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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 five hundred dollars (\$500.00), thirty (30) day imprisonment, or both such fine and imprisonment. (Source: North Dakota Century Code Section 36-21.1-02)~~

It shall be an offense for any person to abuse any animal through an act, omission, or neglect, which causes or inflicts any unnecessary pain, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force, taking into account the size and demeanor of the animal, may be employed to drive away vicious or trespassing animals. It shall be unlawful for any person in charge of any animal to fail to provide such animal with food, potable water, shade or shelter, or to expose any animal to hot, stormy, cold or inclement weather for an extended period, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

As used in this section:

1. “Shade” shall mean protection from the direct rays of the sun during the months of June through September.

2. “Shelter” as it applies to animals, shall mean a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor raised at least two (2) inches from the ground and with the entrance covered by a flexible, wind-proof material. Such structure shall be provided with a sufficient quantity of suitable bedding

to provide insulation and protection against cold and dampness.

3. “Vicious” shall mean any animal that approaches any person or domestic animal in an apparent attitude of attack.

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 or to be kept within the exterior confines or boundaries of the City. Exhibitions or parades of wild animals may be conducted only upon securing a permit from the city auditor and getting approval from the city council. It shall also be unlawful to keep or harbor within the City any dangerous animal.~~

1. 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 Sheriff’s office. 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 Sheriff’s office.

2. “Dangerous animal: as used in this section means:

a. Any animal known to its owner or harbinger to have a propensity, tendency, or disposition to attack, bite, cause injury 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 (1) or more times without provocation; or

c. Any animal which, when unprovoked, in a vicious or terrorizing manner approaches any

person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or

d. Any animal owned or harbored primarily or in part for purposes of fighting or any animal trained for fighting; or

e. Any animal not licensed according to state and/or city law; or

f. Any animal certified by a doctor of veterinary medicine licensed within the State of North Dakota, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this article; or

g. Any animal which has been determined to be dangerous by the city council or municipal court under this article.

3. Notwithstanding the foregoing, no animal may be found or declared dangerous if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or was teasing, abusing, or assaulting the animal or was committing or attempting to commit a crime.

4. No animal may be found or declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, taunting, abusing or assaulting the animal. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an attack or assault. No animal may be deemed dangerous if the animal was protecting or defending its young offspring.

5. The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement agency or officer which are used in the performance of police work.

Vicious dog or cat defined.

A vicious dog or cat is hereby defined as being a dog or cat which has bitten or scratched any person causing injury, while the person bitten or scratched was not doing damage or injury to any person or property of such owner, or an animal acting dangerous, aggressive, and liable to attack or bite anyone on a public street, sidewalk, parking lot, or public property.

(A) Any animal bite which occurs within the city shall be investigated by the ~~Chief of Police~~ Renville County Sheriff or his designee. If the investigation determines that an animal bite did occur and that there may be a vicious dog or cat (or animal) within the City the ~~Chief of Police~~ Renville County Sheriff or designee shall submit a press release to the local city newspaper and local radio station in reference to the incident including and limited to the following information:

- 1.Date and time of occurrence;
- 2.Age of victim;
- 3.Address or location of incident;
- 4.Description of animal;
- 5.Current location of animal.

(B) ~~The Chief of Police~~ Renville County Sheriff shall make a determination and refrain from such notification if such notification would hinder an ongoing investigation.

Keeping vicious dog or cat.

No person shall keep, harbor, or shelter a vicious dog or cat as defined in Section 11.0212 within the city.

Dangerous animals prohibited.

(a) Any person who owns or keeps an animal within the city is in violation of this section if the animal:
(1) When unprovoked, bites, claws, or otherwise harms a human or domestic animal on public or private property;

(2) When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the owner's property, in an apparent attitude of attack (for example, but not limited to, snarling, lunging, charging, chasing, or growling); or

(3) When unprovoked, kills a domestic animal while off the owner's property.

(4) Has been designated as a dangerous animal by another jurisdiction.

(b) Any person who brings into the corporate limits of the City of Glenburn an animal that has been designated as potentially dangerous by another jurisdiction shall notify the Renville County Sheriff's office within twenty-four (24) hours of that animal being brought into the city of the location where the animal will be kept, owner contact information, length of stay in the city and proof of rabies inoculation.

(1) Owners in violation of notification requirements may have the animal impounded immediately by the Sheriff's office and held until brought into compliance with this division. The owner of said animal is responsible for boarding and expenses associated with this process.

(c) No person may own or keep an animal in the City of Glenburn if the person has been convicted of a violation of this section, or of an equivalent ordinance or statute of another state or political subdivision, more than once. If any member of a household is prohibited from owning or keeping an animal pursuant to this section, unless specifically approved with or without restrictions by the Renville County Sheriff's office or court, no person in the household is permitted to own an animal.

11.0103 Permit – When Issued amended May 6, 2025

The city auditor shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. If the city auditor 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 auditor shall determine. Any dangerous animal kept or allowed to run at large, the owner or keeper shall be guilty of a violation of this article.

The city council may grant a person a permit to exceed the numerical limitations imposed by subsection (a), but such permit may not waive a prohibition on the harboring or keeping of a type or kind of animal, which prohibition is imposed outside of this section. The permit shall specify the number and kind of animals, which the permittee may harbor or keep, subject to such limitations and conditions as the council may impose. The permit shall attach to the premises to which it relates and shall be personal to the permittee and may not be transferred.

11.0104 Killing Dangerous Animals

The members of the 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 police or a veterinarian.

It is hereby made the duty of the veterinarian 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 Amended May 6, 2025

To exclude rabbits so they may be kept as pets with still only four (4) pets per household, two of which may be dogs.

Keeping of certain animals prohibited.

(a) No person shall keep, maintain or harbor within the corporate limits of the city any of the following animals:

- (1) Alligators;
- (2) Bears;
- (3) Bees;
- (4) Cattle; all bovine;
- (5) Coyotes;
- (6) Crocodiles;
- (7) Felines other than a domestic house cat;
- (8) Foxes; or hybrid;
- (9) Goats; all caprine;
- (10) Horses; all equine;
- (11) Mules; all equine;
- (12) Rabbits; lagomorphs or hare; exceptions for 4H exhibitions
- (13) Raccoons;
- (14) Scorpions;
- (15) Sheep; all ovine;
- (16) Skunks;
- (17) Boa constrictors and all venomous and non-venomous injurious snakes as defined by U.S. Fish and Wildlife Services;
- (18) Pigs; all porcine;
- (19) Wolves; or hybrid;
- (20) Any other poisonous or venomous animal and reptiles;
- (21) Any non-hooved animal for which there is no approved rabies vaccine;
- (22) All ungulates - hooved or clawed; (Examples of ungulates are: goats, pigs, zebras, rhinoceros, and hippopotamus);
- (23) All ruminates - three (3) and four (4) stomach chambered animals; (examples of ruminates are: camels, alpacas, yaks, goats, and sheep);
- (24) All cervidae family (deer and elk);
- (25) All raptor;
- (26) All waterfowl; poultry
- (27) All primates (non-human);
- (28) All animal hybrids;
- (29) Any animal commonly found in a zoo;
- (30) Any animal controlled or governed by North Dakota Game, Fish, U.S. Fish and Wildlife or the U.S. Department of Agriculture;
- (31) Any animal that may be considered livestock using a reasonable person standard.

~~It is also unlawful to have the "Pit Bull Dog" or members of the pit bull breed, **Rottweilers or Doberman Pinschers (Grand Father clause will pertain to those Rottweilers or Doberman Pinschers that are in town prior to June 2nd, 2008)** This includes the Staffordshire bull terrier breed, the American pit bull terrier breed, the American Staffordshire terrier breed, or any other mixed breed known as a pit bull, pit bull dog, or pit bull terrier in the City of Glenburn. 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.~~

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 disturb the peace by loud noises at any time of the day or night.

11.0110 Penalty amended May 6, 2025

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 ~~one thousand dollars (\$1000.00)~~ a maximum 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 shall be released to the owner.

ARTICLE 2 – Dogs and Cats

11.0201 License Required amended May 6, 2025

No dog shall be permitted to be, or remain, in the City without being licensed as herein after provided if over ~~one~~ **three 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. Even though cats do not need to be licensed by the City, they must also be inoculated against rabies. At no time may a combination of more than four (4) animals be kept at any one residence, two of which may be dogs.

This ordinance shall be in full force and effect from and after its final passage and adoption.

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)~~ five hundred dollars (\$500.00)

11.0202 Licensing Procedure and Terms amended May 6, 2025

All dogs shall be registered as to sex, breed, name and addressees of owner and name of dog. Licenses shall be issued by the city auditor on an annual basis. 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. **A General Affidavit must be filled in every year for each dog attesting to what breed the dog is and that said animal(s) have not been deemed vicious or dangerous in any other State, County or City.**

11.0203 License Fee

The license fee shall be \$6.00 annually for each neutered male dog and each spayed female dog; \$12.00 for each female dog not spayed and male dog not neutered. The owner of any neutered male dog or spayed female dog shall present to the city auditor a letter or certificate signed by a licensed veterinarian to the effect that such dog has been spayed or neutered: or such other evidence as the auditor shall require.

11.0204 License: When Due and Payable amended May 6, 2025

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 March in each. If the fee is not paid before the first day of March a penalty of ~~\$25.00~~ **\$100.00** shall be added to the license or renewal fee.

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 any dog or cat running at large may be taken up by any city officer or 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 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 claims the animal within three days of notification the animal may be destroyed. If the owner or keeper is unknown, the auditor 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 this section amended May 6, 2025

Any licensed dog, or any dog or cat running at large, or 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.

This includes- Excessive, continuous, or untimely barking, molesting of passersby, chasing of vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property or damaging property by a dog is hereby declared to be a nuisance. Further, any dog(s) without a valid license and collar is a nuisance.

Any animal that bites a person shall be quarantined at the owners' resident for a period of ten (10) days. After such quarantine, the animals may be released with a certification of health from a licensed veterinarian. The owner has the option to euthanize the animals immediately and submit it to a state approved lab for testing at the owner's expense.

- (a) If the biting animal does not have a city license and the owner is not known, the animal may be euthanized immediately and submitted to a state approved lab for testing.

Destructive and annoying animals prohibited

Any person who owns or keeps an animal within the city is in violation of this section if the animal:

- (1) Damages or destroys any property which is not the property of its owner;
- (2) Makes loud and frequent yelping, barking, howling, or other noise which annoys, under a reasonable person standard, any person not on the property of its owner;
- (3) Defecates or urinates or does both on property other than that of the owner;

- (4) Creates odors which are offensive, under a reasonable person standard, to any person not on the property of its owner;
- (5) Causes unsanitary conditions harmful or tending to harm any person or animal; or
- (6) Has been officially declared a public nuisance by the first district health unit.

Penalties and enforcement.

- (a) The penalty for a violation of the provisions of this division shall be in accordance of ordinance number 11.0110 Penalty
- (b) In addition to the penalties, the court shall be specifically authorized to order compliance by the owner of the animal with the provisions of this section and any other conditions which are necessary to ensure the health and safety of others. Such conditions may include, but are not limited to:
 - (1) That the owner remove the animal from the city;
 - (2) That the animal be euthanized;
 - (3) That the owner provide proof to the court that the animal has been sterilized;
 - (4) That the owner provide proof to the court that the animal has been properly licensed;
 - (5) That the owner of the animal shall keep the animal, while on the owner's property, in an effective enclosure. If the animal is outside the enclosure, it must be securely muzzled and restrained by a chain or leash no longer than six (6) feet under the physical restraint of a competent adult;
 - (6) That the owner not sell or transfer ownership of the animal to any other person residing in the corporate limits of the City of Glenburn;
 - (7) That the owner advise the court if the animal bites anyone else;
 - (8) That the owner advise the court if the animal dies or becomes injured;
 - (9) That the owner provide proof to City of Glenburn of continuing liability insurance in a single incident of five hundred thousand dollars (\$500,000.00) for bodily injury to or death of any person or persons or for damage to property owned by the persons which may result from ownership, keeping, or maintenance of dangerous animals; and/or
 - (10) If the owner has a microchip implanted in the animal, it has to be at his or her own expense. The chip number and owner's address and home, work and cell telephone numbers may be provided and updated as needed to the Glenburn City Hall

11.0211 Penalty amended May 6,2025

Anyone violating any provision of this article shall be guilty of an infraction and be fined. First time offense is a verbal warning, second is a written warning, the third time is a fine of one hundred dollars (\$100), the fourth **and final** time is a fine of five hundred dollars (\$500) ~~and the final time is a fine of nine hundred dollars (\$900) with the animals removed. Final reading May 1st, 2017.~~