

CHAPTER ELEVEN
ANIMALS AND FOWL

ARTICLE 1 – General Regulations

11.0101 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Animal. Every living animal except humans.

Bite. Any penetration of the skin by an animal’s teeth.
(Amended September 9, 2024 by Ordinance No. 24-05).

Dangerous Animal. An animal which because of its poisonous bite or sting, size or propensity to viciousness or aggressiveness would constitute a hazard or threat to the safety of other animals or humans.

Dangerous or Vicious Dog or Cat. Any dog or cat that (a) inflicts severe injury on a human being without provocation on public or private property, (b) kills or severely injures a dog or cat without provocation while the dog or cat is off the owner’s property, or (c) has been previously found to be potentially dangerous because of injury inflicted on a human, the owner having received notice of such and the dog or cat aggressively bites, attacks, or endangers the safety of dogs, cats, or humans.

Dog. An animal which is a domesticated canid, *Canids familiaris*, bred in many varieties. Does not include hybrids which include *Canas lupus* (wolf) and other wild canids.

Domestic Fowl. Means poultry which are valued for their meats and eggs including chickens, turkeys, ducks, geese, and guinea fowl. Also includes pigeons.

Cat. An animal that is a small domesticated carnivore, *Felis catus*, bred in a number of varieties.
(Amended September 9, 2024 by Ordinance No. 24-05).

Exotic Pet. An animal that is not a dog, cat, or fish and is non-indigenous to North Dakota.

Owner. Any person owning, keeping or harboring an animal.
(Amended June 12, 2023 by Ordinance No. 23-05)

Severe Injury. Any physical injury to a human being or animal that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

Wild Animals. An animal that may be native to North Dakota, but is not considered domestic and may be listed as a huntable animal or protected by the state or federal government. (Amended April 12, 2021 by Ordinance No. 3- 2021)

11.0102 Animal Neglect, Abuse and Cruelty – Penalty

No person may neglect any animal, abuse any animal or cruelly treat any animal in the City as defined in sections 36-21.2-01, 36-21.2-02 and 36-21.2-03 of the North Dakota Century Code. Any person who violates this Section is guilty of an offense. (Source: North Dakota Century Code sections 36-21.2-01, 36-21.2-02 and 36-21.2-03)

11.0103 Dangerous Animals

It is unlawful to permit any dangerous animal, vicious animal, or exotic animal of any kind to run at large within the City. Exhibitions or parades of wild animals may be conducted only upon securing a permit from the City. It is also unlawful to keep or harbor within the City any dangerous animal without first having obtained a permit to keep or harbor such animal from the city commission.

(Amended April 12, 2021 by Ordinance No. 3- 2021)

11.0104 Permit – When Issued

The city commission shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. No permit shall be issued without first obtaining a description of the animal, the name of the owner or person in charge, the purpose for which the animal is kept, and such other pertinent information as the City may determine. Any dangerous animal kept or allowed to run at large without the owner or keeper having first obtained a permit in compliance with this section is hereby declared a nuisance and the owner or keeper is guilty of a violation of this article.

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 City.

11.0106 Housing

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

11.0107 Keeping of Certain Animals Prohibited

It is unlawful to keep any live sheep, swine or pigs, cattle, domestic fowl, horses, or goats 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.

(Amended April 12, 2021 by Ordinance No. 4- 2021) (Amended September 9, 2024 by Ordinance No. 24-05).

11.0108 Strays

It is unlawful to permit any cattle, horses, sheep, swine, goats or domestic fowl, horses, or goats 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 is also unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

(Amended September 9, 2024 by Ordinance No. 24-05).

11.0109 Nuisance Animals

The keeping of any animal that causes annoyance, disturbance, or offense to persons residing in or passing through the neighborhood, either because of:

- (a) Excessive barking, howling, braying, crowing, or other sounds common to its species;
- (b) Biting, threatening, chasing, or molesting persons upon the public sidewalk or streets, or the property of persons other than the owner; or
- (c) The failure of any person responsible for an animal to maintain all structures, pens, or yards wherein any animal is kept in a clean and sanitary condition devoid of rodents and vermin, and free from all objectionable odors.

Keeping any animal in violation of any provision of this article is a nuisance and the keeping or maintaining of any such nuisance is prohibited. Each day's continuance of such nuisance shall be a separate offense.

(Amended September 9, 2024 by Ordinance No. 24-05).

11.0210 Animal Waste

Every person having custody or control of an animal on property other than his own shall be equipped to and shall collect such animal's solid waste when eliminated. Any person having custody of an animal on his premises shall not permit animal waste to accumulate on his/her property.

11.0111 Penalty

Any person who violates the provisions of this article for which a specific penalty is not otherwise provided upon preponderance of the evidence a civil penalty as set by resolution of the City Commission. 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 and Cats

11.0201 License Required

No dog or cat over one month of age shall be permitted to be or remain in the City without being licensed as provided in this Article. 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 must be shown to the person issuing the license before a license may be issued.

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 or cat. Licenses shall be issued by the City Auditor or other authorized person on an annual basis. The person paying the license fee shall receive a receipt therefore and a license tag with which to mark the animal. It shall be the duty of the owner or keeper 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 License Fee

The license fee shall be: Five Dollars annually for each dog or cat.

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 June in each year and shall become delinquent on the 1st day of September in each year. If the fee is not paid before the first day of September a penalty of Twenty Dollars shall be added to the license or renewal fee. The City may provide an annual event to assist with registering pets.

(Revised April 12, 2021 by Ordinance No. 3- 2021)

11.0205 Dog or Cat Running at Large Prohibited

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large in the City at any time. A dog or cat shall not be considered running at large if (1) attended and on a leash or electronic leash or (2) when in the confines of the owner's or keeper's premises.

11.0206 Return to Owner if Known

If a dog or cat 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 policeman or other city official may proceed against the owner or keeper for violation of this article.

11.0207 Noisy Dog or Cat Prohibited

It shall be unlawful to keep or harbor within the City any dog or cat that disturbs the peace by habitually howling, barking, whining, meowing 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.

11.0208 Nuisance – When

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

11.0209 Dangerous or Vicious Dog or Cat Prohibited

Any person who shall knowingly keep, harbor, or shelter a dangerous or vicious dog or cat within the city limits or in the extraterritorial jurisdiction of the City shall be guilty of a Class B Misdemeanor.

(Amended April 12, 2021 by Ordinance No. 4- 2021) (Amended September 9, 2024 by Ordinance No. 24-05).

11.0210 Limitation on Number of Dogs and Cats – Permit to Exceed Limitation

- a. No person shall harbor or keep more than three dogs and/or cats upon premises within the city which are owned or controlled by said person, and unless a special use permit is obtained, if necessary pursuant to subsections (b).
- b. The City may grant a person a special use permit and license to exceed the limitation on the number of dogs and cats. The special use permit and license shall specify the numbers of dogs and/or cats which the licensee may harbor or keep subject to such limitations and conditions listed in the special use permit and the license. The license shall attach to the premises to which it relates and shall be personal to the licensee and may not be transferred.
- c. In determining whether a permit shall be issued or not, the City shall consider:
 1. The area in square footage of the premises to which the permits relates;
 2. The proposed facilities to house the dogs and/or cats and to provide them with an exercise area;
 3. The proposed sanitation measures the licensee will employ;
 4. The size and customary habits of each type or breed of dog and/or cat sought to be kept;
 5. The distance from the kennel to premises owned by other persons;
 6. The past history of the applicant with regard to violations of this chapter and generally with regard to providing sanitary human care for dogs and/or cats; and

7. Any other factors reasonably likely to affect adversely the persons who live, work, visit or transact business in close proximity to the proposed permit area.

d. The willful violation of any permit term or condition shall subject violator to a civil fine as specified in the City fee schedule.

(Revised April 12, 2021 by Ordinance No. 3- 2021)

11.0211 Penalty

Any person who violates the provisions of this article for which a specific penalty is not otherwise provided upon preponderance of the evidence subject to a civil penalty as set by resolution of the City Commission. 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.

11.0212 Impoundment

Any animals found to be in violation of the provisions of this article shall be subject to impoundment according to law.

(Amended September 9, 2024 by Ordinance No. 24-05).