

CHAPTER ELEVEN
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Pitt Bulls and Rottweiler's

11.0101 **Cruelty - Penalty**

No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, underfeeds, overloads or abandons any animal shall be deemed guilty of an offense for which the maximum penalty shall be a fine of Five Hundred and No/100 Dollars (\$500.00), thirty (30) days imprisonment, or both such fine and imprisonment.

11.0102 **Dangerous Animals**

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city: exhibitions or parades of animals which are ferae naturae in the eyes of the law may be conducted only upon securing a permit from the Chief of Police. It shall also be unlawful to keep or harbor within the City of Wilton any dangerous animal without first having obtained a permit to keep or harbor such animal from the Chief of Police.

11.0103 **Permit - When Issued**

The Chief of Police shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. If the Chief of Police shall refuse to issue a permit, his decision may be appealed to the governing body. No permit shall be issued without first obtaining a description of the animal, the name of the owner or person in charge, the purpose for which the animal is kept, and such other pertinent information as the Chief of Police shall determine. Any dangerous animal kept or allowed to run at large without the owner or keeper having first obtained a permit in compliance with this section is hereby declared a nuisance and the owner or keeper shall be guilty of a violation of this article.

11.0104 **Killing Dangerous Animals**

The members of the Police Department or any other person in the city, are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.

11.0105 **Diseased Animals**

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Chief of Police or the Health Officer.

It is hereby made the duty of the Health Officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.

11.0106 **Housing**

No person shall cause or allow any stable or place where any animal is or may be kept to be unclean, or unwholesome.

11.0107 **Keeping of Certain Animals Prohibited**

It shall be unlawful to keep any live sheep, swine or pigs, cattle, chickens or other poultry, or goats or rabbits or horses or mules 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 or to a licensed livestock auction market.

11.0108 **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 purpose of grazing or feeding.

11.0109 **Noises**

It shall be unlawful to harbor or keep any animals, which habitually disturbs the peace by loud noises at any time of the day or night.

11.0110 **Penalty**

Any person who shall violate the provisions of this article for which a specific penalty is not otherwise provided shall be guilty of an infraction for which the maximum penalty is a fine of Five Hundred and No/100 Dollars (\$500.00). The owner of any animal impounded pursuant to the provisions of this article shall pay all costs and charges assessed for such impoundment before such animal shall be released to the owner.

11.0201 **License Required**

No dog or cat shall be permitted to be or remain in the city without being licensed as herein after provided if over one month of age. It shall be the duty of the owner or keeper of any dog or cat to have the dog or cat inoculated by a licensed veterinarian against rabies and to license such dog or cat. No license or renewal license shall be issued unless the dog or cat has been inoculated against rabies and proof thereof is shown to the person issuing the license.

11.0201 **License Required**

No dog or cat shall be permitted to be or remain in the city without being licensed as herein after provided if over six month of age. It shall be the duty of the owner or keeper of any dog or cat to have the dog or cat inoculated by a licensed veterinarian against rabies and to license such dog or cat. No license shall be issued unless the dog or cat has been inoculated against rabies and proof thereof is shown to the person issuing the license.

11.0202 **Licensing Procedures and Terms**

All dogs and cats shall be registered as to sex, breed, name and address of owner and name of animal. Licenses shall be issued by the City Auditor The person paying the license fee shall receive a receipt therefore and a metal tag or badge with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag or badge to be securely attached around the animal's neck or be able to produce the tag if required.

11.0203 **License Fee**

The license fee shall be a one-time fee of \$15.00 for each male or female dog and each male or female cat. The owner or keeper will still be required to keep the animals' rabies vaccination current for the life of the animal.

A refund may not be made on any license fees because of the death of an animal or because the owner of the animal leaves the city before expiration of the license period. A license is not transferable. If an animal is sold or given to another, the new owner must obtain a new license for the animal.

11.0204 **Impound Fee**

The impound fee shall be \$15.00 first offense and \$5.00 per day; second offense \$30.00 and \$10.00 per day.

11.0205 **License Fee: When Due and Payable**

The license fee or renewal fees previously provided for shall become due and payable on the 1st day of January in each year and shall become delinquent on the 1st day of February in each year. If the fee is not paid before the 1st day of May a penalty of \$5.00 shall be added to the license or renewal fee.

11.0206 **Dog or Cat Running at Large Prohibited**

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large in the city at any time. A dog or cat shall not be considered running at large if attended and on a leash or when in the confines of the owner's or keeper's premises.

11.0207 **Disposition of Unlawful Dogs or Cats**

Any unlicensed dog or cat running at large may be taken up by any police officer and impounded at the city dog pound, or such other place as may be designated by the governing body. The dog or cat shall not be released to any person until such dog or cat is licensed (if unlicensed), a fee of \$5.00 is paid for the taking of such animal, and all pound charges are paid directly to the facility where the dog or cat is housed.

11.0208 **Disposition of Unclaimed Dog or Cats**

The owner or keeper shall be notified of the taking of the dog or cat. If the owner or keeper fails to pay the charges (including license if necessary) and claims the animal within three days of notification the animal may be destroyed. If the owner or keeper is unknown, the Chief of Police shall give public notice of the taking of the animal before it is destroyed or otherwise disposed of.

11.0209 **Return to Owner if Known**

Notwithstanding the provisions of Section 11.0207, if a dog or cat is found at large and its owner can be identified and be taken to the owner. In such case, the policeman or other officer may proceed against the owner or keeper for violation of this article.

11.0210 **Noisy Dog or Cat Prohibited**

It shall be unlawful to keep or harbor within the city any dog or cat that disturbs the peace by howling, barking, whining, meowing or making other disagreeable noise. Any person wishing to file a complaint shall be required to give his name and address and sign a complaint.

11.0211 **Nuisance – When**

Any unlicensed dog or cat, any dog or cat running at large, any dog or cat disturbing the peace, or any dog or cat molesting passersby, chasing vehicles or trespassing upon private property is hereby declared to be a nuisance.

11.0212 **Number of Animals**

It shall be unlawful for any resident to have more than a total of three dogs or cats, four months of age or older.

11.0213 **Penalty**

Any person violating any provision of this article shall be guilty of any infraction and be fined not to exceed Five Hundred and No/100 Dollars (\$500.00), and shall be fined not less than Ten - and No/100 Dollars (\$10.00).

11.0301 **Pet Solid Waste- Collection and Disposal**

Every owner or person having control of a dog or cat shall collect and properly dispose of the dogs or cats solid waste when eliminated. It is an offense subject to a fee of twenty-five (\$25.00) for a first time offense and fifty dollars (\$50.00) for every subsequent offense to allow a dog or cat to eliminate solid waste on another's private property without permission, or upon boulevards, parks, school property, or other property used for educational purposes, and fail to properly collect and dispose of such waste. Prosecution for such offense may only be brought upon complaint signed by the person who observed the violation.

11.0401 **Definitions**

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

At Large: Off the premises of the owner and not under control either by leash, cord or chain of maximum of six (6) feet in length.

Dog: Both male and female

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

11.0402 **Dangerous, Vicious Dogs at Large Prohibited.**

No dog of dangerous, vicious or fierce propensities or 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.

- A. 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 a dog of dangerous propensities and tendencies.
- B. 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 to have vicious propensities and tendencies.

11.0403 **Destruction of Dangerous, Vicious Dog**

Any dangerous or vicious dog having dangerous or vicious propensities and tendencies found at large after the owner thereof has previous knowledge or notice that such dog is dangerous or vicious or had dangerous or vicious propensities and tendencies, may be killed by any police officer of the city without such officer having to catch or impound the dog.

11.0404 **Penalty**

The following fees shall be charge for violations of any dog under the provisions of this division:

- A. First violation of animal \$250.00
- B. Second violation of animal Animal will be removed.

11.0405 **Severability**

If any section, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance.

AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS AND ROTTWEILER DOGS WITHIN THE CORPORATE LIMITS OF THE CITY OF WILTON, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY OF WILTN, NORTH DAKOTA:

Section 1 – Purpose

In order to protect the health, safety and welfare of the residents and citizens of the City of Wilton, the Board of City Commissioners of the City of Wilton do hereby enact the following provisions:

Section 2 - Pit Bull Dogs and Rottweiler Dogs: Keeping prohibited.

It shall be unlawful to keep, harbor, own or in any way possess with the corporate limits of the City of Wilton, North Dakota.

Any Pit Bull dog or Rottweiler dog; provided, that Pit Bull dogs registered with the City on or before the first day of June 1988 and Rottweiler dogs registered with in the City on or before the first day of June 2001, may be kept within the City subject to the standards and requirements set forth in Section 2-3 of this Article.

“Pit Bull dog” is defined to mean:

- a. The bull terrier breed of dog;
- b. 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 Bull, Pit Bull dogs, or Pit Bull terriers;
- f. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terriers, Staffordshire bull terriers, 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.

“Rottweiler dog” is defined to mean”

- a. The Rottweiler breed of dog;
- b. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as Rottweiler dog or Rottweiler dogs.
- c. Any dog which has the appearance and characteristics of being predominantly of the breed of Rottweiler, any other breed commonly known as Rottweiler or any combination of these breeds.

Section 2-3 – Keeping of Registered Pit Bulls and Rottweiler's

The provisions of Section 2 of this Article are not applicable to owners, keepers or harborer's of Pit Bull dogs registered with the City of Wilton on or before the first day of June 1,

1988, the effective date of the original ordinance, or Rottweiler dogs registered with City on or before the 1st day of June, 2001, the effective date of this amendment. The keeping of such dogs, however, shall be subject to the following standards:

1. Leash and Muzzle: No person shall permit a registered Pit Bull or Rottweiler dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a Pit Bull dog or Rottweiler dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees posts, buildings, etc. In addition, all Pit Bull dogs and Rottweiler dogs on a leash outside the animals kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
2. Confinement: All registered Pit Bull dogs and Rottweiler dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered Pit Bull dogs and Rottweiler dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house Pit Bull dogs and Rottweiler dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
3. Confinement Indoors: No Pit Bull dogs and Rottweiler dogs may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own violation. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
4. Signs: All owners, keepers or harborers of registered Pit Bull dogs and Rottweiler dogs with in the City shall with in ten (10) days of the effective date of this ordinance display in a prominent place in their premises a sign easily readable by the public the words "Beware of Dog". In addition, a similar sign is required to be posted on a kennel or pen of such animal.
5. Insurance: All owners, keepers or harborers of registered Pit Bull dogs and Rottweiler dogs must with in ten (10) days of the effective date of this ordinance provide proof the City Auditor of public liability insurance in a single incident amount of \$50,000.00 fit bodily injury to or death of any person or persons or for damage to property owned by any person which may result from ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Wilton City Auditor.
6. Identification Photograph: All owners, keepers or harborers of registered Pit Bull dogs and Rottweiler dogs must with in ten (10) days of the effective date of this ordinance

provide the City Auditor two color photographs of the registered animal clearly showing the color and approximate size of the animal.

7. Reporting Requirements: : All owners, keepers or harborers of registered Pit Bull dogs and Rottweiler dogs must within ten (10) days of the incident, report the following information in writing to the City Auditor as required hereinafter:
 - a. The removal from the City or death of a registered Pit Bull dog or Rottweiler dog;
 - b. The birth of offspring of a registered Pit Bull dog or Rottweiler dog;
 - c. The new address of a registered Pit Bull dog or Rottweiler dog should the owners move within the corporate city limit.
8. Sale or Transfer of Ownership Prohibited: Sale – No person shall sell, barter or in any other way dispose of a Pit Bull dog and Rottweiler dog registered with in the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog, provided that the registered owner of a Pit Bull dog or Rottweiler dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.
9. Animals Born of Registered Dogs: All offspring born of Pit Bull dogs and Rottweiler dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.
10. Irrebuttable Presumptions: There shall be an irrebuttable presumption that any dog registered with the City as a Pit Bull dog or Rottweiler dog or any of those breeds prohibited by Section 2 of this article is in fact a dog subject to the requirements of this section.
11. Failure to Comply: It shall be unlawful for the owner, keeper or harborer of a Pit Bull dog or Rottweiler dog registered with the City of Wilton to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be subject of a violation of his ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license and such animal resulting in the immediate removal of the animal from the City.
12. Violations and Penalties: Any person violating or permitting the violation of any provisions of this ordinance shall upon conviction in Municipal Court be fined a sum not more than \$500.00. In addition to the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In Addition, the court shall order the registration of the subject Pit Bull or Rottweiler revoked and the dog removed from the City, the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary and testimony necessitated by the enforcement of this ordinance.

13. Severability: If any section, sentence clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 4

This ordinance shall take effect and be in full force from and after the first day of June, 1988, and the first day of June, 2001.