

ORDINANCE NO. 82

AN ORDINANCE PROVIDING FOR THE REGULATION AND LICENSING OF DOGS AND CATS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF:

Be it ordained by the City Commission of the City of Washburn, North Dakota.

SECTION I - 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 a maximum of six (6) feet in length.

Cat. Both male and female.

Dog. Both male and female.

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

SECTION II - RUNNING AT LARGE.

No owner or keeper of a dog shall permit such dog to run at large at any time upon the streets, public places, public ways, school grounds or upon the private premises of any person other than the owner or keeper of such dog.

SECTION III - DANGEROUS, VICIOUS DOGS AT LARGE PROHIBITED.

(a). 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.

(b). 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.

(c). 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.

SECTION IV - DESTRUCTION OF DANGEROUS, VICIOUS DOGS.

Any dangerous or vicious dog or 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 has dangerous or vicious propensities and tendencies, may be killed by any police officer of the city without such officer having to catch or impound such dog.

SECTION V - MISCHIEVOUS DOGS.

It shall be unlawful for any person to allow any dog owned by him or under his control to frighten, annoy, bark at, or chase any person or vehicle.

SECTION VI - NOISY DOGS.

It shall be unlawful for any person to allow any dog owned by him or under his control by loud and frequent yelping, barking, or howling to annoy any person.

SECTION VII - DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to allow any dog owned by him or under his control to destroy any property not the property of the owner or keeper.

SECTION VIII - VACCINATION.

It shall be unlawful for any person to own or have under his control any dog or cat which has not been inoculated against rabies, if over six (6) months of age.

SECTION IX - LICENSE REQUIRED.

It shall be unlawful for any person within the city to keep, maintain or have in his custody or under his control, any dog or cat over the age of six (6) months without first having obtained a license so to do from the city.

SECTION X - APPLICATION.

Any person desiring to keep, maintain or have in his custody or control any dog or cat over the age of six (6) months shall make application to the city auditor for a license to keep such dog or cat. Such application shall be in writing stating the name, sex, color and other distinguishing characteristics of such animal and the name and address of the applicant.

SECTION XI - VACCINATION REQUIRED.

Before any license shall be issued under this division, the applicant shall furnish a certificate of vaccination issued by a veterinarian licensed to practice within this state evidencing vaccination of the dog or cat for which the license is desired has been vaccinated against rabies and that such vaccination will be good for the license year.

SECTION XII - TAX.

Before any license shall be issued under the provisions of this division, the applicant therefor shall pay a license tax of \$3.00 for each animal.

SECTION XIII - REFUND PROHIBITED.

No refund shall be made on dog or cat license tax because of the death of a dog or cat or because of the owner of the animal leaving the city before expiration of the license period.

SECTION XIV - ISSUANCE OF TAG.

It shall be the duty of the city auditor, at the time of the issuance of a license under this division, to furnish and deliver to the applicant for such license a tag for each animal for which such license is issued, upon which tag shall be stamped or engraved the number of the license and the year for which such license is issued.

SECTION XV - ANIMAL TO WEAR TAG.

It shall be the duty of the owner of the animal licensed under this division to place a collar around the neck of such animal on which collar shall be securely fastened the tag furnished by the city auditor.

SECTION XVI - REPLACEMENT TAG.

In the event of the loss of any tag issued under the provisions of this division, the city auditor is hereby authorized to issue another tag upon payment to him of the sum of fifty cents (\$.50), upon application being made therefor, and upon satisfactory proof that such tag has been lost.

SECTION XVII - TRANSFER.

No tag shall be transferable from one animal to another.

SECTION XVIII - IMPOUNDMENT AUTHORIZED.

Any animal found in violation of the provisions of this article may be seized and impounded by any police officer. Impoundment may be in any animal shelter designated by the board of city commissioners.

SECTION XIX - NOTICE TO OWNER.

The owner of any animal impounded under the provisions of this division, if his identity and location can be obtained by reasonable means, shall, within twenty-four (24) hours be notified that his animal has been impounded.

SECTION XX - FEES. (Amended by Ordinance #118)

The following fees shall be charged for the impoundment of any dog or cat under the provisions of this division:

- (a). First redemption of animal within calendar year - - - - - \$ ~~XXXX~~ 20.00
- (b). Second redemption of same animal within calendar year - - - ~~XXXX~~ 40.00
- (c). Third redemption of same animal within calendar year - - - ~~XXXX~~ 80.00

Whenever any animal is impounded, an additional fee of two dollars (\$2.00) shall be charged for each day, or fraction thereof, of impoundment for feeding and caring for such animal.

SECTION XXI - REDEMPTION OF UNVACCINATED, UNLICENSED DOG OR CAT.

The owner of any impounded animal which has not been vaccinated or licensed under this article, upon satisfactory proof of ownership, may redeem by making a deposit of fifteen dollars (\$15.00) with the city auditor and be allowed twenty-four (24) hours to get such animal vaccinated and properly licensed. If the owner fails to procure a certificate of vaccination and city license within twenty-four (24) hours, the deposit shall be forfeited and turned over to the city treasurer to be placed in the general fund and the animal shall again be seized and impounded. Upon presentation within twenty-four (24) hours of a license issued under this article the deposit shall be refunded.

SECTION XXII - REDEMPTION BY PERSON OTHER THAN OWNER.

If the owner of any animal impounded under this division shall fail to redeem such animal within three (3) days after such impoundment, any other person may, upon complying with the provisions of this division, redeem such animal from the pound and be the lawful owner of such animal thereafter.

SECTION XXIII - DISPOSITION OF UNREDEEMED ANIMAL.

All animals impounded under this division and which have not been redeemed or purchased as authorized by this division within three (3) days of such impoundment, may be disposed of in a humane manner by the chief of police.

SECTION XXIV - PENALTY.

Any person found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not more than \$100.00 or by imprisonment for not to exceed 30 days or both such fine and imprisonment in the discretion of the Court.

Affidavit of Publication

STATE OF NORTH DAKOTA

County of McLean

ss

I, Barbara B. McLean,
of said county and state, being first duly sworn, on my oath, say that I am the bookkeeper
of the Washburn Leader, a weekly newspaper of general circulation, published in
the City of Washburn, in said county and state, and that the advertisement headed

.....
a printed copy of which hereto annexed, was published in the regular and entire issue
of said newspaper during the period and time of publication, and that the notice was
published in the newspaper proper, and not in a supplement, for consecutive
week to-wit: June 5 - 1975

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Publishing fee, \$ 7.50

Subscribed and sworn to before me this 5th day of June, A. D. 1975

(Seal)
Notary Public, McLean County, North Dakota. My Commission Expires

AN ORDINANCE ESTABLISHING ZONES FOR BUILDING AND OTHER PURPOSES IN THE CITY OF WASHBURN, MCLEAN COUNTY, NORTH DAKOTA: ESTABLISHING THE BOUNDARIES AND DESIGNATIONS OF VARIOUS ZONES; PROVIDING REGULATIONS FOR CONSTRUCTION, BUILDINGS AND USES IN SAID ZONES; DEFINING CERTAIN TERMS USED IN THE ORDINANCE; SETTING FORTH HOW THE ORDINANCE IS TO OPERATE; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF. PENALTY: ANY PERSON, FIRM, OR CORPORATION VIOLATING ANY OF THE PROVISIONS OF THIS ORDINANCE SHALL, UPON CONVICTION THEREOF, BE PUNISHED BY A FINE OF NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00) OR BY IMPRISONMENT IN THE CITY JAIL FOR NOT MORE THAN NINETY (90) DAYS, OR BY BOTH FINE AND IMPRISONMENT. EACH AND EVERY DAY THAT A VIOLATION OF THIS ORDINANCE SHALL BE CONTINUED SHALL CONSTITUTE A SEPARATE OFFENSE.

(Seal) John Romanick
City Auditor
June 5, 1975

