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ANIMALS AND FOWL

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ORDINANCE 95-1  
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AN ORDINANCE TO AMEND AND RE-ENACT CHAPTER SEVEN OF THE REVISED ORDINANCES OF THE CITY OF TURTLE LAKE RELATING TO ANIMALS AND FOWL.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF TURTLE LAKE, NORTH DAKOTA:

Section 1. Amendment. Chapter seven of the Revised Ordinances of the City of Turtle Lake is hereby amended to read as follows:

ARTICLE 1 - General Regulations

7.0101 Cruelty - Penalty

No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, underfeeds, overloads or abandons any animal shall be deemed guilty of an offense for which the maximum penalty shall be a fine of Five Hundred and No/100 Dollars (\$500.00), thirty (30) days imprisonment, or both such fine and imprisonment.

7.0102 Dangerous Animals

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city; exhibitions or parades of animals which are dangerous by nature in the eyes of the law may be conducted only upon securing a permit from the City Auditor. It shall also be unlawful to keep or harbor within the City of Turtle Lake any dangerous animal without first having obtained a permit to keep or harbor such animal from the City Auditor

7.0103 Permit - When Issued

The City Auditor shall have discretion as to whether or not to issue a permit pursuant to Section 7.0102. If the City Auditor shall refuse to issue a permit, his decision may be appealed to the governing body. 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 Auditor shall 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 shall be guilty of a violation of this article.

7.0104 Killing Dangerous Animals

The members of the Police Department 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.

7.0105 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 Chief of Police or the Health Officer.

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 veterinarian is empowered to act.

#### 7.0106 Housing

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

#### 7.0107 Keeping of Certain Animals Prohibited

It shall be unlawful to keep any live sheep, swine or pigs, cattle, chickens or other poultry, goats or rabbits or horses 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 of a licensed livestock auction market.

#### 7.0108 Strays

It shall be 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 shall further be unlawful to picket or tie any such animal in any of the streets of the city for the purpose of grazing or feeding.

#### 7.0109 Noises

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

#### 7.0110 Penalty

Any person who shall violate the provisions of this article for which a specific penalty is not otherwise provided shall be guilty of an infraction for which the maximum penalty is a fine of Five Hundred and No/100 Dollars (\$500.00). 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 shall be released to the owner.

### ARTICLE 2 - Dogs and Cats

#### 7.0201 License Required

No dog or cat shall be permitted to be or remain in the city without being licensed as herein after provided if over one month of age. 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 to license such dog or cat. No license or renewal license shall be issued unless the dog or cat has been inoculated against rabies and proof thereof is shown to the person issuing the license.

#### 7.0202 Licensing Procedure and Terms

All dogs and cats shall be registered as to sex, breed, name and address of owner and name of dog. Licenses shall be issued by the City Auditor on an annual basis as hereinafter more fully provided. The person paying the license fee shall receive a receipt therefore and a metal tag or badge with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag or badge to be securely attached around the animal's neck and kept there at all times during the license period.

#### 7.0203 License Fee

The license fee shall be \$3.00 annually for each dog or cat. The fee for any license renewal shall be \$3.00

#### 7.0204 Same: When Due and Payable

The license fees or renewal fees previously provided for shall become due and payable on the 1st day of January in each year or within thirty days of residency and shall become delinquent on the 1st day of February in each year or thirty days after residency.

#### 7.0205 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 attended and on a leash or when in the confines of the owner's or keeper's premises.

#### 7.0206 Disposition of Unlawful Dogs or Cats

Any unlicensed dog or cat or any dog or cat running at large may be taken up by any police officer and impounded at the city dog pound, or such other place as may be designated by the governing body. The dog or cat shall not be released to any person until such dog or cat is licensed (if unlicensed), a fee of Thirty-five (\$35.00) is paid for the taking of each animal, and all pound charges are paid directly to the facility where the dog or cat is housed.

#### 7.0207 Disposition of Unclaimed Dogs or Cats

The owner or keeper shall be notified of the taking of the dog or cat. If the owner or keeper fails to pay the charges (including license if necessary) and claims the animal within three (3) days of notification the animal may be destroyed.

#### 7.0208 Return to Owner if Known

Notwithstanding the provisions of Section 7.0206, 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 officer may proceed against the owner or keeper for violation of this article.

#### 7.0209 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 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.

#### 7.0210 Nuisance - When

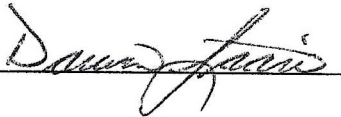
Any unlicensed dog or cat, any dog or cat running at large, any dog or cat disturbing the peace, or any dog or cat molesting passers by, chasing vehicles or trespassing upon private property is hereby declared to be a nuisance.

7.0211 Penalty

Any person violating any provision of this article shall be guilty of an infraction and be fined not to exceed Five hundred and No/100 Dollars (\$500.00), and shall be fined not less than Ten and No/100 Dollars (\$10.00).

SECTION 2. Time of taking effect. This ordinance shall be in full force and effect from and after its final passage and adoption.

APPROVED: 

ATTEST 

First Reading: May 15, 1995

Second Reading: June 1, 1995

Final Passage: June 1, 1995