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CHAPTER ELEVEN

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ARTICLE 1 – General Regulations

11.0101 Dangerous Animals.

“Dangerous animal” as used in this article, unless the context otherwise indicates:

- (1) Any animal known to its owner or harborer to have a propensity, tendency, or disposition to attack, bite, cause injury or to otherwise endanger the safety of or menace human beings or domestic animals; or
- (2) Any animal which attacks, bites, or injures a human being or another domestic animal one (1) or more times without provocation; or
- (3) Any animal which, when unprovoked, in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
- (4) Any animal certified by a doctor of veterinary medicine licensed within the State of North Dakota, after observation thereof, as posing a danger to human life or property; or
- (5) Any animal which has been determined to be dangerous by the city council or municipal court under this article.

Notwithstanding the foregoing, no animal may be found or declared dangerous if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or was teasing, abusing, or assaulting the animal or was committing or attempting to commit a crime.

No animal may be found or declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, taunting, abusing or assaulting the animal. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an attack or assault. No animal may be deemed dangerous if the animal was protecting or defending its young offspring.

11.0102 Prohibition And Control Of Dangerous Animals.

Except as permitted hereinafter, it shall be unlawful for any person to own, keep or harbor a dangerous animal within the city limits.

- (1) No person owning or harboring or having the care or custody of a dangerous animal shall suffer or permit such animal to go unconfined outdoors on the premises of such person. A dangerous animal is "unconfined outdoors" as the term is used in this section if said animal is not securely confined indoors or confined in a securely enclosed and locked pen, kennel, or fenced enclosure upon the premises of said person. Such pen, kennel, or fenced enclosure must also have sides at least six (6) feet high, and a securely attached top. If the pen or structure has no bottom or floor securely attached to the sides, the sides must be imbedded into the ground no less than one (1) foot. The pen, kennel, or fenced enclosure must be constructed in a manner to prevent escape by the animal and to prevent access by young children.
- (2) All structures erected to house a dangerous animal shall comply with all zoning and building requirements and regulations of the city. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (3) No person owning or harboring, or having the care or custody of a dangerous animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is maintained in the manner as hereinbefore set forth or unless such animal is securely muzzled, harnessed, leashed and restrained with an unbreakable chain, leash or cord having a minimum tensile strength of three hundred (300) pounds and not exceeding four (4) feet in length, and shall be under the direct control and supervision of the owner or keeper of the animal.
- (4) All owners, keepers, or harborers of any dangerous animal shall display in a prominent place on their premises, and at each entrance or exit to the area where such animal is confined, a sign warning that there is a dangerous animal on the premises.
- (5) No person shall own or harbor any animal for the purpose of fighting, or training, tormenting, badgering, baiting, or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.
- (6) No dangerous animal shall be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such structure on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open, or when such windows or screen doors are the only obstacle or obstruction preventing the animal from exiting the structure.
- (7) Any person harboring or owning a dangerous animal and not adhering to the provisions of this article shall immediately remove said animal from the city or have the dangerous animal impounded at a place designated by law enforcement until compliance with provisions of this article are met or until arrangements are made to remove the animal from the city.
- (8) All owners, keepers, or harborers of dangerous animals shall present to the city auditor proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such dangerous animal for a period not less than twelve (12) months, which policy shall contain a provision requiring the city to be named as additional insured for the sole purpose of the city auditor or other licensing authority where such animals are licensed to be notified by the insurance company of any cancellation, termination, or expiration of the liability insurance policy.
- (9) The owner or keeper of any dangerous animal shall sign a statement attesting that:
 - a. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve-month period for which said insurance is provided, unless the owner or keeper shall cease to own or keep the dangerous animal prior to expiration of said policy, or said policy is replaced by a newly issued policy.
 - b. The owner or keeper shall have an enclosure for the dangerous animal on the property where the dangerous animal will be kept or maintained.
 - c. The owner or keeper shall notify law enforcement within two hours (2) hours if a dangerous animal is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.
- (10) Law enforcement and community service officers are hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this article, and any such officer is hereby empowered to seize and impound at a place designated by law enforcement any dangerous animal whose owner or keeper fails to comply with the provisions hereof.
- (11) Upon such attack or assault, a community service officer or law enforcement is hereby empowered to confiscate and destroy such dangerous animal if the conduct of such dangerous animal or its owner or keeper constitutes a violation of the provisions of this article, punishable by the confiscation and destruction of the animal. However, notwithstanding the foregoing, no animal shall be destroyed within five (5) days of being impounded, exclusive of Sundays and holidays.

- (12) If the owner or keeper of an animal impounded for an alleged violation of this section shall believe that there shall not have been a violation of such section hereof, such owner or keeper may petition the Municipal Court for the City of Galesburg praying that the impounded animal not be destroyed. The impounded animal shall not be destroyed pending resolution of such owner's or keeper's petition, if the petition shall have been filed within five (5) days of impoundment of such animal and notice shall have been served within five (5) days of the impoundment of such animal upon law enforcement.
- (13) In the event that a community service officer or law enforcement has probable cause to believe that an animal is dangerous, the officer or law enforcement or the designee shall be empowered to issue a citation in order to appear before the municipal court for the purposes of determining whether or not the animal in question should be declared dangerous. The community service officer or law enforcement shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the animal that a hearing will be held, at which time he or she may have the opportunity to present evidence why the animal shall not be declared dangerous.
- (14) In the event that a community service officer or law enforcement has probable cause to believe that the animal in question is dangerous and may pose a threat of serious harm to human beings or other domestic animals, the officer or law enforcement may seize and impound the animal at a place designated by law enforcement pending the aforesaid hearings. The owner or keeper of the animal shall be liable to the city for the costs and expenses of impounding such animal.
- (15) It shall be unlawful for the owner or keeper of a dangerous animal to fail to comply with the requirements and conditions set forth in this article. Any animal found to be the subject of the violation of this article shall be subject to immediate seizure and impoundment as hereinbefore provided. In addition, failure to comply shall be an offense punishable with a fine as hereinafter provided.
- (16) In addition to those persons specified herein, any person may file a petition with the city council or a complaint with the municipal court to determine, declare, or find an animal dangerous as defined herein.
- (17) The provisions of this article shall not apply to K-9 or other dogs owned by any law enforcement department or agency or officer which are used in the performance of law enforcement work.

11.0103 Keeping of Certain Animals Prohibited

It shall be unlawful to keep any farm/livestock animals including but not limited to sheep, goats, swine or pigs, chickens, other poultry, cattle or horses in the City without council approval here after ~~X-XX-XXXX~~. 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.

11.0104 Large Animal & Poultry

It is 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 is also unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

11.0105 Noises

It is unlawful to harbor or keep any animal which habitually disturbs the peace by loud noises at any time of the day or night.

ARTICLE 2 – Dogs and Cats

11.0201 Definitions

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

1. Dog shall mean either a male or female dog.
2. 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.
3. Cat shall mean either a male or female cat.
4. Owner shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog or cat.
5. 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.
6. A stray animal shall mean any dog or cat at large without identification tags.

11.0202 Rabies Vaccination

1. Residents shall present to the city the certificate of a veterinarian to the effect that the dog or cat has been vaccinated for rabies within the previous two (3) 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 (3) years, provided a vaccine certified for a three-year period was used.

11.0203 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.

11.0204 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.

11.0205 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.

11.0206 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.

11.0207 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.

11.0208 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.

11.0209 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 is 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.

11.0210 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.

11.0211 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.

11.0212 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 Galesburg.

11.0213 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 Galesburg.

11.0214 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 Galesburg City Council.

11.0215 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.

11.0216 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.

CHAPTER 11. Effective Date. This ordinance shall be in full force and effect from and after the date of its second reading and final passage.

Mayor
Galesburg, North Dakota

ATTEST:

City Auditor

Council Members Voting AYE: _____

Council Members Opposed: _____

Council Members Abstaining: _____

Date of First Reading:

Date of Second Reading: _____

Date of Publication: _____