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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 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 one thousand dollars (\$1,000.00), thirty (30) day imprisonment, or both such fine and imprisonment. (Source: North Dakota Century Code Section 36-21.1-02)

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 wild animals 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 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 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 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, 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 rabbits 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 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

11.0201 License Required

No dog 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 kept within the City to have the dog inoculated against rabies and proof thereof is shown to the person issuing the license.

11.0202 Licensing Procedure and Terms

All dogs shall be registered as to sex, breed, name and addressees of owner and name of dog. Licenses shall be issued by the chief of police on an annual basis as hereinafter more fully provided. The person paying the license fee shall receive a receipt therefore and a metal tags 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 \$5.00 annually for each male dog and each spayed female dog: \$5.00 for each female dog not spayed. The owner of any spayed female dog shall present 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 chief of police shall 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 \$25.00 shall be added to the license or renewal fee.

11.0205 Dog Running at Large Prohibited

It shall be unlawful for the owner or keeper of any dog to permit the same to run at large in the City at any time. A dog 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

Any unlicensed dog or any dog 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 shall not be released to any person until such dog is licensed (if unlicensed); a fee of \$25.00 is paid for the taking of each animal, and all pound charges are paid directly to the facility where the dog is housed.

11.0207 Disposition of Unclaimed Dogs

The owner or keeper shall be notified of the taking of the dog. If the owner or keeper fails to pay the charges (including license if necessary) and claim the animal within Twenty four hours 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 is found at large and its owner can be identified and located, such dog 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 Prohibited

It shall be unlawful to keep or harbor within the City any dog that disturbs the peace by habitually howling, barking, whining, 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

The following are hereby declared to be a violation of this article and a nuisance abatable under chapter 12:

1. Any unlicensed dog, any dog running at large, any dog disturbing the peace, or any dog molesting passers by, chasing vehicles or trespassing upon private property, or any dog not wearing a collar bearing identification and a rabies tag.
2. Keeping or harboring any Rothweiler or Pitbull dog.
3. Keeping or harboring more than two dogs in any one household.
4. Any dog over the age of six months which has not been timely inoculated against rabies.
5. Keeping or harboring any vicious dog. For this purpose a "vicious dog" is any dog which has bitten a person who was not, at the time of the biting, trespassing on the property of the dog's owner, or doing damage or injury to the dog or the person or property of its owner.
6. Any female dog which is not confined while in heat.

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 dollars (\$500.00).

ORDINANCE AMENDMENT

Be it hereby ordained by the City Council of the City of Golden Valley that Section 11.0102 in Article 1, Chapter Eleven of the Ordinances of the City of Golden Valley be amended to add the definitions of dangerous animals to read as follows:

"Dangerous Animal" as the term is used in this Article means:

- a. Any animal having a propensity, tendency, or disposition to attack, bite, cause injury to or to otherwise endanger the safety of or menace human beings or domestic animals; or
- b. Any animal which attacks, bites, or injures a human being or another domestic animal one or more times without provocation; or
- c. Any unmuzzled animal which, when unprovoked, in a malicious, vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places, or any place where such person may lawfully be, public or private; or
- d. Any animal owned or harbored primarily or in part for purposes of fighting or attacking or any animal trained for fighting or attacking; or
- e. Any animal which has been determined to be dangerous by the city council or municipal court pursuant to any state statute or the ordinance codified in this article; or
- f. Any animal which has been deemed dangerous or vicious by any government agency or entity.


First Reading: February 5, 2007

Second Reading: March 5, 2007

Publication: March 15, 2007

Effective Date: March 5, 2007

Approved this 5th day of March, 2007.



Mayor Ervin Jassmann

ORDINANCE AMENDMENT

Be it hereby ordained by the City Council of the City of Golden Valley that Section 11.0210 in Article 2, Chapter Eleven of the Ordinances of the City of Golden Valley be amended to remove the following definition:

2. Keeping or harboring any Rottweiler or Pitbull Dog.

First Reading: May 4, 2015

Second Reading: November 2, 2015

Publication: _____

Effective Date: November 2, 2015

Approved this 2 day of November, 2015



Mayor Deen Brecht

ORDINANCE AMENDMENT

Be it hereby ordained by the City Council of the City of Golden Valley that Section 11.0205 in Article 2, Chapter Eleven of the Ordinances of the City of Golden Valley be amended to the following definition:

11.0205 Dog Running at Large Prohibited

It shall be unlawful and a violation of this chapter for any dog to run unleashed and at large at any time, upon any public grounds, streets, avenues, alleys, parks, or school grounds or upon private premises of any person other than such owner or keeper of such dog, and such running at large is hereby declared to be a nuisance. While off owner's premises, said dog must be controlled by a capable individual and restrained by a leash of adequate size and length or by an electrical training collar with owner within sight of the dog. The owner or keeper of such dog shall be subject to the penalty hereinafter provided for violation of this chapter.

There shall be a mandatory minimum fine for violation of the section as follows:

First Violation: One Hundred Dollars (\$100.00)

Second Violation: Three Hundred Dollars (\$300.00)

Third Violation: Five Hundred Dollars (\$500.00)

For the fourth violation or for any additional violation the owner shall be subject to a mandatory minimum fine of Five Hundred Dollars (\$500.00) per occurrence; have any dog(s) owned or kept by said Owner removed from the City of Golden Valley; and shall be restrained from owning or keeping any dog(s) within the City of Golden Valley for three (3) years from the date of entry of Judgement.

First Reading: 1-7-19

Second Reading: 2-4-19

Publication: 2-14-19

Effective Date: 2-4-19

Approved this 4th day of February, 2019


Mayor Deen Brecht

ORDINANCE AMENDMENT

Be it hereby ordained by the City Council of the City of Golden Valley that Section 11.0201 in Article 2, Chapter Eleven of the Ordinances of the City of Golden Valley be amended to the following definition:

11.0201 License Required

No dog shall be permitted to be or remain in City without being licensed as herein after provide if over *six months* of age. It shall be the duty of the owner or keeper of any dog kept within the City to have the dog inoculated against rabies and proof thereof is shown to the person issuing the license.

There shall be a mandatory minimum fine for violation of this section as follows

First Violation: One Hundred Dollars (\$100.00)

Second Violation: Three Hundred Dollars (\$300.00)

Third Violation: Five Hundred Dollars (\$500.00)

For the fourth violation or for any additional violation the owner shall be subject to a mandatory minimum fine of Five Hundred Dollars (\$500.00) per occurrence.

The mandatory minimum fine may not be suspended, deferred, or dismissed.

First Reading: 1.7.19

Second Reading: 2.4.19

Publication: 2.14.19

Effective Date: 2.4.19

Approved this 4th day of February, 2019



Mayor Deen Brecht

ORDINANCE AMENDMENT

Be it hereby ordained by the City Council of the City of Golden Valley that Section 11.0204 in Article 2, Chapter Eleven of the Ordinances of the City of Golden Valley be amended to the following definition:

11.0204 License : When Due and Payable

Owners are require to obtain a license for their animal pursuant to Section 11.0201 with 30 days of bringing the dog to reside within the city limits.

The annual renewal license 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 late fee of twenty five dollars (\$25.00) shall be added to the license or renewal fee.

The annual license fee herein provided shall become due and payable January 1st of each year and shall license an animal for the ensuing year; all animal licenses shall expire on December 31st of each year. In case of failure of any owner or keeper of a dog to pay such license fee upon any such animals, such animals shall be surrendered by the owner or keeper thereof for the purpose of being disposed of, as hereinafter provided, upon the demand of the City Auditor or any police officer of the city.

Any animal required to be licensed and not wearing upon his collar the license tag herein provided for, found within the city after the 1st day of January in any year, shall be impounded pursuant to 11.0206

First Reading: 1.7.19

Second Reading: 2.4.19

Publication: 2-14-19

Effective Date: 2.4.19

Approved this 4 day of February, 2019



Mayor Deen Brecht

ORDINANCE AMENDMENT

Be it hereby ordained by the City Council of the City of Golden Valley that Section 11.0211 in Article 2, Chapter Eleven of the Ordinances of the City of Golden Valley be amended to the following definition:

11.0211 Penalty

Any person who shall violate any provisions of this ordinance 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). 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.

Further, the municipal judge of the City of Golden Valley may, at his or her sole discretion, order any of the following additional conditions as part of the sentence;

- A. That the owner not sell or transfer the animal;
- B. That the owner advise the court if the animal bites any person or domestic animal or is the subject of any other criminal or civil action, and the factual circumstances of the incident;
- C. That the animal undergo obedience training;
- D. That the animal not be allowed outdoors during certain times, such as between 7:00 a.m. and 9:30 a.m. and 2:00 p.m. to 4:00 p.m. (i.e. times when school age children may be present), or the time when it is known that the postman or delivery person deliver the mail or packages each day.
- E. Removal of the animal from city limits and ½ mile extraterritorial city limits;
- F. Prohibition of the owner or keeper from owning or keeping any animals for an amount of time;
- G. Muzzling of the animal when unenclosed; or
- H. Destruction of the animal.

First Reading: 1-7-19

Second Reading: 2-4-19

Publication: 2-14-19

Effective Date: 2-4-19

Approved this 4th day of February, 2019



Mayor Deen Brecht