any dog or cat unless the applicant exhibits a certificate of veterinarian showing compliance with this Section.

11.0206 IMPOUNDING: Unrestrained dogs or cats may be taken by the police or the animal warden and impounded in an animal shelter, and there confined in a humane manner. Impounded animals shall be kept for not less than seven (7) days unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the police officer shall, immediately upon impounding, notify the owner by telephone or mail of the impoundment of the animal. Animals not claimed by their owners within seven (7) days may be humanely disposed of or given to any person who is willing to adopt that animal. The costs or fees for impoundment, boarding or adoption of animals shall be as provided in the City of Belfield fee schedule. (Ordinance 255- 9/2/08).

11.0207 RETURN TO OWNER IF KNOWN: Notwithstanding the provisions of Section 11.0206, if an animal is found at large and its owner can be identified and located, such animal need not be impounded but may, instead be taken to the owner. In such case, the policeman, animal warden or other officer, may proceed against the owner for violation of this Ordinance.

11.0208 RUNNING AT LARGE: REPEALED BY ORDINANCE 240.

11.0209 TRAP: No person shall interfere with, confiscate, move or release, an animal from a trap set by the police or the animal warden.

11.0210 REGULATIONS OF VICIOUS DOGS AND DANGEROUS ANIMALS:

1. No person shall own, keep, possess or harbor a vicious dog or dangerous animal within the City of Belfield, North Dakota.
2. Whenever a complaint under oath is made to the effect that any person is in violation of this section, the Court shall set a time and place for the hearing of such complaint, notice of which shall be given the owner or possessor of such dog not less than twenty-four hours before such hearing, in writing, served in the same manner as a summons. Should the Court determine at the time of the filing of such complaint that such dog or other animal is dangerous to the public, he may require the Animal Control Officer or a member of the Police Department to immediately take up and impound

such dog or other animal pending the hearing on the complaint. At the time of the hearing of such complaint, all interested persons shall be entitled to testify.

3. In the event that any person is found to be in violation of this section, the Court shall issue an order requiring said owner or possessor of such vicious dog/animal to either destroy or remove the dog/animal permanently from the city within twenty-four hours. In the event such dog/animal is not destroyed or removed within such time, the Animal Control Officer or a member of the Police Department of the city shall be authorized to take up and immediately destroy such dog/animal, for which he shall be paid by the owner the fee provided for killing dogs/animals not licensed.

4. Should a dog or other animal which has been impounded pending the hearing on said complaint be ordered destroyed or removed from the city subsequent to said hearing, the owner or possessor of such dog/animal wishing to remove it from the city shall within twenty-four hours after the issuance of such order pay the Animal Control Officer the regular pound fees for taking up and keeping such dog/animal, and shall thereupon immediately remove said dog/animal from the city. Any dog/animal which shall be removed from the city under the provisions of this chapter and thereafter be brought back into the city, shall immediately be taken up by the Animal Control Officer or a member of the Police Department and destroyed.

5. Should the Court determine that the owner or possessor of an alleged vicious dog or dangerous animal is not in violation of this section, said dog/animal shall be returned to the owner or possessor by the Animal Control Officer or a member of the Police Department immediately and the fees for impounding and keeping said dog/animal shall be paid by the city.

6. Any dog/animal taken and impounded under the provisions of this chapter because of having bitten any person shall be held in the pound for ten days before the final disposition is made of such dog/animal under the provisions of this chapter. In the event a vicious dog or dangerous animal cannot be taken up and caught by the Animal Control Officer or any police officer without such Animal Control Officer or police officer exposing himself to danger or personal injury from such dog/animal, or without exposing other persons to danger or personal injury from such dog/animal, it shall be lawful for the Animal Control Officer or any police officer to forthwith destroy such dog/animal.

7. Any person who willfully violates Section 11.0210 of this ordinance is guilty of a Class B misdemeanor. Every person, firm, or corporation violating an ordinance which is punishable as a Class B misdemeanor shall be punished by a fine not to exceed \$1,000, or by imprisonment not to exceed 30 days or both.

11.0212 NUMBER OF CATS AND DOGS ALLOWED:

(a) No person shall harbor or keep more than three animals upon premises within the city which are owned or controlled by that person, except where permitted by the City Zoning Code and unless a special use permit is obtained which allows the maintenance of a kennel.

11.0213. Disposition of dog or cat waste.

Every person having custody or control of a dog or cat on property other than his/her own shall be equipped to, and shall, collect such dogs or cats solid waste when eliminated. Any person having custody of a dog or cat on his/her premises shall not

permit animal waste to accumulate on his/her property.

ARTICLE 3.

PENALTIES

11.0301 PENALTIES AND ENFORCEMENT::

- (a) Any person, firm, association of persons, or corporations, violating any provision of this chapter shall be guilty of an infraction and subject to a maximum fine of Five Hundred Dollars (\$500.00), unless specifically designated a misdemeanor in which case a fine of One Thousand Dollars (\$1000.00) or thirty (30) days in jail, or both may be imposed. Each day a violation shall continue shall constitute a separate offense.
- (b) The Animal Control Officer, the Health Officer, or any member of the Police Department are authorized to act upon, issue citations, and enforce all provisions of this Chapter.
- (c) Pursuant to the authority of Chapter 1, Article 5 Section 1.0501 (6) the City Council has the authority to appoint an Animal Control Officer and approve a contract for such services, the terms of which are to be reviewed annually.

Repeal of Ordinances in Conflict. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Severability. In the event any section of this Ordinance is held invalid by a court of competent jurisdiction, the invalidity shall extend only to the section affected, and other sections of this Chapter shall continue in full force and effect.

Effective Date This Ordinance shall be in full force and effect from and after publication.

Leo Schneider, Mayor

ATTEST:

Cindy Ewoniuk, Auditor

First Reading:
Second Reading:
Final Passage: