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CHAPTER ELEVEN

ANIMALS AND FOWL

## ARTICLE 1 – General Regulations

 11.0101 Cruelty – Penalty

 No person may cruelly treat any animal in the City. Any person who 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)

 11.0102 Dangerous Animals

 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 Leeds City Council. 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 Leeds City Council.

 11.0103 Permit – When Issued

 The Leeds City Council shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. 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 may 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 is guilty of a violation of this article.

 11.0104 Killing Dangerous Animals

 The members of the police department, Mayor, City Council Members, or Public Works Superintendent 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 members of the police department, Mayor, City Council Members, or Public Works Superintendent 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.

 11.0107 Keeping of Certain Animals Prohibited

 It is unlawful to keep any live sheep, swine or pigs, cattle, chickens or other poultry, goats, or horses 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. Operation of a petting zoo requires obtaining a permit from the Leeds City Council before such an event is held. The fee for a permit shall be obtained by referencing City Rate Schedule.

 11.0108 Strays

 It is 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 is also 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 is unlawful to harbor or keep any animal which habitually disturbs the peace by loud noises at any time of the day or night.

 11.0110 Penalty

 Any person who violates 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 may be released to the owner.

ARTICLE 2 – Dogs and Cats

 11.0201 License Required

 No dog or cat over one month of age shall be permitted to be or remain in the City without being licensed as provided in this Article. It shall be the duty of the owner or keeper of any dog or cat kept within the City to have the dog or cat inoculated against rabies and proof thereof must shown to the person issuing the license before a license may be issued.

 11.0202 Licensing Procedure and Terms

All dogs and cats 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 license tag with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag 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 obtained by referencing the City Rate Schedule for each dog and/or cat.  The owner of any spayed or neutered dog/cat shall present to the City a letter or certificate signed by a licensed veterinarian to the effect that such dog/cat has been spayed or neutered: or such other evidence as the license issuer may 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 August in each year and shall become delinquent on the 1st day of September in each year. If the fee is not paid before the first day of September a penalty of $ 50.00 for each unlicensed dog/cat, if the owner can provide proof the animal is current on rabies vaccination, shall be added to the license or renewal fee. A penalty of $150.00 for each unlicensed dog/cat, that is not current on its rabies vaccination, shall be added to the license or renewal fee. Each dog/cat will be required to show proof of rabies vaccination before license will be issued.

 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 cat or any dog or cat running at large may be taken up by any police officer, Mayor, City Council Members, or Public Works Superintendent and impounded at an animal pound, or such other place as may be designated by the governing body. The dog or cat shall not be released to any person until such dog or cat is licensed (if unlicensed) and all fees are paid; any expenses incurred by the City in 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 claim the animal within three days of notification the animal may be destroyed. If the owner or keeper is unknown the City 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

 Any licensed dog or cat, any dog or cat running at large, any dog or cat disturbing the peace, or any dog or cat molesting passersby, chasing vehicles or trespassing upon private property is hereby declared to be a nuisance.

 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).

ARTICLE 3- Keeping of Certain Animals Prohibited

11.0301 Pit Bull Dogs: Prohibited – It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Leeds, North Dakota any pit bull dog. “Pit Bull Dog” is defined to mean:

1. The bull breed of dog;
2. Staffordshire bull terrier breed of dog;
3. The American pit bull terrier breed of dog;
4. Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
5. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Stafford shire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terrier, or a combination of any of these breeds.

**1st Reading: 12-3-12**

 **2nd Reading and Approval 1-7-13**