

City of Washburn

Ordinance No. 149A

Amended: May 9, 2017, by action of the Washburn City Commission

AMENDMENT TO ORDINANCE NO. 149, PROVIDING FOR THE REGULATION AND LICENSING OF DOGS  
AND CATS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF:

Be it ordained by the City Commission of the City of Washburn, North Dakota.

SECTION 1 – DEFINITIONS

As used in this article, the following words shall have the meanings respectively ascribed to them:

Animal Control Authority. Police and/or persons assigned by the City to enforce this ordinance.

At Large. Off the premises of the owner and not under control by either leash or lead with a maximum length of six (6) feet or not under control by a responsible person.

Cat. Both male and female.

Dog. Both male and female.

Owner. Any person owning, keeping or harboring a dog or cat.

Person. An individual or family residing at the same residence.

SECTION 2 – POSSESSION LIMITS

It shall be unlawful for any person to own or have under his or her control more than four (4) dogs and four (4) cats over the age of three (3) months.

SECTION 3 – VACCINATION

It shall be unlawful for any person to own or have under his or her control any dog or cat which has not been inoculated against rabies, if over three (3) months of age.

SECTION 4 – LICENSE REQUIRED

It shall be unlawful for any person within the city to keep, maintain, or have in his or her custody or under his or her control, any dog or cat over the age of four (4) months without first having obtained a license from the city.

## SECTION 5 – APPLICATION

Any person desiring to keep, maintain, or have in his or her custody or control any dog or cat over the age of four (4) months shall make application to the city auditor for a license to keep such dog or cat. Such application shall be in writing stating the name, sex, color and other distinguishing characteristics of such animal and the name and address of the applicant.

## SECTION 6 – PROOF OF VACCINATION REQUIRED

Before any license shall be issued, the applicant shall furnish a certificate of vaccination issued by an accredited veterinarian, endorsed by the state where the certificate is issued, evidencing vaccination of the dog or cat for which the license is desired has been vaccinated against rabies and that such vaccination will be good for the license year.

## SECTION 7 – LICENSE FEE

(a) Before any license shall be issued, the applicant shall pay a license fee of \_\_\_\_\$ 5.00\_\_\_\_ for each animal.

(b) No refund shall be made on a dog or cat license for any reason, including the death of the animal or the owner leaving the city before expiration of the license period.

(c) License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

## SECTION 8 – ISSUANCE OF TAG

(a) It shall be the duty of the city auditor, at the time of the issuance of a license under this division, to furnish and deliver to the applicant for such license a tag for each animal for which such license is issued, upon which tag shall be stamped or engraved the number of the license and the year for which such license is issued.

(b) It shall be the duty of the owner of the animal licensed to attach said license to the dog or cat for identification purposes.

(c) In the event of the loss of any issued tag, the city auditor is authorized to issue a replacement tag upon payment of \_\_\_\_\$ 3.00\_\_\_\_ and upon satisfactory proof that such tag has been lost.

(d) No tag shall be transferable from one animal to another.

## SECTION 9 – OWNER RESPONSIBILITY

(a) All dogs and cats shall be kept under restraint.

(b) Every dangerous dog or cat, as determined by the Animal Control Authority, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(c) No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.

(d) Dog and cat owners shall ensure that their dog or cat carries identification at all time in the form of a tag or other means to allow determination of the owners.

#### SECTION 10 – RUNNING AT LARGE

No owner or keeper of a dog shall permit such dog to run at large at any time upon the streets, public places, public ways, and school grounds or upon the private premises of any person other than the owner or keeper of such dog

#### SECTION 11 – DANGEROUS, VICIOUS DOGS AT LARGE PROHIBITED

(a) No dog of dangerous, vicious or fierce tendencies may be at large at any time within the limits of the city, and it shall be unlawful for the owner or other person having any such dog in his or her possession or under his or her control, or in any manner keeping or harboring any such dog within the limits of the city, to cause or permit any such dog to be at large in the city.

(b) If any dog bites or attempts to bite any person while such dog is at large, then such dog shall be conclusively presumed to be a dangerous dog and have dangerous tendencies.

(c) If any dog attacks or attempts to attack any other 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 have vicious tendencies.

#### SECTION 12 – DESTRUCTION OF DANGEROUS, VICIOUS DOGS

(a) Any dangerous or vicious dog or dog having dangerous or vicious tendencies found at large may be killed by any police officer without such officer having to catch or impound such dog.

(b) Pursuant to Section 11, the Municipal Court may order the seizure and euthanasia of an animal deemed dangerous or vicious. (Amended: May 9, 2017)

#### SECTION 13 – MISCHIEVOUS DOGS

It shall be unlawful for any person to allow any dog owned by him or her or under his or her control to frighten, annoy, bark at, or chase any person or vehicle.

#### SECTION 14 – NOISY DOGS

It shall be unlawful for any person to allow any dog owned by him or her or under his or her control to exhibit loud and frequent yelping, barking, or howling to annoy any person.

#### SECTION 15 – DESTRUCTION OF PROPERTY

It shall be unlawful for any person to allow any dog or cat owned by him or her or under his or her control to destroy any property not the property of the owner or keeper.

#### SECTION 16 – DEFACING OF PROPERTY

It shall be unlawful for a dog or cat to damage, soil, defile, or defecate on private property other than the owner's or public property, walks, or recreation areas unless such waste is immediately removed and properly disposed of by the owner or keeper.

#### SECTION 17 – ANIMAL WELFARE

(a) In the event that the Animal Control Authority finds dogs or cats to be suffering, mistreated, inhumane living conditions, or malnutrition; it shall have right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering.

(b) Return to the owner may be withheld until the owner has made full payment for all expenses so incurred.

(c) Disposal of an animal by any method does not relieve the owner of liability for violations and any accrued charges.

#### SECTION 18 – IMPOUNDMENT AUTHORIZED

(a) Any animal found in violation of the provisions of this article may be seized and impounded by the Animal Control Authority.

(b) Impoundment may be in any animal shelter designated by the board of City Commissioners.

(c) If a dog or cat is caught trespassing on private property, the property owner or his or her representative, shall be allowed to humanely restrain at large dogs or cats until Animal Control Authority arrives.

(d) When a dog or cat is found running at large and its ownership is verified by the Animal Control Authority, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

SECTION 19 – INTERFERENCE

(a) It shall be unlawful, and no person shall interfere with, hinder, or molest any agent of the Animal Control Authority in the performance of any duty as provided herein.

(b) Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$ \_\_100.00\_\_\_\_ at the discretion of the court.

SECTION 20 – NOTICE TO OWNER

The owner of any animal impounded under the provisions of this ordinance, if his identity and location can be obtained by reasonable means, shall, within twenty-four (24) hours be notified that his or her animal has been impounded.

SECTION 21 – IMPOUND FEE

The following fees shall be charged for the impoundment of any dog or cat under the provisions of this ordinance:

(a) First redemption of the animal... \_\_\_\_\_ \$ 20.00 \_\_\_\_\_

(b) Second redemption of the animal.... \_\_\_\_\_ \$ 40.00 \_\_\_\_\_

(c) Third and any future redemption of the animal.... \_\_\_\_\_ \$ 80.00 \_\_\_\_\_

(d) Whenever any animal is impounded, an additional fee of \_\_\_\_\_ \$ 10.00 \_\_\_\_\_ shall be charged for each day, or fraction thereof, of impoundment for feeding and care.

(e) Payment of impound fees is not considered to be in lieu of any fine, penalty, or license fees.

SECTION 22 – REDEMPTION BY OWNER

(a) Any animal impounded may be redeemed by the owner thereof within \_\_\_3\_\_\_ days upon payment of impoundment fees and fines provided the animal has the required license and vaccinations.

(b) No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing and vaccinations have been fulfilled.

(c) A refundable deposit of \_\_\_\_\_ \$ 20.00 \_\_\_\_\_ dollars with the city auditor will be refunded if the owner produces proof of vaccination and licensing within \_\_\_48\_\_\_ hours. If the owner fails to procure the required documentation in the allotted time frame, the deposit will be forfeited and turned over to the general fund and the animal shall again be seized and impounded.

SECTION 23 – REDEMPTION BY PERSON OTHER THAN OWNER

If the owner of any animal impounded under this ordinance shall fail to redeem such animal within \_\_\_\_3\_\_\_\_ days after impoundment, any other person may, upon complying with the provisions of this ordinance, redeem such animal from the pound and be the lawful owner of such animal thereafter.

SECTION 24 – DISPOSITION OF UNREDEEMED ANIMAL

All animals impounded under this ordinance and which have not been redeemed or purchased as authorized by this ordinance within \_\_\_\_5\_\_\_\_ days of such impoundment, may be disposed of in a humane manner by the Animal Control Authority.

SECTION 25 – PENALTY

(a) Any person who fails to comply with the provisions of this ordinance shall be subject to a fine of:

1. First offense of the animal.... \$25.00

2. Second offense of the animal.... \$50.00

3. Third and any future offense of the animal.... \$100.00 (Amended: May 9, 2017)

(b) Any person accused of failing to comply with this ordinance, may protest the claim and penalty by requesting a hearing in Municipal Court.

All ordinances and part of ordinances and resolutions in conflict herewith are hereby repealed in so far as the conflicting portions thereof are concerned.

This ordinance shall take effect and will be in full force effective upon date of passage.

Approved: Larry Thomas President of City Commission

Attest: Joan Zimmerman City Auditor

First Reading: March 8th, 2016

Second Reading: April 12, 2016

Final Passage: April 12, 2016

Amended: First Reading: April 11, 2017

Second Reading: May 9, 2017

Final Passage: May 9, 2017

