

ORDINANCE NO. 2017-5

AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 114-2007 AND TO PROVIDE FOR THE LICENSING AND REGULATION OF KEEPING DOGS AND CATS.

BE IT ORDAINED, by the City Council of the City of Cooperstown, North Dakota, as follows:

SECTION 1: REPEAL AND ENACTMENT:

Ordinance 114-2007 of the City of Cooperstown, North Dakota is hereby repealed, replaced and re-enacted to read as follows:

SECTION 2: DEFINITIONS:

- A. "Animal" shall mean either a male or female dog or cat.
- B. "Owner" shall mean any person, persons, firm, association or corporation owning, keeping or harboring a dog.
- C. "At large" shall mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain, or otherwise.

SECTION 3: REGISTRATION AND LICENSING:

- A. All dogs and cats kept within the City limits of the City of Cooperstown shall be registered as to sex, breed, name and address of owner and name of dog or cat.
- B. At such time of such registration, the owner shall obtain a license tag for such dog or cat.
- C. Registration and licensing of dogs and cats shall be at the Office of the City Auditor.
- D. The cost of license fees shall be determined from time to time by resolution of the City Council.
- E. After the initial registration and licensing, licenses shall be renewed on an annual basis and are due and payable on the 1st day of January of each year. All license tags shall expire on the 31st of December in the year of issuance. The owner of any dog(s) or cat(s) will have 30 days after moving into the

City to obtain a license. It shall be the duty of said owner to cause such license tag to be securely attached around the dog's or cat's neck and kept there at all times during the license period. No residence within the City limits of the City of Cooperstown shall have licensed more than three (3) dogs and/or cats. This limited number shall not apply to the number of dogs and/or cats licensed by one owner within the City prior to the adoption and publication of this Ordinance.

- F. The owner of any dog or cat residing within the City at the time of the adoption of this Ordinance shall have thirty (30) days from said adoption and publication to comply with the terms of this Ordinance unless exempted as provided herein.

SECTION 4: RABIES INOCULATIONS:

It shall be the duty of the owner or person having custody of any dog or cat kept within the City limits of the City of Cooperstown to have the dog or cat inoculated against rabies. Any dog over three months of age or cat over four months of age must be vaccinated and given a booster in one year. Thereafter boosters are required every three years.

SECTION 5: PROHIBITED ACTS & PUNISHMENT:

- A. No person shall keep or harbor any dog or cat which habitually barks, cries, howls or meows. Any such dog or cat which habitually barks, cries, howls or meows is hereby declared to be a public nuisance. "Habitual barking, crying, howling or meowing" shall be defined as barking, crying, howling or meowing for repeated intervals of at least three minutes with less than one minute of interruption. Such barking, crying, howling or meowing must be audible off the owner or keeper's premises.
- B. No person having the custody or control of any animal shall permit the same to be off the property limits of its owner or keeper, or on any street, public park, school grounds or public place within the City limits of the City of Cooperstown without being effectively restrained by chain or leash not exceeding six feet (6) in length. This provision shall not apply if the animal is within a vehicle being driven or parked in the streets of the City of Cooperstown.

- C. The owner of every fierce, dangerous, or vicious dog or cat shall confine such animal within a building or secure enclosure and such animal shall not be taken out of such building or enclosure unless the animal is securely muzzled.
- D. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that such animal cannot come in contact with another animal except for breeding purposes.
- E. If a dog or cat is found running at large or otherwise in violation of this ordinance, it shall be taken up and impounded and shall not be released except upon approval of the Animal Warden and/or payment of fees as determined from time to time by the City Council; provided, however, that if any dangerous, fierce or vicious animal so found at large cannot be safely taken up and impounded, such animal may be killed at the discretion of the Animal Warden. If the animal warden knows the ownership of any dog or cat running at large, he may order the owner to keep the animal in strict restraint.
- F. Upon a second or subsequent occurrence of a dog or cat running at large or otherwise being in violation of this Ordinance, the Animal Warden may cite the owner or keeper of the animal to appear before the administration board to answer said complaint.
- G. No person having custody or control of any animal under this ordinance shall allow the accumulation of excrement or other waste materials from an animal which results in foul or noxious odors that are offensive to surrounding residents.
- H. Every person having custody or control of a dog or cat shall be equipped to, and shall collect, said animal's solid waste when eliminated on any public property or private property not owned by the person having custody or control over the animal.
- I. Any citizen with knowledge of any dog or cat being in violation of this Ordinance may sign a written complaint in the Office of the City Auditor. The City Auditor will then file said complaint with the administration board for further action.

SECTION 6. DOG OR CAT DECLARED NUISANCE:

Any animal which engages in excessive, continuous, or untimely barking, crying, howling or meowing, molests passers by, chases vehicles, habitually attacks other domestic animals, trespasses on any property public or private, or damages any property public or private, is hereby declared a nuisance. Further any dog or cat without a valid license and collar as provided herein is hereby declared a nuisance.

SECTION 7. POUND ESTABLISHED:

There shall be and hereby is established the Cooperstown Veterinary Clinic as the city pound of the City of Cooperstown.

SECTION 8. IMPOUNDMENT:

It shall be the duty of the Animal Warden to apprehend any dog or cat running at large or declared a nuisance as herein provided and to cause such dogs or cats to be impounded in the city pound. The Animal Warden shall keep a record of all dogs or cats impounded, listing breed, color, sex, the place and time of taking and if licensed, or known by other means, the name and address of the owner and number of license tag. Such dogs and cats shall remain impounded by the City for a period not to exceed three (3) days; provided however that if any impounded dog or cat appears to be suffering from rabies or other infectious or dangerous disease, or known to have bitten a human being to the extent of breaking the skin, then said dog or cat shall remain impounded for at least ten (10) days from the date of such biting in order to determine whether or not the dog or cat had rabies.

SECTION 9. DISPOSITION OF IMPOUNDED DOGS:

If the dog or cat is not redeemed by the owner within three (3) working days after impounding, the Animal Warden shall cause said dog or cat to be destroyed, or may cause such dog or cat to be delivered to another person, not the owner, upon payment of the impound fees, licensing and vaccinations as herein provided.

SECTION 10. IMPOUNDING FEES:

The owner of any impounded dog or cat, licensed or unlicensed, if known or ascertainable from the license or other means, shall be notified by the Animal Warden by personal, telephoned or written


notice, as soon as reasonably possible. If within three (3) days after impounding, the owner or any other person who shall claim the dog or cat, said owner or other person shall pay to the City of Cooperstown the sum of \$25.00 for the taking and impoundment of said dog or cat in addition to any impound fees charged by the City pound while said dog or cat is in custody. Said dog or cat shall then be released to the owner or other person with validation from the City Auditor that said dog's or cat's impounding fees, current license and vaccinations are up to date.

SECTION 11. PENALTY:

Any person who violates this ordinance shall be guilty of an infraction and upon conviction thereof shall be punished by a fine of not less than fifty (\$50) for the first offense and not exceeding five hundred (\$500) for a second or subsequent offense.

SECTION 12. EFFECTIVE DATE:

This ordinance shall be in full force and effect from and after its final passage, approval and publication of the Title and Penalty Clause as provided by law.



PAUL PAINTNER, Mayor

ATTEST:



NANCY LUNDE, City Auditor

First Reading 6-5-2017

Second Reading 8-7-2017

Final Passage and Adoption 8-18-17

Publication 8-18-17