

ORDINANCE NO. 287

AN ORDINANCE TO AMEND ORDINANCE NO. 272 REGARDING THE PROVISIONS FOR THE LICENSING AND CONTROL OF DOGS AND CATS IN THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA.

ARTICLE I - Licensing and Control of Dogs and Cats.

Section 1 - Definition of Terms.

As used in this ordinance, unless the context otherwise indicates.

- a. "Animal" shall mean a male or female dog or cat
- b. "Owner" shall mean any person, persons, firm, association or corporation owning, keeping, or harboring an animal.
- c. "At large", shall mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Section 2 - License and Registration Required.

a. All dogs and cats kept or maintained in the City shall be licensed and registered if over six (6) months of age on or before the 1st day of March of each calendar year. Dog and cat licenses may be issued by the City Auditor or such other person as may be designated by the City Council or by licensed veterinarians designated by the City Auditor upon payment of an annual license fee as set forth herein. The owner, at the time of application, shall provide information in the form and manner as required by the City Auditor. No license may be issued unless a dog or cat has been inoculated for rabies within twenty-four (24) months preceding the application, Provided, however, that if the prior inoculation was within twenty (20) weeks of birth, an

inoculation will be required within twelve (12) months of the first inoculation. The licensing provision of the section shall not apply to dogs or cats brought into the City for the purpose of participation in any dog or cat show, nor to "seeing-eye" dogs or dogs properly trained to assist blind or otherwise disabled persons when such dogs are actually kept for use by blind or otherwise disabled persons for the purpose of aiding them in going from place to place or otherwise in their daily activities.

b. The fees for obtaining a license for a dog or cat, as referenced above, shall be set by resolution of the City Council.

c. The owner or possessor of each dog or cat shall cause a collar to be placed on the neck of the dog or cat, so licensed, with a shield furnished by the City indicating the number of the license and the year of the license. This shield shall be attached at all times while the dog or cat is outdoors within the City limits.

d. No residence within the City of Casselton shall have licensed more than three dogs or cats. All cats and dogs licensed on or before January 7, 2013, will be exempt from the three dog or cat requirement.

e. Failure to license a dog or cat, as required in this section, shall be punishable as an infraction, and shall carry a minimum penalty of at least a fine of One Hundred and no/100Dollars (\$100.00).

f. On or before the first day of February of each year the City Auditor shall place a notice in the Official Paper of the City of Casselton, that all animal licenses are due and payable on or before the first day of March of each year, and all animal owners of the City of Casselton as defined and set forth in this Ordinance shall obtain a license for said animal from the City Auditor of the City of Casselton in accordance with this Ordinance.

Section 3 - Animal must have Collar with Rabies Tag and License Tag attached.

Upon payment of the license fee the Auditor shall issue to the owner a license certificate and a metallic tag for each animal so licensed. The tag shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Each owner shall be required to provide each animal with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In case a tag is lost or destroyed, a duplicate will be issued by the Auditor upon presentation of a receipt showing the payment of the license fee for the current year and the payment of fifty cents (\$0.50) for such duplicate. Tags shall not be transferable from one animal to another and no refunds shall be made on any license fee because of the death of the animal or the owner's leaving the City before expiration of the license period. The metal rabies inoculation tag shall also be affixed to the animal's collar at all times.

Section 4 — Prohibited Acts and Punishment.

a. No person shall keep or harbor any animal which habitually barks, cries or howls. Any such animals which habitually bark, cry or howl are hereby declared to be a public nuisance. "Habitual barking, crying or howling" shall be defined as barking, crying or howling for repeated intervals of at least three minutes with less than one minute of interruption. Such barking, crying or howling must be audible off of the owner or keeper's premises.

b. No person having the custody or control of any animal shall permit the same to be off the property limits of its owner or keeper, or on any street, public park, school grounds or public place in the City of Casselton without being effectively restrained by chain or leash not exceeding six feet (6) in length. This provision shall not apply if the animal is within a vehicle being driven or parked in the streets.

c. The owner of every fierce, dangerous, or vicious dog shall confine such animal

within a building or secure enclosure and such animal shall not be taken out of such building or enclosure unless the animal is securely muzzled.

d. Every female animal in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such animal cannot come in contact with another animal except for breeding purposes.

e. If an animal is found running at large or otherwise in violation of this provision or ordinance, it shall be taken up and impounded and shall not be released except upon approval of law enforcement after payment of the fees provided in this Ordinance; provided, however, that if any dangerous, fierce or vicious animal so found at large cannot be safely taken up and impounded, such animal may be slain by law enforcement. Any animal found running at large, whose ownership is known to the law enforcement, need not be impounded, but law enforcement may, at his discretion, order the owner to keep the animal in strict restraint as herein defined or he may cite the owner of such animal to appear in Court to answer charges of violations of the Ordinance.

f. No person having custody or control of any animal under this ordinance shall allow the accumulation of excrement or other waste materials from an animal which results in foul or noxious odors that are offensive to surrounding residents.

g. Every person having custody or control of an animal shall be equipped to, and shall collect, said animal's solid waste when eliminated on any public property or private property not owned by the person having custody or control over the animal. Any person wishing to make a complaint shall appear before the Judge of the Municipal Court and sign a written complaint.

h. In addition to being a nuisance, any violation referred to in 4(a)-4(f) shall be

punishable as an infraction and shall carry a minimum penalty of a fine of at least One Hundred and no/100 Dollars (\$100.00). Violations referred to in 4(g) shall be punishable as an infraction and shall carry a penalty of Twenty Dollars (\$20). Violations shall be cited in the same manner as non-criminal traffic infractions. Any violation of this ordinance in which a finding is made that a person has been bitten by an animal with visible evidence, the municipal judge may order the animal to be slain or permanently removed from the City of Casselton.

Section 5 - Impounding.

It shall be the duty of City law enforcement or any other person designated by the City Council to apprehend any animal found running at large contrary to the provision of this Ordinance, and to impound such animal at a suitable place for the impounding of animals selected by law enforcement. Law enforcement, upon receiving any animal, shall make a complete registry of said animal, entering the breed, color and sex of such animal and whether licensed for the current year. If licensed, he shall enter the name and address of the owner and the number of the license tag.

Section 6 - Notice to Owner and Redemption.

Not later than two days after the impounding of any animal, the owner shall be notified by mail or telephone, or if the owner is unknown, written notice shall be posted at three conspicuous places in the City of Casselton, describing the animal and place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of the license fee, if unpaid, and the costs incurred by the City of Casselton for impounding, maintenance and keeping of said animal and giving notice, together with all costs incurred for any needed rabies inoculation.

Section 7 - Disposition of Unchained or Infected Animals.

It shall be the duty of law enforcement to keep all animals so impounded for a period of three days. If at the expiration of three days from the date of notice to the owner or the posting of notice, such animal shall not have been redeemed, it may be destroyed. Any unlicensed animal required by law to be licensed or any animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous diseases shall not be released but may be forthwith destroyed.

Section 8 Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of rabies, or other infectious or dangerous disease, if law enforcement deems it necessary, shall request the Mayor to issue a proclamation ordering every person owning or keeping an animal to confine it securely on his premises unless such animal shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled animal running at large during the time of the proclamation shall be seized and impounded. All animals so noticeably infected with rabies or other infectious or dangerous diseases and displaying vicious propensities shall be killed by City law enforcement without notice to the owner. Animals impounded during the first two days of each proclamation shall, if claimed within six days, be; released to the owner, unless infected with disease in accordance with this Ordinance, upon payment of the impounding charges provided in this Ordinance. If unclaimed after that period, such animal may be summarily destroyed.

Section 9 - Rabies.

If an animal is believed to have rabies or other infectious or dangerous diseases, such animal shall be placed under the observation of a veterinarian, at the expense of the owner, for a

period of two weeks. The owner shall notify city law enforcement that his animal has been exposed to rabies or other infectious or dangerous disease and at his discretion law enforcement is empowered to have such animal removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting an animal has rabies or other infectious or dangerous disease to allow such animal to be taken off his premises or beyond the limits of the City without the written permission of City law enforcement. Every owner, or other person, upon ascertaining an animal is rabid shall immediately notify law enforcement who shall either remove the animal to the pound or summarily destroy it.

ARTICLE II - REPEAL

Section 1 - Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE III - EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its passage and approval.

APPROVED:

Lee Anderson, Mayor

ATTEST:

Sheila Klevgard, City Auditor

FIRST READING: November 2, 2015
SECOND READING: December 7, 2015
PUBLICATION: December 16, 2015