

## **CHAPTER THIRTEEN**

### **ANIMALS AND FOWL**

#### **ARTICLE 1 General Regulations**

- 13.0101 Cruelty
- 13.0102 Dangerous Animals
- 13.0103 Noises
- 13.0104 Strays
- 13.0105 Killing Dangerous Animals
- 13.0106 Diseased Animals
- 13.0107 Housing

#### **ARTICLE 2 Dogs and Cats**

- 13.0201 Definitions
- 13.0202 License Generally
- 13.0203 Limitation on Number of Dogs and Cats
- 13.0204 When License Fee Due and Payable; Penalty for Delinquent Fees
- 13.0205 Certificate: Tags, Collars, Duplicate Tags
- 13.0206 Running at Large/Wastes
- 13.0207 Nuisance
- 13.0208 Bitches in Heat
- 13.0209 Vicious Dogs
- 13.0210 Entering Upon Private Property to Apprehend
- 13.0211 Impoundment Generally Animals Running at Large
- 13.0212 Redemption of Impounded Animal
- 13.0213 Disposition of Unclaimed or Infected Animals
- 13.0214 Penalties
- 13.0215 Setting of Dogs at Large
- 13.0216 Authority
- 13.0217 Separability of Provisions

## **Article 1 General Regulations**

### **13.0101 Cruelty**

No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, under feeds, overloads, or abandons any animal shall be deemed guilty of a violation of this article.

### **13.0102 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 ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

### **13.0103 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.

### **13.0104 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.

### **13.0105 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 or property.

### **13.0106 Diseased Animals**

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, 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.

### **13.0107 Housing:** Amended 06/14/1999, Amended 7/18/2022

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, fowls, goats, rabbits, sheep, or horses in the city.

## **Article 2 Dogs and Cats Amended 7/18/2022**

### **13.0201 Definitions:**

As used in this section, the following words and phrases are defined as follows:

- a. **"At Large"** means off the premises of the owner and not on a leash, chain, or not under the restraint of some other device to control the animal. Guide dogs are exempt from this requirement.
- b. **"Cat"** shall mean both male and female members of the feline family.
- c. **"Dog"** shall mean both male and female members of the canine family.
- d. **"Owner"** shall mean any person owning, keeping or harboring a. dog.

### **13. 0202 License Generally:**

All dogs and cats kept, harbored, or maintained by their owners in the City of Hazen shall be licensed, if over one month of age. Licenses shall be \$10.00 dollars for either male or female. The owner shall state at the time application is made for such license, and upon a printed form provided for such purpose, owners name, address, breed, color, sex, name of animal, age and date of rabies inoculation. Any dog, or cat, licensed less than six months of age shall be inoculated against rabies upon reaching the age of six months. The license herein provided for shall be in force, regardless of the date of its issuance, until the first day of January thereafter.

### **13.0203 Limitation on Number of Dogs and Cats**

No person shall harbor or keep more than four or more dogs or cats or combination of both at a place of residence or business within the city limits of the City of Hazen. However, should a female dog or cat deliver a litter the litter may be kept with the mother for no more than 6 months after the birth. The Hazen Police Department may issue a permit for a residence to harbor, or keep, more than the prescribed number of animals if, upon verification, they are serving a foster or rescue shelter. The permit is valid for the calendar year and must be renewed annually in January.

### **13.0204 When License Fee Due and Payable; Penalty for Delinquent Fees**

The annual license and licensing fee for all dogs as provided in the previous section (13.0202) is due upon January 1 in each year, or when such dog becomes one month of age, and such annual license fee becomes delinquent after February 15th unless paid, excepting that any license fee falling due between February 15th and December 31st becomes delinquent upon the expiration of five days after the same becomes due.

A penalty of five dollars (\$5.00) for every month or fraction thereof for the period of time such license fee is delinquent, shall be added to the license fee required. This is in addition to any penalties that are outlined under 13.0213 of this section.

In case of failure by any person who is owner or keeper of a dog to obtain such license and to pay such license fee for any dog or cat, such dog or cat shall be surrendered up by the owner or keeper, upon demand of any police officer. Failure to surrender a dog or cat under the said conditions shall subject the owner or keeper thereof to a penalty as is hereinafter provided in 13.0214 of this section. The dog or cat may be returned to the owner upon payment of the license fee and all penalties called for within this ordinance. If not paid within five days after surrender, the dog or cat may be adopted, removed to an animal rescue or other approved residence, or humanely destroyed by order of the City Judge.

### **13.0205 License Certificate; Tags, Collars, Duplicate Tags**

Upon payment of the license fee provided for in the preceding subsection and compliance with the provisions of this section, the City Auditor or Police Department shall issue to the owner applying for a dog license a copy of the printed application form with a stamp thereon "Paid" and dated, which shall be evidence of such license and a tag for each dog or cat so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and a number corresponding with the number on the certificate. Every owner shall be required to provide each dog or cat licensed 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 City Auditor, upon presentation of a receipt showing the payment of the license fee for the current year and a payment of five dollars for such duplicate. The dog or must be present at the City Hall at time of application for duplicate tag.

### **13.0206 Running At Large/Wastes:**

- a. No owner or keeper of any dog or cat may allow such animal to run at large within the city limits. No intent or knowledge by the owner or keeper of a dog or cat is necessary to prove a violation of this ordinance. Any dog or cat running at large within the city may be picked up by the Hazen Police Department or any other person authorized by the Hazen City Commission of the Hazen Police Chief and held until claimed by its owner. The owner is subject to the penalties stated herein.
- b. No owner, keeper or other person having control of a dog or cat may permit the dog or cat to damage or foul any lawn, garden, garbage set out for pick-up or other property. An owner has the responsibility of cleaning up any such damage, including solid waste of the dog or cat, and to dispose of such waste in a sanitary manner. Any owner or any individual with an animal off their property must carry the means to dispose of solid waste. Lack of such means is prima facie evidence of intent to violate this section of the ordinance.

### **13.0207 Nuisance**

Any dog or cat is hereby declared a public nuisance within the city which shall:

- a. Frighten, annoy, bark at or chase any person or vehicle; or,
- b. By loud and frequent yelping, barking, or howling annoy any person; or,
- c. If a female dog, be in heat and not in confinement; or,
- d. Destroy any property not the property of the owner or keeper; or,
- e. Not have been inoculated against rabies, if over six months of age; or

f. Not have a collar and license tag as required by this

The Police Department shall be authorized to take up any dog or cat, whether licensed or otherwise, which shall be in violation of any or all of the above. It shall be unlawful for any owner or keeper of a nuisance dog or cat as described herein to refuse to surrender such dog or cat. A dog or cat will be declared a nuisance if it falls under one or all of the above and a complaint is signed by a citizen or by a member of the Hazen Police Department. Any complaint in regards to this section will be brought before the City Judge and penalties levied as per 13.0214

### **13.0208 Bitches in Heat**

All female dogs or cats shall be kept in confinement while in heat.

### **13.0209 Vicious Dogs or Cats:**

No person shall keep, harbor, or shelter a vicious dog or cat within the city. A vicious dog or cat is hereby defined as being a dog or cat which has bitten any person while the person bitten was not at the time of the biting trespassing on the property of the owner of the dog or cat or doing damage or injury to the person or property of such owner.

If any dog or cat bites or attempts to bite any person, other animal while such dog or cat is at large, or chases or otherwise attempts to catch a person, then such dog or cat shall be conclusively presumed to be a vicious dog or cat and to have vicious propensities and tendencies.

It shall not be necessary for proof of a violation of this ordinance that the owner intended to keep, harbor or shelter such a dog or cat, or that the owner had prior knowledge of the vicious propensities and tendencies of such dog or cat, it being the intent of this ordinance to hold owners or keepers of dogs or cats strictly liable for any such vicious behavior.

Whenever any person makes a complaint in writing and verified under oath, before the City Judge, that any dog or cat is a vicious dog or cat, having bitten a person under the circumstances set forth in this section, the magistrate shall issue a summons to the owner of such dog or cat, who shall be brought before the City Judge for trial upon such charge, as in other cases.

If the City Judge determines that there is reasonable cause to believe that the dog or cat complained of requires confinement prior to the trial, upon proof by affidavit, or otherwise, that such animal is a danger to the community, the City Judge shall be authorized to order impoundment thereof, at the owner's expense, under such terms and for such period of time as the court deems appropriate.

A police officer shall have the authority to seize a dog or cat to prevent immediate harm to any person.

If the owner is found guilty, the City Judge, in addition to other penalties provided for in this code, shall issue an order directing the owner to forth with surrender such dog or cat to the Police Department, and failure to do so shall constitute a violation of this section.

In either case, should the owner fail to surrender the dog or cat, the police shall be authorized to seize such animal.

Whether the dog or cat is surrendered or seized, the dog or cat shall be impounded for such period as is necessary to comply with health regulations, (or) other applicable regulations, at the owner's expense, after which time the owner of the dog or cat may, if he chooses, make arrangements to remove the dog or cat from the city, and if he fails to do so within three days after the fifteen day period, then such dog or cat will be humanely destroyed by order of the Municipal Judge.

### **13.0210 Entering Upon Private Property to Apprehend Animals Running At Large**

For the purpose of enforcement of the preceding subsections any police officer or other city employee or official upon complaint by any such owner or person in charge of the premises where such an animal is running at large on such private premises, or on complaint from any citizen if such animal is running at large on public areas such as alleys, streets, roads, parks, sidewalks or other public remises or by complaint of any police officer or city official, be allowed to enter upon any private property for the purpose of picking up any such animals running at large in violation of such subsection or any other section of this code.

### **13.0211 Impoundment Generally**

- a. It shall be the duty of every police officer to apprehend any dog or cat found running at large contrary to the provisions of this section and to impound such dog or cat in the city pound or other suitable place. Thereafter such dog or cat shall be handled and disposed of in the manner provided.
- b. The pound master, or such other official as may be designated, upon receiving any dog or cat shall make a complete registry, entering the breed, color, and sex of such dog or cat and whether licensed. If licensed, he shall enter the name and address of the owner and the number of the tag. Licensed dogs shall be separated from unlicensed dogs.
- c. There shall be and hereby is established in the city a city pound which shall be under the power and direction of the Chief of Police. He shall turn over to the City Auditor all monies belonging to the city and coming into his hands by virtue of his office.
- d. It shall be the duty of the police and pound master to take up and impound all horses, cattle, sheep, and swine which may be found running at large in the city, and any swine kept within the city in violation of the ordinances and any horses which shall be left standing in the city in violation of the ordinances.

### **13.0212 Redemption of Impounded Animal:**

The owner of any animal impounded under the provision of this division, if the identity and location can be obtained by reasonable means, shall within 12 hours be notified that his animal has been impounded.

Notification may be either verbally or by leaving a written notice at the owner's place of residence. If the owner is unknown and cannot be ascertained, written notice shall be posted for a period of five days following impoundment at the City Police Headquarters and the Hazen City Hall, in the City of Hazen, describing the animal and the place and the time of taking. The owner of the animal so impounded may claim the animal upon payment of the license fee, if any and if unpaid, and all costs and charges incurred by the City of Hazen for impounding and maintaining such animal, such charges to be as follows:

- a. First redemption of animal within the calendar year \$25.00
- b. Second redemption of same animal within the calendar year -\$50.00
- c. Third redemption of same animal within the calendar year \$100.00
- d. Any subsequent redemption of same animal within the calendar year - Not less than \$100.00 or more than \$1500.00

Whenever any animal is impounded, an additional fee of \$10.00 shall be charged for each day, or a fraction thereof, of impoundment for feeding and caring for such animal. If the animal is not redeemed by the owner within the applicable time period after being notified, or after posting of the notice aforesaid,

then the police chief shall cause the said animal to be destroyed, or in the discretion of the police chief the said animal may remain impounded if the owner has been ascertained but has not redeemed the animal, or the animal may be delivered to any person upon payment of the fees for the taking, keeping, and posting of the notice above referred to, upon payment of the charge for posting of the notice and the standard license fee, without penalty, for such animal. Sunday shall not be counted as an impoundment day in any applicable time period herein.

#### **13.0213 Disposition of Unclaimed or Infected Animals:**

It shall be the duty of the police department to keep or cause to be kept each animal impounded for a period of five days, after which, if it remains unclaimed, it shall be turned over to a medical school or destroyed; provided, however, if any impounded animal appears to be suffering from disease, or should any impounded animal appear to have bitten a human being to the extent of breaking the skin, then said animal shall not be forthwith destroyed, nor released for at least fourteen (14) days from the date of such biting in order to determine whether or not the animal had rabies.

#### **13.0214 Penalties:**

Any person violating any provision of this ordinance shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than \$25.00, plus costs, or more than \$1,500.00, plus costs, for each violation. The municipal judge may utilize alternative sentencing, as deemed appropriate, that does not exceed statutory or other listed sentencing options.

#### **13.0215 Setting of Dogs or Cats at Large**

It shall be unlawful for any person to open any door or gate of any private premises for the purpose of setting any dog or dogs at large, or otherwise enticing or enabling any dog to leave any private premises, within which the same may be, for the purpose of setting such dog at large.

Setting dog at large from the city pound will also be a violation of this section.

#### **13.0216 Authority**

For State Laws as to authority of city to license, regulate and prohibit dogs, see North Dakota Century Code 40-05-02 (22)

#### **13.0217 Separability of Provisions**

It is the intention of the City Commission that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the City Commission that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.