

CHAPTER XIII.

ANIMALS AND FOWL

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, underfeeds, 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, 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.

13.0107 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, sheep, or horses in the city.

ORDINANCE AMENDMENT

Article 2

Dogs

13.0201 Definitions

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

- a. "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.
- b. "Dog" shall mean both male and female members of the canine family.
- c. "Owner" shall mean any person owning, keeping or harboring a dog.

13.0202 License Generally

All dogs kept, harbored, or maintained by their owners in the City of Hazen shall be licensed, if over one month of age. Dog licenses shall be issued by either the City Auditor or the Hazen Police Department, upon payment of a license fee of \$5.00 dollars for either male or female dog. 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, dog breed, color, sex, name of animal, age and date of rabies inoculation. No license or renewal of a license shall be issued for any dog unless the provisions of Section 13-0211 of this Code have been complied with. Any dog licensed under 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 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) shall be due upon January 1 in each year, or when such dog becomes one month of age, and such annual license fee shall become delinquent after February 15th unless paid, excepting that any license fee falling due between February 15th and December 31st shall become delinquent upon the expiration of five days after the same becomes due.

A penalty of one dollar (~~\$~~1.00) for every month or fraction thereof for the period of time such license fee shall be 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, such dog shall be surrendered up by the owner or keeper thereof for the purpose of being disposed of as is hereinafter provided, upon demand

of any police officer or city employee or city official of this City of Hazen. Failure to surrender a dog under the said conditions shall subject the owner or keeper thereof to a penalty as is hereinafter provided in 13.0213 of this section. The dog may be returned to the owner upon payment of the license fee and all penalties called for within this ordinance. If not paid within three days after surrender, said dog will be destroyed.

13.0204 License Certificate; Tags; Collars; Duplicate Tags;
Trans-of Tags; Refund of License Fee

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 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 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 must be present at the City Hall at time of application for duplicate tag.

13.0205 Running At Large

No owner or keeper of any dog shall permit such animal to run at large within the city limits, on streets, sidewalks, alleys or other public ways of the city or on any private premises unless the owner of said private premises thereof consents thereto. Complaint by such owner or person in charge of said premises to any police officer of the city or to any city official that such an animal has run at large on such premises shall be conclusive evidence of nonconsent, but nonconsent shall not otherwise be presumed. Any dog allowed to run at large or roam the streets, sidewalks, alleys, or public ways of the city shall be immediately taken up by the police department of the city or any other person authorized by the Hazen City Commission or by the Police Chief of the City.

13.0206 Nuisance

Any dog 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 article.

The Police Department shall be authorized to take up any dog, 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 as described herein to refuse to surrender such dog. A dog 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 13.0213

13.0207 Bitches In Heat

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

13.0208 Vicious Dogs

No person shall keep, harbor, or shelter a vicious dog within the city. A vicious dog is hereby defined as being a dog 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 doing damage or injury to the person or property of such owner.

Whenever any person makes a complaint in writing and verified under oath, before the City Judge, that any dog is a vicious dog, having bitten a person under the circumstances set forth in this section, the magistrate shall issue a warrant for the arrest of the owner of such dog, who shall be brought before the City Judge for trial upon such charge, as in other cases. If such person is found guilty, the City Judge, in addition to other penalties provided for in this code, shall issue an order directing the owner to forthwith surrender such dog to the Police Department, and failure to do so shall constitute a violation of this section. In the event the owner fails to surrender the dog, such dog shall be seized by the Police.

Whether the dog is surrendered or seized, the dog shall be impounded in the city dog pound for a period of 15 days, after which time the owner of the dog may, if he chooses, make arrangements to remove the dog from the city, and if he fails to do so within 3 days after the 15 day period, then such dog will be destroyed by the Police. If said dog is once removed from the city and later returned, said dog will be picked up by the Police and destroyed within 24 hours.

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13.0209 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.

13.0210 Impoundment -- Generally

- a. It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of this section and to impound such dog in the city pound or other suitable place. Thereafter such dog shall be handled and disposed of in the manner provided.
- b. The poundmaster, or such other official as may be designated, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog 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 moneys belonging to the city and coming into his hands by virtue of his office.
- d. It shall be the duty of the police and poundmaster to take up and impound all horses, cattle, sheep, and seine 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.

13.0211 Notice and Redemption of Impounded dog

The owner of any dog impounded under the provision of this division, if his identity and location can be obtained by reasonable means, shall within 12 hours be notified that his dog 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 24 hours following impoundment at the City Police headquarters and the Hazen City Hall, in the City of Hazen, describing the dog and the place and the time of taking. The owner of the dog so impounded may claim the dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the City of Hazen for impounding and maintaining such dog, such charges to be as follows:

- a. First redemption of dog within the calendar year - \$20.00
- b. Second redemption of same dog within the calendar year - \$50.00
- c. Third redemption of same dog within the calendar year - \$100.00
- d. Any subsequent redemption of same dog within the calendar year - Not less than \$100.00 or more than \$500.00

Whenever any dog 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 dog. If the dog 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 dog to be destroyed, or in the discretion of the police chief the said dog may remain impounded if the owner has been ascertained but has not redeemed the dog, or the dog 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 dog. Sunday shall not be counted as an impoundment day in any applicable time period herein.

13.0212 Disposition of Unclaimed or Infected Dogs

It shall be the duty of the Police Department to keep or cause to be kept each dog so impounded for a period of 24 hours, after which, if it remains unclaimed, it shall be turned over to a medical school or destroyed; provided, however, if any impounded dog appears to be suffering from disease, or should any impounded dog appear to have bitten a human being to the extent of breaking the skin, then said dog 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 dog had rabies.

13.0213 Penalties

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine, imprisonment, or both as follows:

- a. Failure to purchase license as in violation of 13.0203 - \$50.00
- b. Failure to have rabie inoculation - \$50.00
- c. Failure to surrender dog on demand by police or city officials - not less then \$100.00 nor more than \$500.00
- d. Failure to have dog collar on dog with license attached - \$20.00

- e. Running at large - first conviction - \$25.00, second conviction - \$50.00, third conviction - \$100.00, any subsequent convictions - not less than \$100.00 nor more than \$500.00.
- f. Declared nuisance - not less than - \$50.00 nor more than \$500.00.
- g. Vicious dog - not less than - \$100.00 nor more than \$500.00.
- h. Violation of Sec. 13.0214 - not less than \$100.00 nor more than \$500.00.
- i. Any penalty not covered above - not less than \$25.00 nor more than - \$500.00.

Optional Penalty - The city judge may sentence any person convicted of any violation of this section to up to thirty (30) days in the county jail.

13.0214 Setting of Dogs 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.

13.0215 Authority

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

13.0216 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.

Final Passage: April 16, 1979

CITY OF HAZEN

ORDINANCE AMENDMENT

Chapter XIII - Animals and Fowl
Article 2 - Dogs

Section 13.0205 - Running at Large/Wastes

a. No owner or keeper of any dog shall allow such animal to run at large within the city limits. No intent or knowledge by the owner or keeper of a dog is necessary to prove a violation of this ordinance. Any dog allowed to run at large within the City shall be immediately picked up by the Hazen Police Department or any other person authorized by the Hazen City Commission or the Hazen Police Chief.

b. Every owner, keeper or other person having control of a dog shall collect and properly dispose of the dog's solid waste when eliminated.

Section 13.0208 - Vicious Dogs

No person shall keep, harbor, or shelter a vicious dog within the City. A vicious dog is hereby defined as being a dog 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 doing damage or injury to the person or property of such owner.

If any dog bites or attempts to bite any person, dog or other animal while such dog is at large, or chases or otherwise attempts to catch a person, then such dog shall be conclusively presumed to be a vicious dog 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 that the owner had prior knowledge of the vicious propensities and tendencies of such dog, it being the intent of this ordinance to hold owners or keepers of dogs 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 is a vicious dog, having bitten a person under the circumstances set forth in this section, the magistrate shall issue a summons for the arrest of the owner of such dog, 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 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 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 forthwith surrender such dog 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, the Police shall be authorized to seize such animal.

Whether the dog is surrendered or seized, the dog 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 may, if he chooses, make arrangements to remove the dog from the City, and if he fails to do so within three days after the fifteen day period, then such dog will be destroyed by the Police. If said dog is once removed from the City and later returned, said dog will be picked up by the Police and destroyed within twenty-four hours.

First Reading: December 12, 1988
Second Reading: January 9, 1989

ORDINANCE AMENDMENT
CITY OF HAZEN

Chapter XIII - Animals and Fowl
Article 2 - Dogs
Section 13.0205 - Running at Large/Wastes
Section 13.0208 - Vicious Dogs
Section 13.0213 - Penalties

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine, imprisonment, both as follows:

e. Running at Large - first conviction - \$25.00, second conviction - \$50.00, third conviction - \$100.00, any subsequent convictions - not less than \$100.00 nor more than \$500.00.

g. Vicious dog - not less than \$100.00 nor more than \$500.00.

Optional Penalty - the City Judge may sentence any person convicted of any violation of this section up to thirty (30) in the County Jail.

Final Passage: January 9, 1989
Effective Date: January 19, 1989

ORIGINAL

Ordinance No. 01-13

AN ORDINANCE OF THE CITY OF HAZEN, NORTH DAKOTA, ADOPTING AMENDMENTS TO THE CHAPTER OF THE MUNICIPAL ORDINANCES ENTITLED "ANIMALS AND FOWL," DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING PENALTIES THEREFORE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, subsections 40-05-01(45) and (47) N.D.C.C. authorize the City to enact ordinances for the purpose of regulating health and animals running at large, amongst other purposes; and

WHEREAS, and based upon the public record and other comments gathered by the City Commission, the City Commission has determined that cats running at large and animal waste clean-up require such regulation, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HAZEN, NORTH DAKOTA:

Section 1. Chapter 13, Article 2 of the City Code entitled Dogs is hereby amended and shall read as follows:

Dogs and Cats

Section 2. Chapter 13, Section 13.0203 of the City Code entitled When License fee due and Payable; Penalty for Delinquent Fees is hereby amended and shall read as follows:

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 (5) days after the same becomes due.

A penalty of One (\$1.00) Dollar 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, such dog shall be surrendered up by the owner or keeper thereof for the purpose of being disposed of as is hereinafter provided, upon demand of any police officer or city employee or city official of this City of Hazen. Failure to surrender a dog under the said conditions

shall subject the owner or keeper thereof to a penalty as is hereinafter provided in 13.0213 of this section. The dog 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 (5) days after surrender, the dog will be destroyed.

Section 3. Chapter 13, Section 13.0205 (a) of the City Code entitled Running at Large/Wastes is hereby amended and shall read as follows:

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.

Section 4. Chapter 13, Section 13.0205 (b) of the City Code entitled Running at Large/Wastes is hereby amended and shall read as follows:

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.

Section 5. Chapter 13, Section 13.0210 of the City Code entitled Impoundment -- Generally is hereby amended and shall read as follows:

- 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 poundmaster, 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 poundmaster 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.

Section 6. Chapter 13, Section 13.0211 of the City Code entitled Notice and Redemption of Impounded Dog is hereby amended and shall read as follows:

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 twelve (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 \$500.00

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 any dog. Sunday shall not be counted as an impoundment day in any applicable time period herein.

Section 7. Chapter 13, Section 13.0212 of the City Code entitled Disposition of Unclaimed or Infected Dogs is hereby amended and shall read as follows:

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.

Section 8. Chapter 13, Section 13.0213 of the City Code entitled Penalties is hereby amended and shall read as follows:

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 Twenty-five Dollars, plus costs, upon first violation, and upon conviction a second time, a fine of not less than Fifty Dollars, plus costs, and a fine of less than Five Hundred Dollars, plus costs, for each third or subsequent violation.

Section 9. Effective Date.

This ordinance takes effect five (5) days after passage and publication of an approved summary thereof consisting of the title and penalty provision.

APPROVED:



President

ATTEST:

Corey Jantz
CITY AUDITOR

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY Patrick Donovan

PASSED BY THE CITY COMMISSION: July 23, 2001 and August 6, 2001

PUBLISHED: August 9, 2001

EFFECTIVE DATE: August 14, 2001

ORDINANCE NO. 01-13

ORDINANCE NO. 99-04

**CHAPTER XIII
ANIMALS AND FOWL**

BE IT ORDAINED by the Board of City Commissioners of the City of Hazen, North Dakota, that Article I, Section 13.0107 be amended and re-enacted as follows:

13.0107 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, sheep, or horses in the City, without a permit.

First Reading: June 1, 1999

Roll Call: 5 aye
 0 nay
 0 absent

Second Reading: June 14, 1999

Roll Call: 5 aye
 0 nay
 0 absent

Final Passage: June 14, 1999

Published(effective date): June 24, 1999



President, Hazen City Commission

ATTEST:



Hazen City Auditor