**ORDINANCE 313: OF THE CITY OF GALESBURG RELATING TO DOGS AND CATS.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GALSEBURG, NORTH DAKOTA:

  **ARTICLE 313.201 DEFINITIONS.**

As used in this article, unless the context otherwise indicates:

1. Dog shall mean either a male or female dog.

1. Dog kennel is any building or fenced area where dogs are kept for breeding, for sale, for medical care, for training, or for boarding. Any building or fenced area where six (6) or more dogs, six (6) months or older, are kept for an individual’s own use shall be considered a kennel under this article.
2. Cat shall mean either a male or female cat.
3. Owner shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog or cat.
4. At large shall mean any dog or cat off the premises of the owner or outside the designated area of a leash free dog park, and not in the immediate presence and under the control of the owner or a person authorized by the owner either by leash, cord, chain, or other physical restraint.
5. Leash-free Dog Park shall mean any area officially designated by the Hatton City Council and / or the Hatton Park District as an exercise and recreation area for dogs within which dogs shall be exempt from any leash requirement under this chapter.
6. A stray animal shall mean any dog or cat at large without identification tags.

**ARTICLE 313.202** **LICENSE-REQUIRED.**

No person, firm, association or corporation shall own, keep, or harbor a dog or cat which is over six (6) months of age without first having obtained a license therefor as hereinafter provided; provided, however, the City of Galesburg shall not be required to obtain a license for any dogs owned by the City and used for law enforcement purposes.

**ARTICLE 313.203 LICENSE- CITY AUDITOR’S DUTY; PUBLICATION.**

It shall be the duty of the city auditor to cause to be published in a newspaper published in Trail County two (2) times each year, giving notice of the cost, the due date, and place payable of license fees provided for by the City Council.

**ARTICLE 313.204 LICENSE FEE.**

The owner, keeper, or harborer of any dog or cat required to be licensed pursuant to this article shall pay a license fee thereon to the city in the amount established by resolution of the Galesburg City Council. The burden of establishing that any male dog or cat has been altered or neutered or that any female dog or cat has been spayed shall be upon the owner thereof and the fee for an unaltered animal shall be collected unless the owner shall furnish evidence to the city auditor by a veterinarian’s certificate that said dog or cat has been altered, neutered or spayed.

**ARTICLE 313.205** **LICENSE – RABIES VACCINATION.**

1. Before City shall accept any money proffered in payment of the dog or cat license fee or shall issue a receipt therefor, the person applying for the license shall present to the city the certificate of a veterinarian to the effect that the dog or cat for which the license is being procured has been vaccinated for rabies within the previous two (2) years, providing said veterinarian's certificate states that a vaccine certificate for a three-year period was used.
2. The rabies vaccination for dogs and cats shall initially begin when the dog or cat is between three (3) months and six (6) months of age. A booster shot is to be given at one (1) year of age and thereafter at intervals of two (2) years, provided a vaccine certified for a three-year period was used.

 **ARTICLE 313.206** **LICENSE – TAG TO BE ISSUED.**

Upon the payment to the City for the license fee upon any dog or cat, the employee receiving the payment shall execute a duplicate receipt to be given to the person paying for such license, the original receipt being retained by the City. The license shall contain the name, color, breed, age, sex and other relevant information pertaining to the dog or cat license; the rabies vaccination date and number; and the name and address of the veterinarian who administered the vaccination. A durable tag will be provided to the person paying such license fee with which to identify the dog or cat so licensed.

 **ARTICLE 313.207** **LICENSE – TAG TO BE ATTACHED TO DOG OR CAT.**

It shall be the duty of the person owning such dog or cat so licensed to cause such dog or cat to wear a collar around its neck and to cause the identifying tag provided by the City to be affixed by a permanent fastener to the collar of such dog or cat. It shall be the further duty of the owner, keeper, or harborer of such dog or cat to see that said collar and said tag are constantly worn by such dog or cat.

 **ARTICLE 313.208**  **LICENSE – WHEN DUE AND PAYABLE.**

The dog or cat license hereinbefore provided for shall become due annually as determined by the City Council.

 **ARTICLE 313.209**  **LICENSE – DUPLICATE TAG.**

In the event a dog or cat tag is lost or destroyed, a duplicate shall be issued by the city auditor upon finding a valid license purchase in the City Auditor’s records, or the copy that the owner received at issue.

 **ARTICLE 313.210 LICENSE-DISPOSITION OF FEE.**

All money so collected by the city auditor for dog or cat licenses, penalties, delinquencies, and duplicate tags shall be part of the general fund of the city.

 **ARTICLE 313.211 LICENSE – TAGS NOT TRANSFERABLE; NO REFUNDS.**

Dog or cat tags shall not be transferable from one (1) dog or cat to another and no refunds shall be made on any dog or cat license fee because of the death of the dog or cat or the owner leaving the city before expiration of the license period.

 **ARTICLE 313.212 CAT OR DOG AT LARGE; NUISANCE, IMPOUNDMENT, DESTRUCTION.**

1. Any dog or cat running or being at large in any of the streets, public ways, public places, parks, or upon the private premises of any other person than the owner or keeper of such cat or dog, within the City of Galesburg shall be deemed and be considered to be a public nuisance and shall be deemed to be an animal of feral nature, or naturally wild, and shall be impounded in a suitable place as designated by law enforcement. The owner of any such cat or dog shall be subject to the penalty hereinafter provided, and for such purpose, the head of the household of the premises on which such cat or dog is kept shall be considered to be the owner. Law enforcement shall keep a record of all cats or dogs impounded, listing breed, color, sex, and the place and time of taking. Such cats and dogs shall remain impounded for a period not to exceed five (5) days; provided, however, that if an impounded cat or dog appears to be suffering from rabies or other infections or dangerous disease, or be known to have bitten a human being to the extent of breaking the skin, then said cat or dog shall remain impounded for at least fourteen (14) days from the date of such biting in order to determine whether or not the cat or dog had rabies.
2. Information as to the records of all dogs and cats impounded will be available to the public at all times upon request to law enforcement. The owner of any impounded dog or cat, if known, shall be notified by law enforcement by personal, telephone, or written notice, as soon as reasonably possible. If within five (5) days of impounding, the owner shall claim the dog or cat, said owner shall pay to the city the cost associated with impoundment for the taking or impounding of said cat or dog. Said dog or cat shall then be released to the owner; provided, however, that no dog or cat shall be released from impoundment at whatever facility law enforcement designated as appropriate unless properly licensed.
3. If the dog or cat is not redeemed by the owner within five (5) days after impounding, law enforcement officials shall cause said dog or cat to be destroyed or they may cause such dog or cat to be delivered to another person, not the original owner, upon payment of the assessment of penalty fees as provided by the preceding section.
4. Upon the expiration of the five-day impoundment period, and upon delivery of the dog or cat to another person, all rights and incidents of ownership shall become vested in such person accepting delivery of the dog or cat.
5. The provisions of this section shall not apply to any dog within the area of an officially designated leash-free dog park.

**ARTICLE 313.213 FEMALE DOGS AND CATS IN HEAT.**

It shall be the duty of the owner of any female dog or cat in heat to keep said dog or cat securely confined on the owner's premises.

**ARTICLE 313.214 MUZZLING.**

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the mayor shall issue a proclamation ordering each person owning, keeping or harboring a dog to confine it securely on the person's premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any dog noticeably infected with rabies or displaying vicious propensities shall be killed by any law enforcement officer without notice to the owner. Dogs impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in article 313.212. If unclaimed after that period, such dog may be summarily destroyed.

**ARTICLE 313.215 SETTING OF DOGS OR CATS AT LARGE; PROHIBITED WHEN.**

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 or cat or cats at large, or otherwise enticing or enabling any dog or cat to leave any private premises, within which the same may be, for the purpose of setting any dog or cat at large.

**ARTICLE 313.216 BARKING DOGS - PROHIBITED.**

No person shall harbor or maintain at any place within the city any dog, whether licensed or unlicensed, which shall run out and bark at any person, automobile, or other passing object upon or along any street, highway, or other public ground within the city. No person shall harbor or maintain at any place within the city any dog which shall commit any nuisance or act of destruction upon the property of any person not the owner or keeper thereof, or which shall by barking, howling, whining or making disagreeable noises disturb the people in the locality where the same is kept or maintained; provided, however, that this section shall not apply to dogs owned by local, state, or federal governments during training or while used for law enforcement purposes.

**ARTICLE 313.217 BARKING DOGS–DUTIES OF LAW ENFORCEMENT OFFICERS AND DISPOSITION OF DOG.**

Upon a verbal or written complaint by any person, it shall be the duty of law enforcement, in addition to the penalties upon the owner herein before provided, to take up any dog, whether licensed or otherwise, which shall do any or all of the things prohibited by section 313.215, and place the same in a suitable place designated by law enforcement. Dogs so taken shall be held for a period of five (5) days and the owner shall be immediately notified of the taking and cause therefor. The owner may redeem the same by payment of cost associated the taking or impounding of a dog and the applicable amount for the care and keep of said dog.

**ARTICLE 313.218 COUNTERFEITING DOG OR CAT TAGS; MISUSE OF TAG.**

It shall be unlawful to counterfeit or attempt to counterfeit a city dog or cat tag, or to take from any dog or cat, without the owner's permission, a tag legally placed upon it, or to place a city dog or cat tag upon a dog or cat other than the dog or cat for which the tag was issued.

**ARTICLE 313.219 RABIES; NOTICE.**

1. If a dog or cat is believed to have rabies, or has been bitten by an animal suspected of having rabies, or bites a human being, such dog or cat shall be confined on the owner's premises and only be allowed outside of an enclosure under the direct supervision of an adult, provided the owner can provide proof that the animal is currently vaccinated for rabies. If no proof of a current rabies vaccination is provided, the animal will be quarantined with a licensed veterinarian or at the local humane society, at the expense of the owner, for a period of ten (10) days from the date of the bite. The owner shall notify law enforcement of the fact that the dog or cat has been exposed to rabies or has bitten a human being and, if in the discretion of law enforcement, the dog or cat is not properly confined by the owner, law enforcement if empowered to have such dog or cat removed from the owner's premises to a veterinary hospital or the local humane society and there placed under observation for a period of ten (10) days at the expense of the owner.
2. It shall be unlawful for any person, knowing or suspecting a dog or cat has rabies to allow such dog or cat to be taken off of such person's premises or beyond the limits of the city without the permission of law enforcement. Every owner, or other person, upon ascertaining a dog or cat is rabid shall immediately notify law enforcement, which shall either remove the dog or cat to a place designated by law enforcement or summarily destroy it.
3. A dog or cat at large with no identification tags will be deemed a stray animal and shall be impounded by the city at a place designated by law enforcement for a period not to exceed four (4) days. A stray animal that has bitten a human being will be impounded by the city at a place designated by law enforcement for a period not to exceed four (4) days. Thereafter, the animal will be humanely destroyed and his brain tissue examined for rabies. A stray animal that appears to be suffering from infection or disease during the four-day period will be humanely destroyed immediately and his brain tissue examined for rabies.

**ARTICLE 313.220 LEASH REQUIREMENTS.**

1. All dogs shall be kept under restraint either by leash, cord, chain, electronic/invisible fence, or by being kept in an enclosure; provided, however, that all dogs owned or used by local, state or federal governmental bodies, while in active duty or during training, and under the supervision of a peace officer, shall be exempt from the provisions of this section.
2. No person having the custody or control of any dog shall permit the dog to be within or upon any street, sidewalk, public park, public place, bike path, greenway, or upon any private land belonging to another without the dog being effectively restrained by chain, rope, cord, or other restrictive leash or by an electronic/invisible fence or enclosure effectively preventing such animal from reaching any street, sidewalk, public park, public place, or any private land belonging to another.
3. The provisions of this section shall not apply to any dog within the area of an officially designated leash-free dog park.
4. The provisions of this section shall not apply to dogs used in active law enforcement duty or during training under the supervision of an authorized law enforcement officer.

**ARTICLE 313.221 DUTIES OF ANIMAL OWNERS TO BE RESPONSIBLE.**

1. It shall be the duty of every owner of any animal, or anyone having any animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
2. In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this article are complied with.

**ARTICLE 313.222 DOGS OR CATS IN SINGLE-FAMILY DWELLINGS.**

It shall be unlawful to keep or harbor any more than five (5) dogs or cats, six (6) months of age or older, in any single-family dwelling in the City of Hatton.

**ARTICLE 313.223**. **DOGS OR CATS IN MULTI-FAMILY DWELLINGS.**

It shall be unlawful to keep or harbor any more than one (1) dog, six (6) months of age or older, in any living unit in any residential building containing four (4) or more living units.

 **ARTICLE 313.224 FAILURE TO REMOVE DOG OR CAT FECES WITHOUT DELAY.**

It shall be unlawful for any dog or cat owner or person in possession of any dog or cat to fail to remove without delay any feces left by such cat or dog on any public street, sidewalk, other public areas, or the private property of another within the corporate limits of the City of Hatton.

 **ARTICLE 313.225 DOG KENNEL – PERMIT; FEE.**

Every person conducting or operating a dog kennel shall secure an annual permit from the public health department and shall pay such permit fee as established by resolution of the Hatton City Council.

 **ARTICLE 313.226** **DOG KENNEL – PREMISES.**

The premises shall be kept free from decayed or decaying food and filth of any kind and adequate food and water shall be provided. Light and air shall be suitable and runways provided for exercises.

**ARTICLE 313.227 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.

**ARTICLE 313.228 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 purposes of grazing or feeding.

 **ARTICLE 313.229** **PENALTIES.**

Except as otherwise provided by law, any person violating or permitting the violation of any provision of this ordinance shall, upon conviction in municipal court, be found guilty of a noncriminal offense and fined a sum not more than one thousand dollars ($1,000.00) per incident. In addition to the forgoing penalty, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

**ARTICLE 313.230 EFFECTIVE DATE**

**This ordinance shall be in full force and effect from and after the date of its second reading and final passage.**

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 **Mayor**

**ATTEST:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Galesburg City Auditor**

**Council Members Voting Aye: \_\_\_\_\_\_**

**Council Members Opposed: \_\_\_\_\_\_\_\_**

**Council Members Abstaining: \_\_\_\_\_\_\_**

**Date of First Reading: 12/8/2014**

**Date of Second Reading: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Date of Passage and Publication: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**