

ORDINANCE CHAPTER XI

AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 11 OF THE CITY CODE OF THE CITY OF TAYLOR, NORTH DAKOTA, RELATING TO ANIMALS AND FOWL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAYLOR, NORTH DAKOTA, AS FOLLOWS:

ARTICLE 1

GENERAL REGULATIONS

11.0101 DEFINITION:

1. “Animal” or “Animals”. The word “animal” or “animals” shall mean any horse, cattle, 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 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. “Domestic Animal.” Domestic animal shall refer to a Cat or Dog.
4. “Cat”. The word “cat” shall mean any member of the feline family.
5. “Dog”. The word “dog” shall mean any member of the canine family.
6. “Fowl”. The word “fowl” shall mean chickens, ducks, geese, turkeys, pigeons, or other domestic fowl.
7. “Owner”. The word “owner” shall mean any person owning, keeping, or harboring a dog, cat, animal, or fowl.
8. “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.

9. “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 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, underfeeds, 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 keep or harbor 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 place 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 law enforcement, or any other person in the City shall be authorized to kill a dangerous animal when it is necessary to protect a person.

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 law enforcement.

It is hereby made the duty of law enforcement 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 if older than one (1) month. No license or renewal licenses shall be issued for a dog or cat older than six (6) months 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 pay a fee of \$10.00. This license shall last for a period of one (1) year from the date of issue, at which point the owner shall be required to renew the license for \$10.00.

11.0203 DANGEROUS DOGS: No vicious, dangerous, ferocious dog or dog which is sick with any contagious or infectious disease shall be allowed to run at large in the City.

11.0204 NUISANCE - WHEN: Any animal within the city limits is a public nuisance when any of the following conditions is met:

- 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. It annoys a person via loud and frequent excessive or continuous barking, yelping, crying, or howling.
- f. It damages any property that is 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 said animal
- i. If it is buried improperly after death so as to cause a hazard or potential hazard to public health

Penalty: Any person who owns or keeps and permits a nuisance within the city limits shall be assessed an administrative fee of \$50.00 for the first offense and \$100.00 for a second or more offense within 90 days of the first offense.

11.0205 RABIES INOCULATION: It shall be the duty of the owner of any cat or dog kept in the City to have the cat or dog inoculated against rabies at least once each year if the vaccine used was Phenalized Vaccine and within 3 years if the vaccine used was Avianized Vaccine, and no license shall be issued for any cat or dog 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 law enforcement and impounded in an animal shelter, and there confined in a humane manner. Impounded animals shall be kept for not less than 10 days, unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the law enforcement 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 10 days may be given to any person who is willing to adopt that animal or to any animal shelter. The costs and/or fees of impoundment shall be the cost of the bill to impound the animal plus another 20 percent.

11.0207 RETURN TO OWNER IF KNOWN : Notwithstanding the provisions of the impounding section, 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 its owner. In such case, law enforcement may proceed against the owner for violation of this Ordinance.

11.0208 TRAP: No person shall interfere with, confiscate, move, or release an animal from a trap set by law enforcement or animal warden.

11.0209 REGULATIONS OF VICIOUS DOGS: No person shall own, keep, possess, or harbor a vicious dog or dangerous animal within the City of Taylor, North Dakota.

1. Whenever a complaint under oath is made to the effect that any person is in violation of this section, the Council shall set a time and place for the hearing of such complaint, notice of which shall be given to the owner or possessor of such dog not less than 24 hours before such hearing, in writing, served in the same manner a Summons. Should the Council determine at the time of filing of such complaint that such dog or other animal is dangerous to the public, it may require a member of law enforcement to immediately take up and impound such dog pending the hearing on the complaint.
2. Every person who willfully violates this section is guilty of a Class B Misdemeanor. Each violation shall be punished by a fine not to exceed \$1,000, by imprisonment not to exceed 30 days, or both.

11.0210 NUMBER OF CATS AND DOGS ALLOWED: No person shall harbor or keep more than three Domestic Animals upon premises within the city which are owned or controlled by that person except when an Additional Domestic Animal License is obtained from the city auditor.

The willful violation of any permit term or condition herein shall subject the violator to an administrative fee of \$50.00

11.0211 ADDITIONAL DOMESTIC ANIMAL LICENSE: If a person wishes to keep more than three Domestic Animals upon his or her premises within the City, he or she may purchase an Additional Domestic Animal License from the city auditor for a fee of \$10 per year per extra Domestic Animal.

ARTICLE 3 - PENALTIES

11.301 PENALTIES:

Except as stated under an ordinance. all other violations of the terms of this Chapter shall be termed an infraction and be punishable by a fine not to exceed \$500.00. Each day a violation continues shall be considered a separate violation.

ATTEST

Lisa Aune, City Auditor

First Reading: April 12, 2021

Second Reading: May 10, 2021

Final Passage: