

CITY OF POWERS LAKE CHAPTER ELEVEN

ANIMALS AND FOWL

ARTICLE 1 – General Regulations

11.0101 Animal Neglect, Abuse and Cruelty – Penalty

No person may neglect any animal, abuse any animal or cruelly treat any animal in the City as defined in sections 36-21.2-01, 36-21.2-02 and 36-21.2-03 of the North Dakota Century Code. Any person who violates this Section is guilty of an offense. (Source: North Dakota Century Code sections 36-21.2-01, 36-21.2-02 and 36-21.2-03)

11.0102 Dangerous Animals

It is unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City. Exhibitions or parades of wild animals may be conducted only upon securing a permit from the chief of police. It is also unlawful to keep or harbor within the City 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, the decision may be appealed to the City 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 may 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 is 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 vet 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 department of health 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.

11.0107 Keeping of Certain Animals Prohibited

It is unlawful to keep any live alligators, bears, bees, cattle, coyotes, crocodiles, felines other than domestic house cats, fowl (except chickens), foxes, goats, horses, mules, poultry, rabbits, scorpions, sheep, skunks, snakes, swine, wolves and any other poisonous or venomous animals or non-domesticated animal, in any platted property within Original Townsite/subdivisions/outlots of the City of Powers Lake. 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. Locations that currently (as of 3-1-2023) keep cattle and horse(s) on property within city limits are grandfathered into this ordinance and shall be permitted to remain there so long as the land use is continuous and does not create a nuisance.

11.0108 Strays

It is unlawful to permit any animal 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 is also 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 is unlawful to harbor or keep any animal which habitually disturbs the peace by loud noises at any time of the day or night.

11.0110 Penalty

Any person who violates 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 one thousand dollars (\$1,000.00), with a minimum of first offense \$50.00, second offense a minimum of \$100.00, third offense and subsequent offense a minimum of \$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 may be released to the owner.

ARTICLE 2 – Dogs and Cats

11.0201 License Required

No dog or cat over one month of age shall be permitted to be or remain in the City without being licensed as provided in this Article. It shall be the duty of the owner or keeper of any dog or cat kept within the City to have the dog or cat inoculated against rabies and proof thereof must be shown to the person issuing the license before a license may be issued.

11.0202 Licensing Procedure and Terms

All dogs and cats shall be registered as to sex, breed, certificate of rabies vaccination, name and addressees of owner and name of dog. Licenses shall be issued by the chief of police or other authorized person on an annual basis. The person paying the license fee shall receive a receipt therefore and a license tag with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag to be securely attached around the animal's neck and kept there at all times during the license period.

11.0203 License Fee

The license fee shall be: _____ \$5 annually for each male dog and each spayed/neutered female dog, \$10 _____ for each female dog not unspayed/unneutered dog, and \$5 _____ for each catmale and female cat. The owner of any spayed female dog shall present, if requested to the chief of police a letter or certificate signed by a licensed veterinarian to the effect that such dog has been spayed: or such other evidence as the license issuer may require.

11.0204 License: When Due and Payable

The license fees 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 May in each. If the fee is not paid before the first day of May a penalty of _____ shall be added to the license or renewal fee.

The license fee shall be \$5.00 annually for each spayed dog; \$10.00 for each unspayed dog and \$5.00 for each cat. Dog and cat license fees are \$1.00 per quarter or can be paid for up to 2 years. Animal licenses to run concurrent with Certificate of Rabies vaccination.

11.0205 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.

11.0206 Disposition of Unlawful Dogs or Cats

Any unlicensed dog/ or cat or any 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 boarding fee of _____ is paid for the taking of each animal, and all pound charges are paid directly to the facility where the dog or cat is housed.

11.0207 Disposition of Unclaimed Dogs 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 claim 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.

11.0208 Return to Owner if Known

Notwithstanding the provisions of Section 11.0206, if a dog or cat is found at large and its owner can be identified and located, such dog or cat need not be impounded but may, instead, 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.

11.0209 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 habitually 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.

11.0210 Nuisance – When

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

11.0211 Penalty

Any person violating any provision of this article shall be guilty of an infraction and be fined not to exceed one thousand dollars (\$1,000.00), with first offense a minimum of \$50.00, second offense a minimum of \$100.00, third offense and subsequent offenses a minimum of \$500.00.

ARTICLE 3 – PitBulls

11.0301 Purpose

In order to protect the health, safety and welfare of the residents and citizens of the City of Powers Lake, the Board of City of Powers Lake, the Board of City Council of the City of Powers Lake does hereby enact the following provisions:

11.0302 Pit Bull dogs keeping prohibited

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

Any pit bull dog; provided, that pit bull dogs registered with the City on or before the 1st day of November, 1987 may be kept within the City subject to the standards and requirements set forth in Section 3 of this article. "Pit Bull Dog" is defined to mean:

- (a) The bull terrier 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 bulls, pit bulls dogs or pit bull terriers;
- (f) Any dog which has the appearance and characteristics of being predominately 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.

11.0303 Keeping of Registered Pit Bulls

The provisions of 11.0302 of this article are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Powers Lake on or before the 1st day of November, 1987, the effective date of this article. The keeping of such dogs, however, shall be subject to the following standards:

1. Leash & Muzzle. No person shall permit a registered pit bull 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 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 on a leash outside the animal's 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 shall be securely confined indoors or in a securely enclosed and above provided

ARTICLE 4 – Chickens

11.0401 Definitions

The established definitions are for purposes of this ordinance only. If any conflict exists with other sections of this code the more restrictive shall apply.

1. "Brood" means group of chickens, whether or not from the same hatching.
2. "Brooding" means the period in the animal's growth when supplemental heat must be provided due to the bird's inability to generate enough body heat.
3. "Chicken" means a domesticated fowl more formally known and scientifically classed as gallus gallus domesticus.
4. "Coop" means a fully enclosable, non-residential structure for housing chickens.

5. "Hen" means a female chicken.
6. "Rooster" means a male chicken.
7. "Run" means a fully enclosed and covered area attached to a coop where the poultry can roam unsupervised.

11.0402 Purpose

It is the purpose of this section to regulate the keeping of chickens at an individual or household scale to promote the health, safety, and general welfare of the citizens of the city. This section in no way applies to commercial production and processing of poultry.

11.0403 Chickens Permitted

An individual may maintain, keep, or house chickens for non-industrial and non-commercial purposes within the city limited of the city subject to the requirements, limitations, and conditions of this ordinance. Chickens shall only be permitted at a single-family residence/dwelling.

11.0404 Permit Required

A renewable permit issued by the Powers Lake City Council or its designee shall be required prior to conducting any keeping of chickens at an individual or household scale. The permit shall be good for one calendar year as measured from the date of issuance and is tied to both the applicant and the land. Permits shall be non-transferrable.

Late renewal applications not accepted. Late renewal applications shall be treated the same as new applications, including fee and submittal requirements.

11.0405 Revocation

A permit may be revoked by City Council or its designee for failure to comply with the requirements outlined in this section or any other local or state regulation governing keeping or cruelty to animals. Any person whose permit is revoked shall, within ten business days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the application fee shall be refunded.

11.0406 Appeal

The permittee may appeal the revocation or refusal of renewal of the permit by timely request for a hearing before the city council. The request for hearing must be received by the City Auditor within ten business days following the date of the notice of revocation or refusal of renewal. The City Council shall hold a hearing on the permittee's request for hearing and shall render a final decision on the matter after said hearing.

11.0407 Multiple Property Limitation

An applicant owning multiple properties abutting or in close proximity is limited to a single permit. The City Council or its designee shall make the determination of what is considered "close proximity."

11.0408 Application

An application for a permit shall include:

1. General form established by staff to capture applicant, property owner, and property information, including necessary signatures.
2. Property owner and applicant, if different than the property owner, signed understanding of the requirements and responsibilities outlined in this section.
3. Site plan illustrating:

- a. Property lines and distance to proposed coop and run;
 - b. Neighboring residence(s) location and distance to proposed coop, and run; *and*
 - c. Type and style of back and side yard fence
4. Construction drawings including at least one of the following:
 - a. Materials used in the construction of the coop and run
 - b. Diagram and illustration if provided in a prefabricated kit
5. Fee. A non-refundable application fee as established by the City Council shall be required at the time of application. The city council may establish a different fee to be applied to new applications and renewal applications.

11.0409 Standards

1. No more than four hens shall be permitted on any one lot.
2. Roosters shall not be permitted. As soon as a rooster is identified it shall be culled from the brood.
3. The chickens, coop, and run, shall be located in the rear or side yard obscured from view from any street, trail, public park, or other right-of-way.
4. All are required to have identifying leg bands issued with the permit.
5. Chickens outside of the coop and run shall be supervised at all times.
6. The coop dimensions shall total less than one hundred twenty (120) square feet.
7. Coop height as measured from the average ground elevation to the highest point on the coop shall not exceed six (6) feet.
8. The coop and run shall be located no closer than ten feet from the property line and no closer than 20 feet from an adjacent property dwelling.
9. The coop shall be constructed in a manner which prevents rodent infiltration.
10. The coop shall be constructed to provide a minimum of four (4) square feet per chicken.
11. The run shall be constructed to provide a minimum of ten square feet per chicken.
12. Chickens shall at no time be located off the property for which they have been permitted.
13. Coops, runs, and manure storage shall be kept 20 feet from streams, tributaries, ditches, storm water management facilities, drop inlets, or other storm drainage areas that would allow fecal matter to enter any city storm drainage system or stream. Dumping chicken manure into the city's storm drainage system is prohibited.
14. Coops and runs are not allowed to be in or attached to any part of a home/dwelling or garage that is attached to a home/dwelling. A coop or run may be in or attached to a detached garage, shed, or other structure not attached to a home/dwelling provided that the building is not being used for a dwelling.
15. The slaughter and breeding of chickens on any premises within the city is prohibited except in a commercial business if approved and as authorized by another ordinance.
16. All grain and food stored for the use of the chickens shall be kept in a rodent proof container.

11.0410 Penalty

Any person who owns or keeps at any time within the limited of the city any unauthorized chicken shall be deemed guilty of an Infraction and, upon conviction thereof, be punished by a fine not to exceed \$1,000.

Such a penalty should be in addition to the authority of the City Council to suspend or revoke a permit issued pursuant to the provisions of this chapter.