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**CHAPTER ELEVEN
ANIMALS AND FOWL**

ARTICLE 1 – GENERAL REGULATIONS

11.0101. Cruelty – Penalty. No person shall cruelly treat any animal in the city in any way; any person who inhumanely beats, underfeeds, overloads or abandons any animal shall be deemed guilty of an offence 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. It shall also be unlawful to keep or harbor within the City of Rutland any dangerous animal without first having obtained a permit from the City Council to keep or harbor such animal.

11.0103. Permit – When Issued. The City Council shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. 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 City Council 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 Sargent County Sheriff's 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 County Sheriff or a Veterinary service.

It is hereby made the duty of the Veterinary service to secure such disposition of any diseased animal and such treatment of affected

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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, goats or horses in the city unless zoned, unplatted or agricultural. This section shall not apply to any person, partnership or corporation keeping or handling such animals under consignment in the course of regular business of a licensed livestock auction market.

11.0108. Strays. It shall be unlawful to keep 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 disturb 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.

ARTICLE 2 – DOGS AND CATS

11.0201. License Required. No dog or cat shall be permitted to be or remain in the city without being licensed as hereinafter provided if over ten (10) months of age. 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 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.

11.0201.1. Limitation on Number of Dogs and Cats per Household or Premises – Special Permit Required. It shall be unlawful for any household to possess, keep or maintain more than five (5) dogs or cats, in any combination, in or upon any industrial, commercial, business

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or residence premises of this city without first obtaining a special permit from the City Council. Adult shall mean the age of six (6) months or more. The City Council shall have discretion as to whether or not to issue a permit pursuant to this Section. No permit shall be issued without first obtaining descriptions of the animals, the name of the owner or person in charge, the purpose for which the animals are kept, and such other pertinent information as the City Council shall determine. All kennels or other businesses raising or selling dogs or cats as a business shall comply with all zoning and sanitation statutes and regulations of the State of North Dakota, prior to any permit being issued. All such dogs or cats kept 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.

11.0201.2. Penalty. Any person who violates or fails to comply with any provision of this Ordinance shall be subject to a fine of not more than Five Hundred and No/100 Dollars (\$500.00).

11.0202. Licensing Procedure and Terms. All dogs and cats shall be registered as to sex, breed, name and address of owner and name of dog. Licenses shall be issued by the City Council on an annual basis as hereinafter more fully provided. 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 and kept there at all times during the license period.

11.0203. License Fee. The license fee shall be Ten and No/100 Dollars (\$10.00) for each neutered male or female dog or cat; Fifteen and No/100 Dollars (\$15.00) for each unneutered dog of cat. The owner of any neutered animal shall present to the Council a letter or certificate signed by a licensed veterinarian to the effect that such dog or cat has been neutered; and

11.0204. License Fee: When Due and Payable. The license fees or renewal fees previously provided for shall become due and payable on the 1st day of July in each year and shall become delinquent on the 1st day of August in each year. If the fee is not paid before the 1st day of August a penalty of Fifty and No/100 Dollars (\$50.00) for each unlicensed animal shall be added to the utility bill and shall be subject to all provisions of the utility billing including late fees.

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 citizen and impounded at the city 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 Twenty-five and No/100 (\$25.00) Dollars 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. If animal is unclaimed and unlicensed, the city will pay the fee.

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 fails to claim the animal within three (3) days of notification the animal may be destroyed. If the owner or keeper is unknown, the City Council 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 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 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.

11.0211. Penalty. Any person violating any provision of this article shall be guilty of an 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).

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Ordinance 11.0204 amended March 3, 2014.

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Ordinance 11.0201.3 deleted June 1, 2015

Ordinance 11.0204 amended June 1, 2015.