

CHAPTER 13

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 an offense for which the maximum penalty shall be a fine of Five Hundred and no/100 Dollars, thirty days imprisonment, or both such fine and imprisonment.

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, horses, sheep, turkeys, ducks or geese in the city.

13.0108 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. 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

13.0201 License Required

No dog or cat shall be permitted to be or remain in the city without being licensed as hereinafter 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.

13.0202 License Fees

All dogs and cats in the city shall be registered as to sex, breed, name and address of the owner and name of dog or cat. Upon registration, the owner shall obtain a license for such dog or cat and shall pay a fee of \$10.00 for each dog or cat. It shall be the duty of said owner to cause such license tag to be securely attached around the dog's or cat's neck and kept there at all times during the license period.

13.0203 Same: When Due and Payable

The license fee or renewal fees previously provided for shall become due and payable on the 1st day of January in each year and shall become delinquent on the 1st day of March in each year. If the fee is not paid before the 1st day of May a penalty of \$25.00 shall be added to the license or renewal fee.

13.0204 Nuisance - When

Excessive, continuous, or untimely barking, molesting passers by, chasing 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 dog without a valid license and collar is a nuisance.

13.0205 Rabies Inoculation

It shall be the duty of the owner or person in custody of any dog or cat kept in the city to have the dog or cat inoculated against rabies at least once each year if the vaccine used was Phenalized vaccine and within three years if the vaccine used was Avianized vaccine, and no license shall be issued for any dog unless the applicant exhibits a certificate of veterinarian showing compliance with this section.

13.0206 Impounding

Unrestrained dogs or cats may be taken by the police or the city dog warden and impounded in an animal shelter, and there confined in a humane manner. Impounded dogs and cats shall be kept for not less than three days unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the officer shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs and cats not claimed by their owners within three days shall be humanely disposed of.

13.0207 Return to Owner if Known

Notwithstanding the provisions of Section 13.0206, if an animal is found at large and its owner can be identified and located, such animal need not be impounded but may, instead be taken to the owner. In such case, the policeman, dog warden or other officer may proceed against the owner for violation of this ordinance.

13.0208 Term of License

The license provided for by this chapter shall be valid from January 1 to December 31 of each year. No reduction in the fee shall be given for a partial year registration.

13.0209 Disposition of License Fee

All license fees shall be deposited in the general fund of the city.

13.0210 Dogs and Cats to be Leashed

1. All dogs and cats within the city must be leashed and under physical control by the owner at all times, unless said dog or cat is confined within a dwelling, or outdoor private property that is completely enclosed by a fence of sufficient height to prevent said dog or cat from escaping. Electronic shock collars do not satisfy the requirements of this paragraph.

2. Leashes must be of adequate tensile strength to effectively restrain the animal, given the animal's size and strength.

3. If a dog or cat is kept on private property that is not a dwelling, or property that is only partly enclosed by a fence, the animal must be restrained on said property by means of a chain, cable, rope, invisible electric containment device, or other form of restraint of adequate tensile strength to effectively restrain the animal, given the animal's size and strength. Upon leaving private property, the owner must comply with paragraph 1 of this ordinance.

4. All restraints must be in proper operational condition at all times. Escape by any dog or cat resulting from an inadequate or inoperable restraint system does not excuse the owner from liability under this section.

June 6, 2016

13.0211 Penalties

The penalty for violations of this Article shall be as follows:

First Offense: Upon an initial violation of any provision found in this Article, the responding officer, in his or her sole discretion, may issue a verbal or written warning to the owner or handler, or alternatively may issue a citation to the owner or handler consistent with the following penalty schedule:

- (a) For an offense involving a presently licensed animal, a penalty of \$15.00;
- (b) For an offense involving an unlicensed animal, a penalty of \$25.00 plus the cost of license, which shall then be awarded to the owner or handler.

Subsequent Offense: Upon a subsequent violation of any provision found in this Article, the responding officer shall issue a citation to the owner or handler consistent with the following penalty schedule:

- (a) For an offense involving a presently licensed animal, a penalty of \$15.00;
- (b) For an offense involving an unlicensed animal, a penalty of \$25.00 plus the cost of license, which shall then be awarded to the owner or handler.

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Article 3 Dangerous and Vicious Dogs

13.0301 Prohibited Dogs and Cats

It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Thompson, North Dakota:

- a) any dog or cat with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
- b) any dog or cat which attacks a human being or other domestic animal without provocation; or
- c) any dog or cat that is otherwise dangerous, vicious or ferocious.

13.0302 Exceptions

The provisions of Section 13.0301 of this Article are not applicable to owners of such dogs or cats described in Section 13.0301 of the City Ordinances residing and registered with the city on the effective date of this article. The keeping of such dogs or cats, however, shall be subject to the following standards:

- 1) Leash and Muzzle. No person shall permit a registered dog or cat to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit such a dog or cat to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs or cats may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all such dogs or cats on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog or cat from biting persons or other animals.
- 2) Confinement. All registered dogs or cats shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered dogs or cats must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house such dogs or cats must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
- 3) Confinement Indoors. No such dog or cat may be kept on a porch, patio or in any part of a house or structure that would allow the dog or cat to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog or cat from exiting the structure.
- 4) Signs. All owners, keepers or harborers of such registered dogs or cats within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" or "Beware of Animal". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- 5) Insurance. All owners, keepers or harborers of such registered dogs or cats must within ten (10) days of the effective date of this ordinance provide proof to the Thompson City Clerk of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Thompson City Clerk.
- 6) Identification Photographs. All owners, keepers or harborers of such registered dogs or cats must within ten (10) days of the effective date of this ordinance provide to the City Clerk two color photographs of the registered animal clearly showing the color and approximate size of the animal.

- 7) Reporting Requirements. All owners, keepers or harborers of such registered dogs or cats must within ten (10) days of the incident, report the following information in writing to the Thompson City Clerk as required hereinafter:
 - (a) The removal from the City or death of a registered dog or cat; and
 - (b) The birth of offspring of such registered dog or cat.
- 8) Sale or Transfer of Ownership Prohibited. Sale - No person shall sell, barter or in any other way dispose of such a dog or cat registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog or cat; provided that the registered owner of a dog or cat may sell or otherwise dispose of a registered dog or cat or the offspring of such dog or cat to persons who do not reside within the City.
- 9) Animals Born of Registered Dogs. All offspring born of such a dog or cat registered with the City must be removed from the City within six (6) weeks of the birth of such animal.
- 10) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any such dog or cat registered with the City as being prohibited by Section 13.0301 of this article is in fact a dog or cat subject to the requirements of this section.

13.0303 Penalties

Upon conviction for a violation of this section, the municipal judge shall, in addition to any other penalty authorized by law, order that the dog or cat in question be seized and surrendered to the humane society or other animal placement organization or to the Chief of Police for purposes of placement outside the City or humane destruction.

September 8, 2020