

## Sec. 7-23. - Definitions.

For purposes of this article, the following words or terms are given the following meanings:

*Animal* means dog or cat.

*At large* means without being under the control of a human by means of a leash or lead attached to an animal or by being carried, and without being under effective oral command.

*Owner*, when used in reference to an animal, means any person owning, keeping, or harboring an animal, and when used in reference to other property, means any person owning or lawfully in control of such property.

*Trespass* means to enter upon real property without the permission of the owner thereof, or contrary to an express prohibition on entry thereof issued by the owner of the property.

(Ord. No. 2659, § 1; Ord. No. 3116, § 4)

## Sec. 7-24. - Animals at large prohibited.

No owner of an animal shall allow the animal to run at large upon any public property within the city. No owner of an animal shall allow the animal to run at large upon private property within the city without the permission of the owner of such private property. That an animal was under effective oral command at the time of the claimed offense, and was therefore not running at large, shall be an affirmative defense. That an owner of private property extended permission to an animal to run at large upon his property shall likewise be an affirmative defense.

(Ord. No. 2659, § 1; Ord. No. 3116, § 5)

## Sec. 7-25. - 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.

(Ord. No. 2659, § 1; Ord. No. 3116, § 6; Ord. No. 5310, § 1)

**Editor's note**— Ord. No. 5310, § 1, adopted Oct. 1, 2018, changed the title of § 7-25 from "Destructive and annoying animals declared a nuisance" to read as herein set out.

Sec. 7-26. - Trespassing animals prohibited.

Any person who owns or keeps an animal within the city is in violation of this section if the animal trespasses upon private property.

(Ord. No. 2659, § 1; Ord. No. 3116, § 7; Ord. No. 5310, § 2)

**Editor's note**— Ord. No. 5310, § 2, adopted Oct. 1, 2018, changed the title of § 7-26 from "Trespassing animals declared a nuisance" to read as herein set out.

Sec. 7-27. - 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 Minot an animal that has been designated as potentially dangerous by another jurisdiction shall notify the Minot Police Department Animal Control Officer 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 police department 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 Minot 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 Minot Police Department Animal Control Officer or court, no person in the household is permitted to own an animal.

(Ord. No. 2659, § 1; Ord. No. 3116, § 8; Ord. No. 5310, § 3)

**Editor's note**— Ord. No. 5310, § 3, adopted Oct. 1, 2018, changed the title of § 7-27 from "Vicious animals declared a nuisance" to read as herein set out.

Sec. 7-28. - Reserved.

**Editor's note**— Ord. No. 5310, § 4, adopted Oct. 1, 2018, repealed former § 7-28 which pertained to owner or keeper of animal as maintaining nuisance, and derived from Ord. No. 2659, § 1.

Sec. 7-29. - Citation to animal owner; disposition.

Instead of making a formal arrest for a violation of this chapter committed in his presence, an officer may issue to the person charged a citation containing a notice to answer to the violation or charge in the municipal court at a time no later than thirty (30) days after the alleged violation. Upon promising to appear at the time specified in the citation, the person charged shall be released by the charging officer. If the person so charged refuses to sign the promise to appear he may be arrested or summoned to appear in municipal court. The willful failure of a person to honor his written promise to appear shall constitute a separate offense punishable under section 1-8 of the Code of Ordinances.

(Ord. No. 2659, § 1)

Sec. 7-30. - Penalties and enforcement.

- (a) The penalty for a violation of the provisions of this division shall be in accordance with section 1-8 of the Minot Code of Ordinances.
- (b) In addition to the penalties outlined specifically in section 1-8, 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 Minot;
- (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 animal undergo obedience training and proof of successful completion of training is provided to the court;
- (10) That the owner post the property with warnings about a dangerous animal;
- (11) That the animal not be allowed outdoors during certain times, such as between 7:30 a.m. and 9:30 a.m. and 2:00 p.m. and 4:00 p.m. (i.e., times when school age children may be present), or the time when it is known that the post office employee delivers the mail every day;
- (12) That the owner provide proof to the Minot Police Department Animal Control Officer 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
- (13) That the owner has a microchip implanted in the animal at his or her own cost. The chip number and owner's address and home, work and cell telephone numbers shall be provided and updated as needed to the Minot Police Department Animal Control Officer.

(Ord. No. 2659, § 1; Ord. No. 5310, § 5)

**Editor's note**— Ord. No. 5310, § 5, adopted Oct. 1, 2018, changed the title of § 7-30 from "Disposition of nuisance animal" to read as herein set out.

Sec. 7-31. - Poisoning domestic pets.

No person in the city shall poison any domestic pet or distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domestic pet. This section shall not apply to a veterinarian acting in the course of his practice.

(Ord. No. 2659, § 1)

Sec. 7-32. - Reserved.

**Editor's note**— Ord. No. 3116, § 9, adopted Dec. 7, 1992, repealed § 7-32, which pertained to the limitation on the number of dogs and cats and a permit to exceed said limitation, and derived from Ord. No. 2659, § 1.

Sec. 7-33. - Reserved.

**Editor's note**— Ord. No. 3116, § 10, adopted Dec. 7, 1992, repealed § 7-33, which pertained to the trapping of animals and derived from Ord. No. 2828, § 2.

Sec. 7-34. - Reserved.

**Editor's note**— Ord. No. 5771, § 1, adopted Sept. 19, 2022, repealed § 7-34, which pertained to regulation of pit bull dogs and derived from Ord. No. 2844, § 1; Ord. No. 4162, § 2; and Ord. No. 4967, § 2.

Sec. 7-35. - Animal performance events.

Any individual, group or organization desiring to conduct an animal performance event that will involve or display or in any other way bring animals that are on the prohibited animal list into the city for the event shall first obtain an animal performance event permit from the city. If the event contains a variety of animals, such as a parade, the event as a whole will not receive a permit. In this case, each individual or group participant shall obtain a permit. The application fee for the permit is twenty-five dollars (\$25.00). The application must provide the name and address of the individual, group or organization conducting the event, the name and telephone number of a contact person, the location and duration of the event, a list all animals involved in the event that are on the prohibited animal list, and the expiration dates of the health certificates and all other vaccinations to include rabies and distemper vaccinations. The application must be accompanied by proof of a minimum of one million dollars (\$1,000,000.00) of liability insurance for each event.

Applications shall be presented to the chief of police for approval.

Any person deeming themselves aggrieved by a decision by the chief of police with respect to their application for an animal performance event under this section may appeal therefrom to the city manager. The appeal to the city manager shall be initiated by the filing with him of written notice of the appeal, stating the grounds upon which the appeal is based. The hearing on the appeal will be held no later than ten (10) business days following the filing of the same unless the applicant shall consent to a hearing on the appeal at a later date. The determination made by the city manager shall be the final stage of administrative review in this matter. The applicant, if still aggrieved, may resort to his judicial remedies without further administrative review.

(Ord. No. 4162, § 3; Ord. No. 4317, § 1; Ord. No. 5979, § 1)

Sec. 7-36. - Reserved.