

**TITLE XI**  
**ANIMALS AND FOWL**

**CHAPTERS:**

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CHAPTER 11.01

GENERAL REGULATIONS

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11.0101 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 Chapter is guilty of an offense.

11.0102 Dangerous Animals

It is unlawful to permit any dangerous animal or vicious 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 law enforcement. 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 law enforcement.

11.0103 Permit – When Issued

Law enforcement shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. If law enforcement shall refuse to issue a permit, the decision may be appealed to the City Commission. 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 law enforcement 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 Chapter is hereby declared a nuisance and the owner or keeper is guilty of a violation of this Chapter.

11.0104 Killing Dangerous Animals

The members of law enforcement 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.

11.0105 Diseased Animals

1. 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 law enforcement or the health officer.
2. It is hereby made the duty of the health officer 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 department of health is empowered to act.

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, chickens or other poultry, goats, or rabbits 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.

11.0108 Strays

It is unlawful to permit any cattle, horses, sheep, swine, goats or poultry 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.

11.0109 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.

11.0110 Penalty

Any person who violates the provisions of this Chapter 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 thousand dollars (\$1,000.00). The owner of any animal impounded pursuant to the provisions of this Chapter shall pay all costs and charges assessed for such impoundment before such animal may be released to the owner.

CHAPTER 11.02

DOGS AND CATS

SECTIONS:

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  - 11.0214 Allowing a Nuisance – Cats
  - 11.0215 Limitation on Number of Dogs or Cats
  - 11.0216 Impounding
  - 11.0217 Notice to Owner; Reclaim
  - 11.0218 Disposition of Any Unclaimed Dog or Cat
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  - 11.0220 Animal Sheltering
  - 11.0221 Food and Water Requirements
  - 11.0222 Chains, Kennels, Tethers, and Tie Outs
  - 11.0223 Violations and Penalties
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11.0201 Definitions

1. As used in this ordinance:

- c. “At large” means not under the immediate control of the owner by leash, fence, or other physical restraint.
- d. “Cat” means a male or female feline, whether neutered or spayed or not.
- e. “Dog” means a male or female canine, whether neutered or spayed or not.
- f. “Leash” means a cord, chain, or physical restraint apparatus which holds the dog at a distance of not more than six (6) feet from the owner.
- g. “Owner” means a person or any member of the person’s immediate family or household owning or having custody or responsibility for the care of a dog or a cat.

11.0202 Dog License Requirements – Vaccination or Inoculation

- 1. A dog more than six (6) months old, kept within City limits, shall be licensed within thirty (30) days of being brought into the City. The license shall not be prorated and shall expire the date of the rabies inoculation or vaccination on the certificate from a licensed doctor of veterinary medicine.
- 2. The provisions of this Section do not apply to dogs kept temporarily within the City limits nor to dogs brought into the City to participate in sanctioned parades, shows, or performance trials.

3. At the time application is made for the license required in this Section, the owner shall state upon a form provided for such purpose the owner's name and address, description of the dog, and date of the dog's rabies inoculation or vaccination. A license or renewal of a license shall not be issued for any dog more than six (6) months of age unless a certificate signed by a qualified veterinarian is filed with the application, showing that the animal described in the application has been inoculated or vaccinated against rabies.

#### 11.0203 Dog Tags and Licenses

1. Upon payment of the license fee and compliance with the provisions of Section 11.0202, the City Auditor shall issue to the applicant a copy of the printed application for license form with a stamp thereon, "paid" and dated, which shall evidence the license and a tag for each dog licensed. The tag shall be changed in shape every year and will be stamped with the year for which it applies and a number corresponding with the number of the license.
2. An owner shall provide each dog licensed with a collar to which the license tag must be affixed and shall see that the collar and tag are worn off the premises where the dog is kept.
3. In case a tag is lost or destroyed, a duplicate tag will be issued by the City Auditor upon presentation of a receipt showing the payment of the registration fee for the unexpired license and payment of twenty dollars (\$20.00) for the duplicate tag.
4. A dog tag is not transferable from one dog to another, and no refund shall be made on a dog license fee because of the death or loss of a dog or because the dog or its owner leaves the City before expiration of the license period.
5. Any person having upon their premises or property custody or responsibility for more than two (2) dogs more than one (1) year old for the purpose of housing, grooming, breeding, boarding, training, or selling the dogs shall register and license their premises or property as a kennel. Kennel licenses shall be in effect, regardless of the date of issuance, until the following December 31.

#### 11.0204 Dogs Running at Large

A dog shall not run at large upon any of the streets, avenues, alleys, parks, public ways, school grounds, mobile home courts, or upon the private premises of any person other than the owner or keeper of the dog within the City. Any dog found running at large by the City animal warden or by any law enforcement officer shall be impounded and shall be delivered to the county pound and transported to Circle of Friends Humane Society in Grand Forks, North Dakota. The dog may be reclaimed by the owner by paying to the County and Circle of Friends Humane Society for the taking and maintenance cost as provided in this ordinance.

#### 11.0205 Female Dogs in Heat

A female dog shall be kept continually confined indoors while in heat.

#### 11.0206 When Dog Is Public Nuisance

1. A dog within the City limits is a public nuisance when any of the following apply:
  - a. The dog frequently frightens, annoys, barks at or chases any person or vehicle;
  - b. The dog, if a female, is in heat and not continually confined indoors by its owner;
  - c. The dog is more than six (6) months old and has not been vaccinated or inoculated against rabies within the last two (2) years;

- d. The dog does not have on a collar and license tag as required under the provision of this ordinance;
- e. The dog, by loud and frequent yelping, barking or howling, annoys any person; or
- f. The dog damages any property not the property of its owner.

11.0207 Vicious Dogs

1. A vicious dog is one which bites, attempts to bite, or threatens bodily injury to any person 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.
2. A person who shall knowingly keep, harbor, or shelter a vicious dog within the City limits shall be guilty of a misdemeanor and subject to the penalties provided for in this ordinance.
3. A dog found to be a vicious dog may be destroyed or may be removed from the City limits of the City.
4. A vicious dog running at large that cannot be safely taken up and impounded may be slain by law enforcement or the animal control officer.
5. Whenever any person makes a complaint in writing and verified under oath before law enforcement or the animal control officer that any person keeping, harboring or sheltering a vicious dog within the City limits, law enforcement shall issue a citation directed to the owner of the dog who shall appear before the County Court for trial upon such charges. If the person accused is found guilty, the judge, in addition to other penalties provided in this ordinance, shall issue an order directing the owner to surrender the dog to law enforcement or the animal control officer and failure to do so constitutes a violation of this ordinance. In the event the owner fails to surrender the dog within three (3) days, the dog shall be seized by law enforcement or the animal control officer.
6. Whether the dog is surrendered or seized, the dog shall be impounded for a period of ten (10) days, at the end of which time the owner of the dog may, if the owner chooses and the dog is found not to be rabid, make arrangements to permanently remove the dog from the city, and if the owner fails to do so within such time, the dog may be destroyed by law enforcement or given to any person who will permanently remove the dog from the City.

11.0208 Rabid Dogs

1. The owner of a dog which has contracted rabies, been subjected to the same, suspected of having rabies or bitten any person shall, upon demand of law enforcement, the animal control officer or the health officer, surrender the dog to law enforcement or the animal control officer to be held in quarantine for observation for a period determined by the health officer. If, upon examination, any dog is found to be infected with rabies, the dog shall be disposed of as directed by the health officer. All fees associated with quarantining and disposal of the animal will be the responsibility of the owner of the animal.
2. A person shall not knowingly keep or harbor any dog infected with rabies or any dog known to have been bitten by a rabid dog or other animal, or fail to report to law enforcement, the animal control officer or to the health officer the existence of a dog which the person knows is infected or was exposed to infection.

11.0209 Allowing a Nuisance – Dogs

The owner of a dog shall not allow or permit the dog to be a nuisance as defined in Section 11.0206 or defined in this section. A dog is a nuisance when the keeping of a dog causes any offensive odor, or causes noise or through the accumulation of excrement or other wastes or by other means attracts vermin or creates a hazard or danger to the health or welfare of any person. The nuisance is an offense irrespective of whether the offense occurs on the property of the offender.

#### 11.0210 Cat License Requirements – Vaccination or Inoculation

1. A cat more than six (6) months old, kept within the City limits, shall be licensed within thirty (30) days of being brought into the City. The license shall not be prorated and shall expire the date of the rabies inoculation or vaccination on the certificate from a licensed doctor of veterinary medicine.
2. The provisions of this section do not apply to cats kept temporarily within the City limits nor to cats brought into the City to participate in sanctioned parades, shows or performance trials.
3. At the time application is made for the license required in this section, the owner shall state upon a form provided for such purpose the owner's name and address, description of the cat and date of the cat's rabies inoculation or vaccination. A license or renewal of a license shall not be issued for any cat more than six (6) months of age unless a certificate signed by a qualified veterinarian is filed with the application, showing that the animal described in the application has been inoculated or vaccinated against rabies.

#### 11.0211 Cat Tags and Licenses

1. Upon payment of the license fee and compliance with the provisions of Section 11.0210, the City Auditor shall issue to the applicant a copy of the printed application for license form with a stamp thereon, "Paid" and dated, which shall evidence the license, and a tag for each cat licensed. The tag shall be changed in shape every year and will be stamped with the year for which it applies and a number corresponding with the number on the license.
2. An owner shall provide each cat licensed with a collar to which the license tag must be affixed and shall see that the collar and tag are worn constantly when off the premises where the cat is kept.
3. In case a tag is lost or destroyed, a duplicate tag will be issued by the City Auditor upon presentation of a receipt showing the payment of the registration license fee for the current year and payment of twenty dollars (\$20.00) for the duplicate tag.
4. A cat tag is not transferable from one cat to another, and no refund shall be made on a cat license fee because of the death or loss of a cat or because the cat or its owner leaves the City before expiration of the license period.
5. Any person having upon their premises or property custody or responsibility for more than two (2) cats more than one (1) year old for the purpose of housing, grooming, breeding, boarding, training or selling the cats shall register and license their premises or property as a kennel. Kennel licenses shall be in effect, regardless of the date of issuance, until the following 31st day of December.

#### 11.0212 Vicious Cats

1. A vicious cat is one which bites, attempts to bite, or threatens bodily injury to any person while the person is not at the time trespassing on the property of the cat's owner or doing damage or injury to the person or property of the owner.
2. A person who shall knowingly keep, harbor, or shelter a vicious cat within the City limits shall be guilty of a misdemeanor and subject to the penalties provided for in this ordinance.
3. A cat found to be a vicious cat may be destroyed or removed from the City limits of the City.
4. A vicious cat running at large that cannot be safely taken up and impounded may be slain by law enforcement or the animal control officer.

5. Whenever any person makes a complaint in writing and verified under oath before law enforcement or the animal control officer that any person keeping, harboring or sheltering a vicious cat within the City limits, law enforcement shall issue a citation directed to the owner of the cat who shall appear before the County Court for trial upon such charges. If the person accused is found guilty, the judge, in addition to other penalties provided in this ordinance, shall issue an order directing the owner to surrender the cat to law enforcement or the animal control officer and failure to do so constitutes a violation of this ordinance. In the event the owner fails to surrender the cat within three (3) days, the cat shall be seized by law enforcement or the animal control officer.
6. Whether the cat is surrendered or seized, the cat shall be impounded in the county pound for a period of ten (10) days, at the end of which time the owner of the cat may, if the owner chooses and the cat is found not to be rabid, make arrangements to permanently remove the cat from the City, and if the owner fails to do so within such time, the cat may be destroyed by law enforcement or given to any person who will permanently remove the cat from the City.

#### 11.0213 Rabid Cats

1. The owner of a cat which has contracted rabies, been subjected to the same, suspected of having rabies or bitten any person shall, upon demand of law enforcement, the animal control officer or the health officer, surrender the cat to law enforcement or the animal control officer to be held in quarantine for observation for a period determined by the health officer. If, upon examination, any cat is found to be infected with rabies, the cat shall be disposed of as directed by the health officer. All fees associated with quarantining and disposal of the animal will be the responsibility of the owner of the animal.
2. A person shall not knowingly keep or harbor any cat infected with rabies or any cat known to have been bitten by a rabid cat or other animal, or fail to report to law enforcement or to the health officer the existence of a cat which the person knows is infected or was exposed to infection.

#### 11.0214 Allowing a Nuisance – Cats

The owner of a cat shall not allow or permit the cat to be a nuisance. A cat is a nuisance when the keeping of a cat causes any offensive odor, or causes noise or through the accumulation of excrement or other wastes or by other means attracts vermin or creates a hazard or danger to the health or welfare of any person. The nuisance is an offense irrespective of whether the offense occurs on the property of the offender.

#### 11.0215 Limitation on Number of Dogs or Cats

It is unlawful to keep, harbor, own or in any way possess four (4) or more dogs or cats, or combination or both, over six (6) months of age upon or about the premises of any dwelling unit within the City limits.

#### 11.0216 Impounding

It is the duty of law enforcement and the animal control officer, whenever possible, to apprehend any dog or cat found at large or found to be a public nuisance as provided in this ordinance, and to impound such dog or cat in the City pound or other suitable place. Upon receiving any dog or cat, the poundmaster shall make a complete registry, entering the breed, color and sex of the dog or cat and whether licensed. If the dog or cat is licensed, law enforcement or the animal control officer shall enter the name and address of the owner and number of the tag. A licensed dog or cat shall be separated from any unlicensed dog or cat, if possible.

#### 11.0217 Notice to Owner; Reclaim

Not later than the day after the impounding of any dog or cat, the owner of the dog or cat shall be notified. If the owner of the dog or cat is unknown, then written notice shall be posted at the City Hall, describing the dog or cat and the place and time of taking. Except as provided in Section 11.0207 or Section 11.0212, the owner of any dog or cat impounded may reclaim the dog or cat upon payment of the license fee, if unpaid, and all costs and charges incurred by the city in impounding and maintenance of the dog or cat.



#### 11.0218 Disposition of Any Unclaimed Dog or Cat

It is the duty of law enforcement or the animal control officer to keep a licensed dog or cat impounded for a period of seventy-two (72) hours. If, at the expiration of seventy-two (72) hours from the date of notice to the owner or the first posting of notice, the licensed dog or cat has not been reclaimed, the dog or cat may be destroyed by the designated veterinarian or given to any person who will permanently remove the dog or cat from the City or who is willing to continue to register and license the dog or cat. An unlicensed dog or cat shall be kept for a period of forty-eight (48) hours from the date of notice to the owner or first posting of notice as provided by Section 11.0217. If, at the expiration of forty-eight (48) hours from the date of notice to owner or first posting of notice, the unlicensed dog or cat has not been reclaimed, the dog or cat may be destroyed by law enforcement or given to any person who will permanently remove the dog or cat from the city or who is willing to register and license the dog or cat.

#### 11.0219 Impounding and Licensing Fees

All fees for the impounding and licensing of dog and cats and the licensing of kennels shall be established by resolution by the Board of City Commissioners. A list of the fees shall be filed with the City Auditor, law enforcement, and animal control officer.

#### 11.0220 Animal Sheltering

1. No person shall always keep an animal outdoors on any premises without providing proper containment and shelter for said animal. Proper containment and shelter is defined as: (a) the animal has access to the owner's home through a door during all times spent outside; (b) the animal is at all times in the company of a human being; or (c) the animal is at all times provided access to an enclosed building, a house designed for the animal, or a similar structure. The term proper containment and shelter shall also mean that the animal must have enough space within the containment area that is outside the shelter to move about and be able to relieve itself away from its shelter. Said containment and shelter must be such that:
  - a. The shelter must have at least three (3) sides, a roof and a floor.
  - b. The shelter must have a floor raised off the ground, free of cracks, depressions, and rough areas where insects, rodents, or eggs from parasites may lodge.
  - c. The containment area and shelter must be cleaned and maintained in a manner designed to insure the best possible sanitary conditions. Excreta shall be removed from the containment area and shelter as often as necessary, and rugs, blankets, and/or other bedding shall be kept clean and dry.
  - d. Both the containment area and shelter must be of adequate size to allow the animal to stand up and turnabout freely, stand easily, sit and lie in a comfortable and normal position.
  - e. The shelter must have a floor constructed so as to protect the animal's feet and legs from injury.
  - f. The containment area and shelter must allow animals kept outdoors to remain dry during rain or snow.
  - g. The containment area and shelter must have sufficient clean bedding material and/or other means of protection from the weather and elements.
  - h. The containment area and shelter must provide sufficient shade to allow the animals kept outdoors to protect themselves from the direct rays of the sun, when sunlight is likely to cause overheating and/or discomfort.
  - i. The containment area and shelter must be structurally sound and maintained in good repair to protect the animal from injury.

- j. The containment area and shelter must be constructed and maintained so that the animal contained therein has convenient access to clean food and water.

11.0221 Food and Water Requirements

1. No person shall keep an animal on any premises, unless the animal is provided sufficient food daily to maintain proper body weight and good health.
  - a. The animal shall be provided food, which shall be free to contamination, and be wholesome palatable, and of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal.
  - b. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta and insects. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food, and shall be sanitized regularly to prevent molding, deterioration, or caking of feed. Spoiled or contaminated food shall be disposed of in a sanitary manner.
2. No person shall keep an animal on any premises unless the animal has fresh, potable water at all times, said water to be contained in such a manner that prevents the water from freezing during cold temperatures. Clean potable water shall be made available to the animal unless restricted by a veterinarian as a treatment for a specific medical or surgical condition.
  - a. If the water is kept in a container, this container shall be of such design as to prevent leaking, tipping or spilling of the water contained therein. If necessary to accomplish this, the container shall be secured to a solid structure or secured to the ground. Watering containers shall be kept clean, kept out of the sun, and must be emptied and refilled with fresh water at least once a day; or
  - b. If water for the animal is provided through an automatic or on-demand device, the water supply connected to the device must function twenty-four (24) hours a day and the water receptacle and bowl must be cleaned regularly.

11.0222 Chains, Kennels, Tethers, and Tie Outs

1. Chains, tethers, or tie outs must be at least three (3) times the length of the animal secured to it and may not exceed ten pounds in total weight. Such chains, tethers or tie outs must be of durable material that is strong enough to hold the animal being chained, tethered or tied-out. Any animal secured with a tie out must be so secured in an area that does not allow the animal to become tangled around objects and, thus, preventing the animal from having access to water and shelter. Chains, tethers and tie outs must be placed in such a location as to preclude or prevent the animal secured from reaching a public sidewalk, street or alley. The chain, tether or tie out must not allow the secured animal access to any neighboring property unless written permission has been obtained from the property owner. Animals restrained by a chain, tether, or other tie out device, shall not be secured to any stationary object for more than two (2) consecutive hours, with at least a two (2) hour rest or relief period between each chaining, and no more than four (4) two (2) hour chaining periods in a twenty-four (24) hour period. Kennels and pulley/cable run systems shall be exempt from the two (2) hour restriction provided that:
  - a. The length of the pulley system is at least twelve (12) feet and the attached tether has a swivel at both ends;
  - b. The height of the pulley system is mounted at least seven (7) feet above the ground;
  - c. The space provided inside the kennel is at least thirty-two (32) square feet;

- d. The kennel floor is made of solid material, such as cement, brick, durable plastic or other suitable material;
- e. The animal or animals so confined or secured to a kennel or pulley system are not confined in it, or to it, for more than ten (10) consecutive hours in a twenty-four (24) hour period.

11.0223 Violations and Penalties

- a. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in county court be fined a sum of not more than one thousand dollars (\$1,000.00). In addition to the foregoing penalties and any provisions contained in this ordinance, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this Chapter.