

ORDINANCE NO. 321

AN ORDINANCE REGARDING THE PROVISIONS FOR THE CONTROL OF DOGS AND CATS IN THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA AND REPEALING ANY ORDINANCE IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CASSELTON, CASS COUNTY, NORTH DAKOTA.

ARTICLE I - Control of Dogs and Cats.

Section 1 - Definition of Terms.

As used in this ordinance, unless the context otherwise indicates.

- a. "Animal" shall mean a male or female dog or cat
- b. "Owner" shall mean any person, persons, firm, association or corporation owning, keeping, or harboring an animal.
- c. "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 either by leash, cord, chain or otherwise.
- d. "Feral cat" means an unowned free-roaming cat that is partially socialized or unsocialized to humans.
- e. "Stray cat" means any cat whose owner or keeper from time to time allows the cat to run free off the property of the owner or keeper.
- f. "Stray dog" means any dog whose owner or keeper from time to time allows the dog to run free off the property of the owner or keeper.

Section 2 - Proof of Inoculations Required.

- a. Owners of any dogs and cats 12 weeks or older must have proof of recommended inoculations, including but not limited to vaccination against rabies, as prescribed by the North

Dakota Board of Veterinary Medical Examiners and in the form and manner as required by law enforcement.

b. All Casselton residences must abide by the following limitations: 1) No residence shall have more than three dogs; and 2) no residence shall have more than six animals as defined by this ordinance.

c. Failure to have proof of up to date inoculations, as required in this section, shall be punishable as an infraction, and shall carry a minimum penalty of at least a fine of One Hundred and no/100Dollars (\$100.00).

### Section 3 — Prohibited Acts and Punishment.

a. No person shall keep or harbor any animal which habitually barks, cries or howls. Any such animals which habitually bark, cry or howl are hereby declared to be a public nuisance. "Habitual barking, crying or howling" shall be defined as barking, crying or howling for repeated intervals of at least three minutes with less than one minute of interruption. Such barking, crying or howling must be audible off of the owner or keeper's premises.

b. No person having the custody or control of any animal shall permit the same to be off the property limits of its owner or keeper, or on any street, public park, school grounds or public place in the City of Casselton without being effectively restrained by chain or leash not exceeding six feet (6) in length. This provision shall not apply if the animal is within a vehicle being driven or parked in the streets.

c. The owner of every fierce, dangerous, or vicious dog shall confine such animal within a building or secure enclosure and such animal shall not be taken out of such building or

enclosure unless the animal is securely muzzled.

d. Every female animal in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such animal cannot come in contact with another animal except for breeding purposes.

e. If an animal is found running at large or otherwise in violation of this provision or ordinance, it shall be taken up and impounded and shall not be released except upon approval of law enforcement after payment of the fees provided in this Ordinance; provided, however, that if any dangerous, fierce or vicious animal so found at large cannot be safely taken up and impounded, such animal may be slain by law enforcement. Any animal found running at large, whose ownership is known to the law enforcement, need not be impounded, but law enforcement may, at his discretion, order the owner to keep the animal in strict restraint as herein defined or he may cite the owner of such animal to appear in Court to answer charges of violations of the Ordinance.

f. No person having custody or control of any animal under this ordinance shall allow the accumulation of excrement or other waste materials from an animal which results in foul or noxious odors that are offensive to surrounding residents.

g. Every person having custody or control of an animal shall be equipped to, and shall collect, said animal's solid waste when eliminated on any public property or private property not owned by the person having custody or control over the animal. Any person wishing to make a complaint shall sign a written complaint for Casselton municipal court.

h. It shall be unlawful for any person to feed or continue to feed stray or feral cats or stray dogs, and such feeding shall be considered a nuisance contrary to the health, safety, and welfare of the City of Casselton.

i. In addition to being a nuisance, any violation referred to in 3(a)-3(f), and 3(h) shall

be punishable as an infraction and shall carry a minimum penalty of a fine of at least One Hundred and no/100 Dollars (\$100.00). Violations referred to in 3(g) shall be punishable as an infraction and shall carry a penalty of Forty Dollars (\$40). Violations shall be cited in the same manner as non-criminal traffic infractions. Any violation of this ordinance in which a finding is made that a person has been bitten by an animal with visible evidence, the municipal judge may order the animal to be slain or permanently removed from the City of Casselton.

#### Section 4 - Impounding.

It shall be the duty of City law enforcement or any other person designated by the City Council to apprehend any animal found running at large contrary to the provision of this Ordinance, and to impound such animal at a suitable place for the impounding of animals selected by law enforcement. Law enforcement, upon receiving any animal, shall make a complete registry of said animal, entering the breed, color and sex of such animal.

#### Section 5 - Notice to Owner and Redemption.

Not later than three days after the impounding of any animal, the owner shall be notified by mail or telephone, or if the owner is unknown, written notice shall be posted at three conspicuous places in the City of Casselton, describing the animal and place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of costs incurred by the City of Casselton for impounding, maintenance and keeping of said animal and giving notice, together with all costs incurred for any needed rabies inoculation.

#### Section 6 - Disposition of Unchained or Infected Animals.

It shall be the duty of law enforcement to keep all animals so impounded for a period of three days. If at the expiration of three days from the date of notice to the owner or the posting of

notice, such animal shall not have been redeemed, it may be destroyed. Any animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous diseases shall not be released but may be forthwith destroyed.

#### Section 7 Muzzling.

Whenever it becomes necessary to safeguard the public from the dangers of rabies, or other infectious or dangerous disease, if law enforcement deems it necessary, shall request the Mayor to issue a proclamation ordering every person owning or keeping an animal to confine it securely on his premises unless such animal shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled animal running at large during the time of the proclamation shall be seized and impounded. All animals so noticeably infected with rabies or other infectious or dangerous diseases and displaying vicious propensities shall be killed by City law enforcement without notice to the owner. Animals impounded during the first two days of each proclamation shall, if claimed within five days, be; released to the owner, unless infected with disease in accordance with this Ordinance, upon payment of the impounding charges provided in this Ordinance. If unclaimed after that period, such animal may be summarily destroyed.

#### Section 8 - Rabies.

If an animal is believed to have rabies or other infectious or dangerous diseases, such animal shall be placed under the observation of a veterinarian, at the expense of the owner, for a period of two weeks. The owner shall notify city law enforcement that his animal has been exposed to rabies or other infectious or dangerous disease and at his discretion law enforcement is empowered to have such animal removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

It shall be unlawful for any person knowing or suspecting an animal has rabies or other infectious or dangerous disease to allow such animal to be taken off his premises or beyond the limits of the City without the written permission of City law enforcement. Every owner, or other person, upon ascertaining an animal is rabid shall immediately notify law enforcement who shall either remove the animal to the pound or summarily destroy it.

ARTICLE II - REPEAL

Section 1 - Repeal.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE III - EFFECTIVE DATE

This Ordinance shall be in force and effect from and after its passage and approval.

APPROVED:

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Lee Anderson, Mayor

ATTEST:

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Sheila Klevgard, City Auditor

FIRST READING: October 4, 2021

SECOND READING: December 6, 2021

PUBLICATION: January 5, 2022