

ORDINANCE # 100A
Dog(s) & Cat(s)

An ORDINANCE PROHIBITING: DOG(S) & CAT(S) FROM RUNNING AT LARGE, BEING WITHOUT PROPER VACCINATION, AND BEING WITHOUT REQUIRED CITY LICENSE WITHIN THE CITY OF POWERS LAKE.

SECTION 1. DEFINITIONS:

Whenever used in this article unless a different meaning appears from the context:

- (A) "Dog" shall be intended to mean both male and female.
- (B) "Cat" shall be intended to mean both male and female.
- (C) "Owner" shall be intended to mean any person(s), firm, corporation, or association owning, keeping, or harboring a dog or cat.
- (D) "At Large" shall be intended to mean off the premises of the owner and not under the control of the owner or member of his immediate family either by leash, cord, chain, or otherwise.
- (E) "Vicious Animal" shall be defined as being a Animal which has bitten or scratched any person while the person bitten or scratched was not at the time of the biting trespassing on the property of the owner of said dog or cat or doing damage or injury to person, property, or animal of such owner.

SECTION 2. LICENSE REQUIRED: FEES - PETS:

- (A) All dogs & cats kept, harbored or maintained by their owners in the city of Powers Lake shall be licensed if over 6 weeks of age. Licenses shall be issued by the Chief of Police upon payment of a license fee of \$10.00 for unspayed / unneutered dog, \$5.00 for spayed / neutered dog and a fee of \$3.00 for cats. The owner at the time of licensing shall state his/her name, dogs / cats name, address, breed, color, sex, and shall show certificate of rabies inoculation. No license or renewal of a license shall be issued unless a certificate signed by a qualified veterinarian is filed with the application, showing that the animal described in the application has been inoculated against rabies within one year of the application if the vaccine used was Phenolized vaccine, and within three years if the vaccine used was Avinized vaccine. Any Dog or Cat licensed under six month of age shall be inoculated against rabies upon reaching the age of six months. The provisions of this section shall not apply to dogs or cats whose owners are non-residents temporarily within the city, nor to dogs or cats brought into the city to participate in shows. The license herein provided for shall be in force regardless of the date of its issuance until the first day of

January thereafter. Licenses are due and payable from January 1 through January 31 of each year.

SECTION 3. TAG & COLLAR:

- (A) Upon payment of the license fee and compliance with the provisions herein, the Chief of Police shall issue to the owner a copy of the printed application for license and it shall be dated and marked paid, which shall be evidence of such license, and a tag for each dog or cat so licensed. The Shape of the tag may be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog or cat licensed with a collar to which the license tag must be affixed, and shall see that the collar tags are constantly worn. In case a tag is lost or destroyed a duplicate will be issued by the Chief of Police upon presentation of a receipt showing the payment of the license fee for the current year and a payment of \$1.00 for such duplicate. Tags shall not be transferable from one year to another and no refund shall be made on any license fee because of the death of a dog or cat or because the owner is leaving the city before expiration of license period.

SECTION 4. RUNNING AT LARGE PROHIBITED WHEN:

- (A) When owner or keeper permits such dog to run at large at any time upon streets, public places, public ways, school grounds, or private premises of any person other than the owner or keeper of such dog.

SECTION 5. DOG(S) & CAT(S) DECLARED TO BE A NUISANCE WHEN:

- (A) They frighten, annoy, bark at, or chase any person or vehicle.
- (B) They are loud and frequent yelping, barking, or howling to annoy any person.
- (C) A female dog or cat is in heat, not on the premises of the owner or keeper.
- (D) They destroy any property whom is not the owner or keeper of such animal.
- (E) They have not been inoculated against rabies if over 6 months of age.
- (F) They do not have a collar and license tag when required under the section designated "tag and collar"

SECTION 6. IMPOUNDING:

- (A) It shall be the duty of every police officer to apprehend any dog or cat found running at large contrary to the provisions of Section IV or any dog or cat found to be a public nuisance as provided in Section V and to impound such dog or cat in the city pound or other suitable place. The pound master or other official may be

designated upon the receiving of any dog or cat shall make a complete registry, entering the breed, color, and sex of such dog or cat, and whether licensed. I licensed the name and address of the owner and number of the tag shall be entered. Licensed dogs and cats shall be separated from unlicensed.

SECTION 7. NOTICE TO OWNER AND REDEMPTION:

- (A) No later than the day after the impounding of any dog or cat, the owner may be notified, or if the owner of the dog or cat is unknown, written notice shall be posted for 3 days at the city pound describing the dog or cat and the place and time of taking. The owner of any dog or cat so impounded may reclaim such dog or cat upon payment of the license fee, any costs or charges incurred by the city pound, and any fines incurred by the city of Powers Lake.

SECTION 8. DISPOSITION OF UNCLAIMED DOG(S) OR CAT(S):

- (A) It shall be the duty of the pound master or other official to keep all dog(s) or Cat(s) for a period of 6 days from the date of notice to the owner or posting of notice as herein provided. If at the expiration of 6 days from the notice as herein provided such dog or cat shall not have been redeemed, it may be destroyed.

SECTION 9. BREEDING KENNELS FOR DOG(S) PROHIBITED:

- (A) A kennel for breeding dogs shall be construed to mean any place where more than one female dog is kept for breeding purposes and where the enterprise of breeding dogs is carried on for commercial purposes of profit, and the maintaining within the city of Powers Lake of a kennel, or herein defined, is hereby prohibited.

SECTION 10. RABIES:

- (A) The owner of any dog or cat which has contracted rabies or which has been subject to same, or which is suspected of having rabies, or which shall have been bitten or scratched any person shall, upon demand of the Police Department or health department to be held in quarantine for observation for a period determined by the Police Department.

SECTION 11. KEEPING A RABID ANIMAL - FAILURE TO REPORT:

- (A) It shall be unlawful for any person to knowingly keep or harbor any animal infected with rabies, or any dog or cat known to have been bitten by a rabid animal or who fails to report to the police or health department the existence of such animal, which he or she knows to be infected.

SECTION 12. VICIOUS ANIMAL:

- (A) No person shall keep, harbor, or shelter a vicious animal within the city of Powers Lake.

(B) Whenever any person makes a complaint to a police officer that a animal is vicious, the police officer must investigate. If found that said animal is in-fact a vicious animal then the police officer shall impound said animal for a period of 15 days to observe said animal, if after 15 days the police officer observed that the animal is in-fact vicious then the animal must be destroyed. If the police officer observed that the animal is not vicious then the animal can be released to its owner upon payment of any fine's and/or fee's that may apply. If Owner is instructed by the police officer to remove the animal from the city and owner fails to so, then the police officer may destroy said animal.

Section 13. Penalty:

(A) Any person, firm, or corporation violating any of the terms of provisions of this ordinance shall upon conviction be punished by a fine of \$25.00 First Offense, \$50.00 Second Offense, \$100.00 Third Offense, and \$500.00 Fourth Offense and any thereafter Offenses within a 12 month period of the first offense.

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Mayor Barbara K. Stogbauer
Powers Lake North Dakota

ATTEST

Jennifer Jeter
City Auditor _____
Powers Lake North Dakota