
SUBJECT: ORDINANCE #1998-3 (ANIMAL CONTROL ORDINANCE)

ADOPTED DATE: JULY 20, 1998

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CASS COUNTY
ANIMAL CONTROL ORDINANCE #1998-3

Purpose

It is the purpose of this Ordinance to promote the public health, safety, comfort and general welfare of the county through the proper control and care of animals by their owners and others; and to encourage animal owners to have their pets neutered or spayed in order to minimize the unwanted pet population.

Definitions

A. Animal:

Includes every living animal except the human race.

B. Altered Animal:

Any animal that has been operated on to prevent it from procreating.

C. Owner:

A person having the right of property or custody of an animal, who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

D. Kennel:

Any person, group of persons, partnerships or corporation engaged in breeding animals.

E. Public Nuisance:

- A. Any animal which interferes with a passerby or a passing vehicle.
- B. Any animal which attacks another animal or person.
- C. Any animal which trespasses on school grounds.
- D. Any animal which runs at large or unrestrained.
- E. Any animal which damages private or public property.
- F. Any animal which barks, whines, howls or makes other sounds common to its species in an excessive or continuous manner.
- G. Any owner that causes foul or noxious odors resulting from the accumulation of excrement or other waste materials from an animal and which is offensive to surrounding residents.

F. Dangerous Animal:

Any animal that;

- A. When unprovoked inflicts bite(s) on a human or a domestic animal either on public or private property.
- B. Has a history documented with a public agency of biting or attacking humans or domestic animals.
- C. Has a known propensity, tendency or disposition to attack, to cause injury, or otherwise threaten or endanger the safety of humans or domestic animals.
- D. Is not properly vaccinated.

General Provisions

- A. Any person within the boundaries of Cass County owning, keeping, harboring or having custody of a dangerous animal as defined in this ordinance will;
 - 1. Confine the animal within a building or secure enclosure and shall not take such animal out of such building or secure enclosure unless such animal is restrained.

Duly authorized members of a law enforcement agency including but not limited to sheriffs, deputy sheriffs, police officers, highway patrol officers, game wardens, conservation officers and other law enforcement officers while on official duty, shall be exempt from the provisions of this section for any working animal utilized in the performance of their official duties.
- B. When, in the judgment of any court, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Inspection

- A. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this ordinance or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of this ordinance or North Dakota Century Code, the sheriff or any other law enforcement agency is authorized at all reasonable times to inspect the same for compliance with the provisions of this ordinance, or any state law, provided that;
 - 1. If the property is occupied, the law enforcement officer shall first present proper credentials to the occupant and request entry explaining the reasons therefore.

- a. If entry is refused by the owner or other persons having control of the property, the law enforcement officer shall secure a search warrant to inspect said premises.
2. If the property is unoccupied, the law enforcement officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefore.
 - a. If the owner or other persons having control of the property cannot be located, the law enforcement officer may enter any out building except the residence without a search warrant for purposes of inspecting the same for compliance with the provisions of this ordinance, or any state law regarding animals.
 - b. The law enforcement officer shall secure a search warrant to inspect said residence unless the law enforcement officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal, public health or safety. In such cases, the law enforcement officer may exercise such reasonable force as to gain access to the property for the purpose of inspecting same for compliance with the provisions of this ordinance, or any state law regarding animals.

Keeping animals in an unhealthy/unsanitary manner

- A. It is hereby declared a public nuisance, for any owner to keep any animal in a manner that is unsanitary or unhealthful. Where the law enforcement officer finds probable cause to believe that a situation is occurring where an owner is keeping any animal in an unsanitary or unhealthful manner, it may do any or all of the following;
 1. Secure a search warrant to inspect premises to determine if unsanitary or unhealthful situation exists.
 2. Order the owner in writing to immediately abate any unsanitary or unhealthful situation by;
 - a. Removing any and all diseased or dead animals for treatment or disposal, as appropriate.
 - b. Cleaning up and removing any and all urine, feces or other material of an unsanitary nature.

- c. Taking any and all additional steps necessary to ensure the complete abatement of the unsanitary and unhealthful situation.
3. In the event the owner fails to comply with the written order to abate for this section, the law enforcement officer may do any of the following;
 - a. Issue a citation or summons.
 - b. File a complaint charging the owner with a violation of this ordinance.
 - c. Institute legal action through the County Attorney for an injunctive and/or other appropriate relief to forthwith abate the public nuisance.

Public Nuisance

- A. No person shall own or harbor within the boundaries of Cass County a public nuisance as defined in this ordinance. Violators of this section shall be fined in accordance with the penalties section.

Cruelty to animals

- A. No person shall willfully;
 1. Torment, torture, abuse, cruelly kill or otherwise inflict cruelty upon an animal or bird.
 2. Fail to provide any domesticated animal or bird with proper food, drink, shelter or protection from weather.
 3. Confine or leave an animal in a vehicle or other enclosure without adequate ventilation.
 4. Abandon any diseased, maimed, hopelessly sick, infirm or disabled animal or bird any place in the county.

Penalties

- A. Any person who shall violate or assist in the violation of this ordinance shall be guilty of and be punished as follows;
 1. First offense shall be an infraction with a fine of fifty dollars, (\$50.00).
 2. Second offense or subsequent offenses within one year shall be classified as a Class B misdemeanor.

- B. For all violations of this Ordinance, fines shall not exceed one thousand dollars, (\$1,000.00).
- C. Each offense shall be considered a separate offense and subject to a fine.
- D. Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.
- E. Violations of this Ordinance may result in immediate impoundment of the animal(s).
- F. Any animal not claimed by it's owner within five days, excluding the day of impound, will be given to Adopt-A-Pet, the Humane Society or disposed of.
- G. Any person who violates this Ordinance shall pay all expenses, including shelter, food, handling, veterinary care, court costs and testimony necessitated by these regulations.

Severability Clause

- A. Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.
- B. With the passage of the Ordinance, the entire County will be covered by a uniform animal control ordinance which will apply within the boundaries of Cass County, except that this ordinance will not supercede any ordinance of any political subdivision without its consent.

APPROVED:

ss/Donna Schneider
Chair, Board of Commissioners
of the County of Cass

ATTEST:

ss/ Michael Montplaisir
Michael Montplaisir
County Auditor

First Reading:	6/15/98
Second Reading:	7/20/98
Final Passage:	7/20/98
Publication:	6/22/98

(SEAL)

HISTORICAL REFERENCE DATE: JULY 20, 1998

ORDINANCE NO. 113A

PIT BULL DOGS: KEEPING PROHIBITED

A person shall not keep, harbor, own or in any way possess within the city limits of Grandin, North Dakota, any pit bull dog. "Pit bull dog" is defined to mean:

- (a) The bull terrier breed of dog:
- (b) The Staffordshire bull terrier breed of dog:
- (c) The American pit bull terrier breed of dog:
- (d) The American Staffordshire terrier breed of dog:
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers:
- (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.
- (g) Breeds also to include rotwhiller, doberman.

VIOLATIONS AND PENALTIES.

Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in municipal court be fined a sum of not less than twenty-five dollars (\$25) and not more than five hundred dollars (\$500). In addition to the foregoing penalties and any provisions contained in this ordinance, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article.

EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after the date of its final passage and publication as required by law.

APPROVED:



Dave Blaser, Mayor

Passed first reading Jan 19, 2009
Passed second reading Feb 10, 2009
Final Passage Feb 10, 2009

Approved by Mayor July 10, 2009
Pub. one time May 22, 2009

ATTEST:

Sandy Nehr
Sandy Nehr, City Auditor

ORDINANCE FOR THE CONTROL OF DOGS AND CATS

BE IT ORDAINED by the City Council of the City of Grandin, North Dakota as follows:

SECTION 1. DEFINITION OF TERMS

As used in this ordinance, unless the context otherwise indicates the following definitions shall be applicable:

1. "Dog" or "Cat" shall refer to both the male and female of the species;
2. "Owner" shall mean any person or person, firm, association, or corporation owning, keeping, or harboring a dog or a cat;
3. "At large" shall mean off the premises of the owner and not under the control of the owner or the person in custody of the dog or cat either by leash, cord, chain, or otherwise.

SECTION 2. LICENSE AND REGISTRATION REQUIRED

All dogs and cats kept or maintained in the City shall be licensed and registered if over six months of age. Licenses shall be issued by the City Auditor upon payment of the annual license fee prescribed by the City Council. Such license shall be effective for a term of one (1) year. The owner shall state on the license, his name and address and the breed, color, and sex of the animal, date of rabies inoculation of the animal, and whether or not the animal is neutered, spayed, or desexed. A license shall not be issued unless the application is accompanied by a certificate showing a dog has been inoculated against rabies within 24 months preceding the application, and a cat has been inoculated within 12 months preceding the application. The license requirement shall not apply to "seeing-eye" dogs trained to assist blind persons when such dogs are actually kept for use by blind persons. 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.

SECTION 3. DOGS NOT ALLOWED TO RUN AT LARGE - PENALTIES

(1) It shall be unlawful for dogs or cats to run at large within the corporate limits of the City. Any dog or cat not on a leash when off their owner's property or the property of the person in custody of the dog or cat is considered to be running at large. A dog or cat who deposits animal waste in parks, streets, or on private property other than the animal owner's or the property of the person in custody of the animal is considered to be running at large. Any such animal running at large, shall be identified by the officer appointed by the City Council, upon observation or complaint, and owner or person in custody of the animal shall be issued a citation to appear in Municipal Court to answer the charge of allowing said animal to run at large.

Upon conviction of such a citation there will be no fine for the first offense, a \$10.00 fine for the second offense, and a \$25.00 fine for the third offense. On the fourth offense the cat or dog shall be impounded.

(2) No fierce, dangerous, vicious dog, or dog sick with or liable to communicate hydrophobia or other contagious or infectious disease shall not

be permitted to run at large in the City.

(3) Excessive, continuous, and 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 or cat without a valid license and collar is a nuisance.

(4) If any dog or cat is found running at large or otherwise in violation of this section, it may be taken up and impounded and shall not be released except upon approval of the Judge after payment of the fees provided in section 4; provided, however, that if any dangerous, fierce, or vicious dog or cat so found at large cannot be safely taken up and impounded, such dog or cat may be slain by any law enforcement officer.

SECTION 4. IMPOUNDED ANIMALS - NOTICE TO OWNER AND REDEMPTION

Not later than two days after the impounding of any dog or cat the owner, if known, shall be notified. The owner of any dog or cat so impounded may reclaim such animal upon payment of the license fee, if unpaid the costs of impoundment and maintenance, together with all costs incurred in giving any needed rabies inoculation.

SECTION 5. DOGS RUNNING AT LARGE TO BE IMPOUNDED

It shall be the duty of the officer appointed by the City Council to apprehend each and every animal running at large to cause such dogs or cats to be impounded in the city pound as provided by the City. The officer shall keep a record of all dogs and cats impounded, listing breed, color, sex and place and time of taking, and if licensed, the name and address of the owner and the number of the license tag. Such dogs or cats shall remain impounded by the City for a period of three (3) days; provided, however, that if any impounded animal appears to be suffering from rabies or other infectious or dangerous disease, or be known to have bitten a human being to the extent of breaking the skin, then said animal shall remain impounded for at least fourteen (14) days from the date of such biting in order to determine whether or not the animal has rabies. Any dog or cat found to be infected with rabies during the impoundment shall be destroyed. Any dog or cat claimed after impoundment shall be destroyed. Any dog or cat claimed after impoundment period may be released to the owner upon payment of the impounding charges and penalties as provided in section 3 and 6.

SECTION 6. DISPOSITION OF IMPOUNDED DOGS AND CATS

If the dog or cat is not redeemed by the owner within three (3) days after impounding, the officer shall cause said animal to be destroyed, or in his discretion, the officer may cause such animal to be delivered to another person, not the owner, upon payment of the fees for taking and keeping, and upon proper licensing of said animal by said new owner.

SECTION 7. CITY POUND

The Mayor and City Auditor are hereby directed to make and execute on behalf of the City a contract with Valley Veterinary Hospital, located at 3210 Main Avenue, Fargo, North Dakota, for it to provide the City the services of a dog and cat pound.


SECTION 8. SEPARABILITY

This ordinance parts, sections, and clauses thereof, are hereby declared to be severable. If any part, section, paragraph, sentence, clause, phase or word is judged unconstitutional, or invalid, it is hereby that such adjudication shall not affect, impair, or invalidate the remainder of this ordinance.

SECTION 9. EFFECTIVE DATE


This ordinance shall be in full force and effect 30 days from and after its final passage, and approval and publication of the title and penalty clause thereof in one issue of the official newspaper.

APPROVED:


Jo Ann Radebaugh, Mayor

Passed first reading	<u>June 14</u>	, 1982
Passed second reading	<u>July 15</u>	, 1982
Final Passage	<u>July 15</u>	, 1982
Approved by Mayor	<u>July 15</u>	, 1982
Publication one time	<u>September 7</u>	, 1982

ATTEST:


Robin L. Anderson, City Auditor

Effective October 7, 1982