

ORDINANCE 3.a.

AN ORDINANCE RELATING TO CONTROL OF ANIMALS AND POULTRY.

Section 1.

ANIMALS AND POULTRY NOT TO BE RAISED OR KEPT IN CERTAIN AREAS, PENALTY. No person or persons shall raise or keep any domestic animals or poultry, or both, of the species of horses, mules, asses, cattle, sheep, goats, swine, geese, chickens, ducks, turkeys, peacocks, guinea hens, or similar livestock or fowl within the city limits of the City of Park River except as follows:

1. Up to 8 hen chickens (no roosters) will be allowed with a license.
2. Initial license must be approved by 75% of the property owners within 200' of the coop.
3. Applicant shall pay an initial license fee and annual renewal fee as is more accurately included on the schedule of fees and rates which is included in these ordinances and adopted herein by reference.
4. In the event a complaint has been filed with the City of Park River prior to renewal of said license within the past calendar year, the Building Inspector will determine if the license renewal is issued. If no complaints have been filed, the renewal shall be considered extended for an additional year provided payment is received.
5. Slaughtering of chickens on the premises is prohibited.
6. A separate coop and run is required to house the chickens. Coop must be located in the rear and be setback at least five feet from the property lines.
7. All premises on which hens are kept or maintained shall be an enclosed fence and be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned to control odor so as not to be detectible on another property.
8. All grain and food stored for the use of the hens on premises with a chicken license shall be kept in a rodent proof container.
9. All applicants must notify the owner of the property if the applicant is not the owner.

10. A complaint against any person owning, keeping or harboring chickens may be filed with the City of Park River Building Inspector. If an investigation from the Building Inspector reveals that the use of chickens is in violation of this section or any other section of this Code the City Building Inspector shall have authority to require the owner or user of the property to fix, abate, or alleviate the problem. If the problem is not satisfactorily abated or alleviated the City Building Inspector shall have authority to revoke the license.

(First Reading 7-14-2014 Second Reading 8-11-14, revised 12-30-15)

ORDINANCE 3.B.1.

AN ORDINANCE TO CONTROL DOGS AND CATS.

SECTION 1.

DEFINITIONS. As used in this article, the following words are defined as follows:

- 1.) Dog shall be intended to mean both male and female animals which are domesticated canids, *canis familiaris*, bred in many varieties. "Dog" does not include hybrids which include *canis lupus* (wolf) and other wild canids.
- 2.) Cat shall be intended to mean both male and female domesticated *felis catus*, bred in a number of varieties.
- 3.) Owner shall be intended to mean any person or persons, firm, association, or corporation owning, keeping, or harboring a dog or cat.
- 4.) At large shall be intended to mean off the premises of the owner and not under the control of the owner or member of his immediate family either by leash, cord, chain, or like manner. Having others walk the dog or cat by means of a leash shall not be prohibited, however, when under the permission of the owner.

SECTION 2.

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 attended and on a leash or when in the confines of the owner's or keeper's premises.

In addition to the penalties provided herein, if the same animal is the basis for three running at large offenses within a one year period, the municipal judge may, order the animal destroyed or removed from the city. Any costs associated with impounding or destruction of said animal shall be the responsibility of the owner.

SECTION 3.

DOGS OR CATS DECLARED TO BE A NUISANCE. A cat or dog is hereby declared a public nuisance within the City of Park River which,

- 1.) shall frighten, annoy, bark at, or chase any person or vehicle, or
- 2.) shall by loud and frequent yelping, barking, or howling, annoy any person, or
- 3.) shall, if a female dog, be in heat, or
- 4.) shall destroy or damage any property not the property of the owner or keeper, or

- 5.) shall not have been inoculated against rabies if over six (6) months of age, or
- 6.) shall defecate or urinate on property other than that of its owner or keeper, or
- 7.) shall cause unreasonably fouling of the air by odors that cause unreasonable unsanitary conditions in enclosures or surroundings, or
- 8.) shall not have a collar and license tag required, or
- 9.) is determined by the animal control department or health unit to be a public nuisance by virtue of being offensive or dangerous to public health, welfare, or safety.

The owner thereof shall be subject to penalty as provided herein.

SECTION 4.

IMPOUNDING. It shall be the duty of every police officer to apprehend any animal found running at large contrary to the provisions of Section 3. or any animal found to be a public nuisance provided in Section 4, and to impound such animal in the City Pound or other suitable place. The Poundmaster or such other officer as may be designated, upon receiving any animal, shall make a complete registry, entering the breed, color, and sex of such animal and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the tag. Licensed animals shall be separated from unlicensed animals.

SECTION 5.

NOTICE TO OWNER AND REDEMPTION. Not later than the day after the impounding of any dog or cat, the owner shall be notified, or if the owner of the dog or cat is unknown, written notice including a photograph of the animal, shall be posted for four (4) business days at the City Dog Pound and the City office in the City of Park River, describing the dog or cat and the place and time of taking. The owner of any dog or cat so impounded may reclaim such dog upon payment of the license fees, if unpaid, and of all costs and charges incurred by the City of Park River for impounding and maintenance of said dog or cat. The charges for impounding or keeping any dog shall be paid to the City Auditor as is more specifically identified in the schedule of fees and rates which is included in these ordinances and adopted herein by reference If costs are unpaid within 30 days of incurring charges, costs may be assessed against the owner.

SECTION 6.

DISPOSITION OF UNCLAIMED DOGS OR CATS. It shall be the duty of the Poundmaster or other official to keep all dogs so impounded for a person of four (4) days from the date of notice to the owner, or posting of notice as herein provided. If, at the expiration of four (4) business days from the date of notice to the owner or the posting of notice as herein provided, such dog or cat shall not have been redeemed, it

may be destroyed, and costs of impounding and destruction shall be assessed to the owner.

SECTION 7.

BREEDING KENNELS FOR DOG PROHIBITED. A kennel for breeding dogs shall be construed to mean any place where a female dog is kept for breeding purposes or where the enterprise of breeding dogs is carried on for commercial purposes or profit. The maintaining within the City of Park River of a kennel is hereby prohibited.

SECTION 8.

RABIES. The owner of any dog or cat which has contracted rabies, or which has been subject to the same, which is suspected of having rabies, or which shall have bitten any person shall, upon demand of the police department or health department of the City produce and surrender up such dog to such department to be held in quarantine for observation for a period determined by the City Health Officer. If, upon examination, any dog or cat shall prove to be infected with rabies, such dog or cat shall be disposed of as directed by such officer. Any fees incurred for impounding, testing, and destruction of animals held in quarantine shall be the responsibility of the owner of said animal(s).

SECTION 9.

KEEPING A RABID DOG OR CAT, FAILURE TO REPORT. It shall be unlawful for any person to knowingly keep or harbor any dog or cat infected with rabies or any dog or cat known to have been bitten by a rabid dog or cat, or who fails to report to the police or health department the existence of a dog or cat which he knows to be so infected.

SECTION 10.

VICIOUS ANIMAL, DEFINED. A vicious animal means:

- (1) an animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors or possesses the animal knows or reasonably should know that the animal is possessed of tendencies to attack, injure or bite persons without provocation
- (2) Any animal which, when unprovoked, in a vicious or terrorizing manner approaches any person in an apparent attitude or attack upon the streets, sidewalks, or any public grounds or places; or
- (3) Any animal owned or harbored primarily or in part for purposes of fighting or any animal trained in fighting, or
- (4) 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 herein; or

- (5) Any animal which has been determined to be dangerous by any municipal or other court

Notwithstanding the foregoing, no animal may be found or declared dangerous if an injury or damage is sustained by a person or other domestic animal who, at the time of such injury or damage being 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. Furthermore, no animal shall be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity from being attacked or assaulted.

SECTION 11.

KEEPING VICIOUS ANIMAL, PROHIBITED. No person shall keep, harbor, or shelter a vicious animal as herein defined within the City of Park River.

SECTION 12.

SEIZURE AND IMPOUNDING OF VICIOUS ANIMALS. Whenever any person makes a complaint in writing and verified under oath before any law enforcement official within the City of Park River that any animal is a vicious or nuisance animal within the terms of this ordinance, the Law Enforcement official shall issue a complaint and the owner of such animal shall be brought before the Magistrate for trial upon such charges as in other cases. If such person is found guilty, the Magistrate, in addition to other penalties provided herein, shall issue an order directing the owner to immediately surrender such animal to the police official and failure to do so shall constitute a violation of this Section. In the event the owner fails to surrender said animal, such animal, shall be seized by the police. Whether the animal is surrendered or seized, the animal shall be impounded in the City Animal Pound for a period of four (4) business days, during which time the owner of the animal may, if he chooses, make arrangements to remove said animal from the City, and if he fails to do so within said time, then such animal shall be destroyed. Any costs incurred for impounding, boarding, testing or, destroying said animal, or other veterinary expenses incurred in accordance with this section shall be the responsibility of the animal's owner.

SECTION 13.

PENALTY. The finest for violations of this section shall be more specifically identified in the schedule of fees and rates which is included in these ordinances and adopted herein by reference.

- Revised 12-30-15

ORDINANCE 3.b.2.

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS AND CATS.

SECTION 1.

LICENSE REQUIRED. No person shall own or keep any dog or cat, either male or female, within the limits of the City of Park River, without obtaining a license therefore. All dogs and cats become subject to the license as soon as they are six (6) weeks old.

SECTION 2.

FEE FOR, PAYABLE TO WHOM, WHEN DUE, FAILURE TO PAY, TAG. The owner or keeper of any dog or dogs and cats shall pay a license fee thereon to the City for each and every dog by such persons owned and kept within the limits of said city as is more specifically identified in the schedule of fees and rates which is included in these ordinances and adopted herein by reference.

The license fee upon dogs and cats hereinbefore specified and established shall be paid annually in each and every year. In case of failure of such owner or keeper to pay the license upon any such dog or cat, such dog or cat shall be surrendered by the owner or keeper for the purpose of being euthanized by the demand of the any law enforcement office of the City of Park River. Upon payment to such officer or City Auditor of the license upon any dog or cat, he shall give to the person paying such license a receipt therefore and provide such person with a tag with which to mark the dog or cat so paid for. Every owner or keeper of a dog or cat shall cause it to wear around its neck a collar to which the tag shall be securely fastened.

SECTION 3.

RABIES. All dogs and cats having been licensed according to the paragraph above shall be inoculated for rabies, and proof of such must be given to the City Auditor before a license can be issued. In addition to wearing the license on the collar, each dog or cat shall wear attached to the collar a proper notice of the rabies inoculation as shall be prescribed by the State Laws of North Dakota.

SECTION 4.

UNLICENSED DOGS AND CATS TO BE EUTHANIZED. It is hereby made the duty of any law enforcement officer of the City of Park River to immediately impound all dogs and cats running at large within said City or found upon any of the public grounds or streets of said City that have not been licensed according to the foregoing provisions or that do not wear collars as hereinbefore provided. Any costs incurred in compliance with this section shall be the responsibility of the owner of the animal at issue.

Revised 12-30-15