

AN ORDINANCE AMENDING SECTION CHAPTER 8, ARTICLES 1 & 2 OF THE CITY CODE OF THE CITY OF GARRISON, NORTH DAKOTA RELATING TO ANIMALS AND FOWL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GARRISON, NORTH DAKOTA AS FOLLOWS:

#### ARTICLE 1- GENERAL REGULATIONS

##### **8.0101 Cruelty - Penalty**

No person shall cruelly treat any animal in the city in any way. Any person, who inhumanely 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).

##### **8.0102 - Dangerous Animals**

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

##### **8.0103 - Permit - When Issued**

The City Council shall have discretion as to whether or not to issue a permit pursuant to Section 8.0102. 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. 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.

##### **8.0104 – Destruction of Dangerous Animals**

Law enforcement officers or any person designated by the Mayor of the City of Garrison may destroy any dangerous animal found within the city limits when it is necessary for the protection of any person or property.

##### **8.0105 - 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 County Sheriff 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.

##### **8.0106 – Housing**

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

unclean, or unwholesome, and it shall be unlawful to keep any live swine or pigs, cattle, chickens, goats, rabbits, or horses in the City of Garrison, except that such animals may be kept in the areas of the City located within Section Seven (7) and Eight (8) of Township One Hundred Forty Eight (148), Range Eighty Four (84), that are zoned agricultural or have not been specifically zoned as residential, commercial, or industrial, and only after proper hearing for protest by neighboring land owners within a one block radius.

#### **8.0107 - Noises**

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

#### **8.0108 - Strays**

It shall be unlawful to permit any cattle, horses, sheep, swine, goats, or poultry to run at large in the city; 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.

#### **8.0109 - 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 charger assessed for such impoundment before such animal shall be released to the owner.

### **ARTICLE 2 -- DOGS AND CATS**

#### **8.0201 – 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 six months 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. No tag shall be transferable from one animal to another. Licenses shall be issued by the City Auditor on an annual basis. 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.

#### **8.0202 - License Fees**

All dogs and cats kept in the city shall be registered as to sex, breed, name and address of the owner and name of dog or cat. At the time of such registration such owner shall obtain a license for such dog or cat shall pay a fee of Five Dollars (\$5.00) for each dog or cat. It shall be the duty of said owner to cause such license tag to be securely attached around the neck and kept there at all times during the license period.



#### **8.0203 - Dangerous Dogs**

No vicious, dangerous, or ferocious dog or dog sick with or exposed to and liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the city.

#### **8.0204 - Nuisance - When**

Excessive, continuous, or untimely barking, molesting of passersby, chasing of vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property or damaging property by a dog is hereby declared to be a nuisance. Further any dogs without a valid license and collar is a nuisance.

#### **8.0205 - 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 a place as may be designated by the governing body subject to the following:

1. In any case where an animal is impounded, the owner or keeper claiming the animal shall pay the city the license fee for the animal, if any, plus an impounding fee for the care and maintenance of the animal while in custody, as established by the city council.
2. The impounding fee for an animal for the first impounding shall be Thirty dollars (\$30.00).
3. In the event an animal is impounded a second time, the fee shall be Fifty dollars (\$50.00).
4. In the event an animal is impounded a third or subsequent time, the fee shall be One Hundred dollars (\$100.00).

#### **8.0206 - 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 with three (3) days of notification the animal may be humanely destroyed. If the owner or keeper is unknown, the City Auditor or law enforcement officer shall give public notice of the taking of the animal before it is destroyed or otherwise disposed of.

#### **8.0207 - Return to Owner If Known**

Notwithstanding the provisions of Section 8.0205, 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.

#### **8.0208 - Redemption by Person Other than Owner**

If the owner of any animal impounded under this division shall fail to redeem such animal within three (3) days after such impoundment, any other person may, upon complying with the provisions of this division, redeem such animal from the pound and be the lawful owner of such animal thereafter.

#### **8.0209 - 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.

#### **8.0210 - Noisy Dog or Cat Prohibited**

It shall be unlawful to keep or harbor within the city any dog or cat or other animal that disturbs the peace by howling, barking, whining, meowing, or making other disagreeable noise.

#### **8.0211 - Mischievous Animals**

It shall be unlawful for any person to allow any dog, cat, or pet of any kind under his control to:

1. Frighten, annoy, bark at or chase any person or vehicle.
2. Destroy any property not the property of the owner or keeper.

#### **8.0212 - Vaccination**

It shall be unlawful for any person to own or have under his control any dog or cat which has not been inoculated against rabies, if over six (6) months of age.

#### **8.0213 – Dangerous or Vicious Dogs Prohibited.**

To protect the health, safety, and welfare of the citizens of the City of Garrison, no person shall harbor, keep, own, or possess a dangerous or vicious breed of dog within the corporate city limits. "Dangerous or vicious breed" is defined for purposes of this ordinance to mean:

1. The bull terrier breed of dog;
2. Staffordshire bull terrier breed of dog;
3. American pit bull terrier breed of dog;
4. American Staffordshire terrier breed of dog;
5. Rottweiler breed of dog;
6. Dogs of mixed breed or of other breeds other than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
7. Any dog which has the appearance and characteristics of being predominantly of the above breeds or any combination of any of those breeds.

#### **8.0214 - Exceptions**

A person may harbor, keep, own, or possess a dangerous or vicious breed of dog within the city limits of the City of Garrison under the following circumstances:

1. The dog is a "service/assistance animal" as defined by the Americans with Disabilities Act or Fair Housing Act and complies with all requirements thereunder. It shall be sufficient proof that a dog is a "service animal" if the owner/keeper demonstrates that the dog has been individually trained to do work or perform tasks for a person with a disability and the work or task the dog has been trained to provide is directly related to the person's disability; or
2. In addition to complying with all other provisions of this ordinance, the owner/keeper shall comply with the following requirements:
  - a. Provide the city with a color photo of the dog each year at the time of licensing that

clearly shows its color and size;

- b. Anytime the animal is outdoors, the owner/keeper shall at all times keep the dog securely confined within:
  - i. a privacy fence no less than six (6') feet in height,
  - ii. a secure six-sided pen, or
  - iii. an appropriately-sized transport container;
- c. Anytime the animal is outdoors and not securely confined, the owner/keeper shall keep the dog muzzled and leashed. The muzzle must be the appropriate size, fastened over the dog's mouth and head, and made of a suitable material that prevents the dog from biting but does not cause injury or interfere with the dog's respiration or vision. The leash must be no longer than four (4') feet in length, made of suitable material to prevent the dog from breaking away and at all times be tethered to the owner or other adult.

Any person who knowingly or intentionally misrepresents a dog as a "service/assistance animal" to qualify for an exception under this ordinance shall be guilty of an offense and fined One Thousand Dollars (\$1,000.00).

#### 8.0215 - Penalty

Except as otherwise provided, any person violating any provision of this article shall be guilty of an infraction and be fined an amount not to exceed Five hundred dollar (\$500.00) and not less than thirty dollars (\$30.00).

WHEREUPON, the Motion was passed and the Ordinance declared adopted this 6<sup>th</sup> day of March, 2017.

#### First Reading: February 6, 2017

Voting Aye: M. Matthews, McKenzie, Schlichting and J. Matthews.

Voting Nay: Reinarts

#### Second Reading: March 6, 2017

Voting Aye: M. Matthews, Schlichting and J. Matthews.

Voting Nay: McKenzie

Absent: Reinarts

Date Published (if required): \_\_\_\_\_

City of Garrison

ATTEST:

  
Mayor, Shannon W. Jeffers

  
City Auditor, Diane Affeldt

  
President, Glen Nygard