

Title 5 – Animals & Fowl

This document contains the ordinances relating to Title 5 – Animals & Fowl in the order of passage.

Adopted December 2, 2014 via **Ordinance 981**

Amended Chapter 5-02 Cats, Dogs & Other Pets via **Ordinance 1023**

Amended the following sections via **Ordinance 1043**

Section 5-01-20 Feeding of Deer and wild birds prohibited

Section 5-02-05 Impoundment of dogs, cats, or other animals

Section 5-03-06 Running at large and vicious or dangerous animals prohibited – penalties

ORDINANCE NO. 981

ORDINANCE REPEALING AND AMENDING AND REENACTING CHAPTER 5, ANIMALS AND FOWL, OF THE REVISED ORDINANCES OF THE CITY OF VALLEY CITY, NORTH DAKOTA

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF VALLEY CITY, BARNES COUNTY, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF VALLEY CITY, NORTH DAKOTA:

Section 1. Title 5 of the Revised Ordinances of the City of Valley City is hereby repealed and reenacted to read as follows:

Title 5. Animals and Fowl

Chapter 5-01. In General.

Section

- 5-01-01 North Dakota laws governing private possession of exotic animals.
- 5-01-02 Keeping livestock in the city of Valley City.
- 5-01-03 Estrays.
- 5-01-04 Caged animals—Public display-Exemptions-Penalty.
- 5-01-05 Unattended animal in motor vehicle-Penalty.
- 5-01-06 Immunity from liability.
- 5-01-07 Multiple animals—Enhancement of offense.
- 5-01-08 Veterinarian.
- 5-01-09 Harassment of police and fire animals.
- 5-01-10 General requirements for animal care and treatment.
- 5-01-11 Animal with infectious disease.
- 5-01-12 Poisoning or attempting to poison an animal prohibited.
- 5-01-13 Animal fights prohibited.
- 5-01-14 Enticement of another person's animals prohibited.
- 5-01-15 Animal traps—Requirements and prohibitions.
- 5-01-16 Animals causing nuisance prohibited.
- 5-01-17 Offensive use of animal prohibited.
- 5-01-18 Offering animals as novelties or prizes prohibited.
- 5-01-19 Report of vehicular collision with domestic animal.
- 5-01-20 Feeding of wild birds prohibited.
- 5-01-21 Definitions-Assumption of custody-Immunity from liability.

Chapter 5-02. Cats and Dogs.

Section

- 5-02-01 Definitions.
- 5-02-02 Number of allowable pets.
- 5-02-03 Licensing and registration-Required-Exceptions.
- 5-02-04 Kennel licensing-Requirements-Exemption.
- 5-02-05 Dog and cat curbing requirements.
- 5-02-06 Impoundment of dogs, cats, or other animals.

- 5-02-07 Impoundment fees responsibility of owner or possessor.
- 5-02-08 Sale of impounded animals under certain conditions, dispositions of proceeds of sale.

Chapter 5-03. Licensure – Impoundment.

Section

- 5-03-01 Registry to be kept by police departments-Issuance of tags.
- 5-03-02 Tag to be attached to cat or dog.
- 5-03-03 Duties.
- 5-03-04 Compensation.
- 5-03-05 Enforcement authority defined.
- 5-03-06 Running at large–Prohibited generally.
- 5-03-07 Report of impoundment.
- 5-03-08 Return of captured animal without impoundment.
- 5-03-09 Return of impounded animal to its owner.
- 5-03-10 Impoundment and kennel fees-Disposition.
- 5-03-11 Disposition of owner-surrendered animals, impounded animals not claimed by owner, or animals impounded for a violation of ordinance.
- 5-03-12 Restrictions on return of certain animals.
- 5-03-13 Injured or diseased animals.
- 5-03-14 Rabies.
- 5-03-15 Contracts for the disposition of owner-surrendered and impounded animals.
- 5-03-16 Euthanasia of animals-Humane euthanasia of animals.
- 5-03-17 Custody and disposition of dead animals.
- 5-03-18 Owner responsibility for animal attacks.

Chapter 5-04. Neglect - Animal Abuse - Abandonment.

- 5-04-01 Neglect–Definition-Exemption–Penalty.
- 5-04-02 Neglect–Definition–Exemptions–Penalty.
- 5-04-03 Animal abuse–Definition–Exemptions–Penalty.
- 5-04-04 Animal abandonment–Definition–Exemption–Penalty.
- 5-04-05 Seizure of animal–Court order.
- 5-04-06 Law enforcement–Duty upon seizure–Notification.
- 5-04-07 Costs of seizure and care–Responsibility of owner–Lien.
- 5-04-08 Abandoned animal–Law enforcement–Duties.
- 5-04-09 Title of animal-Sale or adoption.

Chapter 5-01. In General

Section 5-01-01. North Dakota state laws governing private possession of exotic animals.

1. No person shall possess, own, or keep an exotic animal, nontraditional livestock, primate which is not a human being, mountain lion, wolf, or wolf hybrid in captivity except as may be allowed under the laws of the State and under the administrative rules of the State, as the same may be amended.
2. No person may import any domestic or wild animal into the City which has been determined by the state board of animal health to pose a threat to the health and well-being of this state's

human or animal population.

3. Except in accordance with the terms of a permit issued by the state veterinarian, a person may not possess a live venomous reptile, as defined by the state veterinarian pursuant to Section 36-01-31 of the North Dakota Century Code.
4. A person may not release in this city any reptile whose possession is prohibited by law.
5. In enforcing this section, the provisions of Section 36-01-12.2 regarding nontraditional livestock are applicable.
6. This restriction shall not apply to any domestic or wild animal which the state board of health has exempted from any restriction imposed under the laws of the State or under the administrative rules of the State, as the same may be amended.
7. Any law enforcement officer may confiscate any exotic animal, nontraditional livestock, primate which is not a human being, mountain lion, wolf, wolf hybrid, or other wild animal in the manner prescribed by law.

Section 5-01-02. Keeping livestock in city limits.

It shall be unlawful for a person to own, keep, or breed any livestock within city limits in areas not zoned for livestock, or within the 1 mile extraterritorial jurisdiction, as set forth in Barnes County's zoning ordinance section 6-12 Animal Units or Single Family Non-Farm Residential and Recreational Districts.

Section 5-01-03. Estrays.

This chapter does not apply to estrays.

Section 5-01-04. Caged animals - Public display - Exemptions - Penalty.

1. In addition to any other requirements set forth in this title, a person placing a caged animal on public display shall ensure that:
 - a. The size of the cage allows the animal to stand up, lie down, and turn or move about; and
 - b. The cage provides the animal with protection from the elements, as appropriate for the species, the breed, and the animal's age and physical condition.
2. Any person that willfully or negligently fails to meet the requirements of this section is guilty of a Class B Misdemeanor.
3. This section does not apply to:
 - a. The North Dakota State Fair Association.
 - b. The North Dakota Winter Show.
 - c. Agricultural fair associations.
 - d. Political subdivisions.
 - e. Any usual and customary practice in the following do not constitute violations of this

section:

- i. The production of food, feed, fiber, or ornament, including all aspects of the livestock industry.
- ii. The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals.
- iii. The sport of rodeo.
- iv. Animal racing. The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C . 2131, et seq.
- v. Fishing, hunting, and trapping.
- vi. Wildlife management.
- vii. The culinary arts.
- viii. Lawful research and educational activities.
- ix. Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property.
- x. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock.
- xi. The humane or swift destruction of an animal for cause.
- xii. Services provided by or under the direction of a licensed veterinarian.

Section 5-01-05. Unattended animal in motor vehicle – Penalty.

1. No owner or person shall confine any animal in a motor vehicle in such a manner that places it in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold.
2. In order to protect the health and safety of an animal, any law enforcement officer who has probable cause to believe that this section is being violated shall have authority to enter such a motor vehicle by any reasonable means and to remove an animal that has been left in the vehicle in violation of this section after making a reasonable effort to locate the owner or person, as provided in section 36-21.1-06 of the North Dakota Century Code.
3. Violation of this section is punishable as an infraction.

Section 5-01-06. Immunity from liability.

1. A veterinarian is immune from civil or criminal liability if the veterinarian, on the veterinarian's own initiative or at the request of a law enforcement officer or other governmental entity, renders emergency treatment to a sick or injured animal under this chapter.
2. Immunity under this title does not apply in the case of negligence.

Section 5-01-07. Multiple animals - Enhancement of offense.

If a violation of this title involves multiple animals, whether of the same species or not, the violation is deemed to be a singular offense for purposes of enhancement.

Section 5-01-08. Veterinarian.

If upon examining an animal a licensed veterinarian determines that there is reasonable cause to believe an animal has been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this title, the veterinarian may retain custody of the animal and shall immediately notify law enforcement officials regarding the determination.

Section 5-01-09. Harassment of police and fire animals.

1. No person may do any of the following to any animal that is used by a law enforcement agency of fire department to perform agency or department functions or duties:
 - a. Frighten, intimidate, threaten, abuse or harass the animal.
 - b. Strike, shove, kick or otherwise subject the animal to physical contact.
 - c. Strike the animal by using a dangerous weapon.
2. Subsection (1) does not apply to any of the following:
 - a. Any act that is performed by or with the authorization of the animal's handler or rider.
 - b. Any act that is necessary for the training of an animal to perform functions or duties for a law enforcement agency.

Section 5-01-10. General requirements for animal care and treatment.

Every owner or keeper of an animal kept in the city shall see that such animal:

1. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement; the person(s) responsible for the animal(s) shall regularly, and as often as necessary maintain all animal areas or areas of animal contact to prevent odor or health and sanitation problems,
2. Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold, and are of sufficient size to permit the animal to exercise and move about freely;
3. Shall not to be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain, or cord directly attached to the animal's neck, nor by a leash less than sixteen (16) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
4. Is protected against abuse, cruelty, neglect, torment, torture, overload, overwork, or any other inhumane treatment;
5. Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease, be kept free of flea infestations; and
6. Is maintained in compliance with all applicable federal, state, and local laws and all regulations respecting animal care and control as are adopted by the city department of public

safety.

7. In the discretion of the enforcement authority, as that term is defined in this ordinance, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the enforcement authority shall in such instance direct remedies to such person where appropriate, and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute prima facie evidence of a violation of this section.

Section 5-01-11. Animal with infectious disease.

No person owning or having charge of any animal, knowing the animal to have any infectious or contagious disease, or to have recently been exposed thereto, may knowingly permit such animal to run at large or come into contact with another animal, or with another person without the person's knowledge and permission.

Section 5-01-12. Poisoning or attempt to poison an animal prohibited.

It shall be unlawful for any person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace, or public place, or on any private premises, in the city for the purpose of destroying or injuring any wild or domestic animal, except for pest or vermin control.

Section 5-01-13. Animal fights prohibited.

1. It shall be unlawful for a person to incite, train to fight, or set any animal to fighting another animal or to incite combat between animals and humans in the city other than a crime prevention dog.
2. No person may engage in or be employed at cockfighting, dogfighting, bearbaiting, pitting one animal against another, or any other similar cruelty, such as bear fighting, kangaroo boxing, or similar activity, to animals; nor may a person receive money for the admission of any person to any place used, or about to be used, for any such purpose, nor may a person willfully permit anyone to enter or use, for any such purpose, premises of which that person is the owner, agent, or occupant; nor may a person use, train, or possess a dog or other animal for the purpose of maltreating any domestic animal.
3. Any person who violates this subsection is guilty of a Class B Misdemeanor.
4. No person may knowingly purchase a ticket of admission to, be present at, or witness the activities prohibited this section. Any person who violates this subsection is guilty of a Class B misdemeanor.

Section 5-01-14. Enticement of another person's animal prohibited.

1. It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the city to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.

2. Except as expressly authorized in this chapter, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the city, or to entice an animal from a street, alley, or public place in the city with the intent to deprive the owner of the animal's possession.

3. It shall be unlawful for a person to bring into the city an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this chapter.

Section 5-01-15. Animal traps—Requirements and prohibitions.

1. It shall be unlawful for a person to use, place, set, or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters in the city unless hired by the city to eradicate an animal that is a threat to the public or city property.
2. It shall be unlawful for a person to use, place, set, or cause to be used, placed, or set any snare, net or other device which causes the trapping or capturing of any animal in any manner by which the animal is not either captured painlessly or killed instantly upon any land or waters in the city unless hired by the city to eradicate an animal that is a threat to the public or city property.
3. Subsections (1) and (2) of this section shall not apply to a live trap placed on private property, where the live trap is placed and maintained by the owner, the owner's guest or agent.
4. It shall be unlawful for a person, having placed a lawful trap, snare, or similar device in the city, to fail to inspect and empty it at least once during every twenty-four (24) hour period.

Section 5-01-16. Animals causing nuisance prohibited.

1. It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.
2. A person who violates any provision of this section shall first be warned of the violation. The second violation shall be an infraction. Any subsequent or continued violations may also subject the owner to the impoundment of the animal by a person having authority to impound such an animal and shall be a Class B Misdemeanor

Section 5-01-17. Offensive use of animal prohibited.

It shall be unlawful in the city for a person to willfully deposit a dead or live animal upon public or private premises not owned by that person, or to willfully throw a live or dead animal against any person, or aid or abet another person in doing so.

Section 5-01-18. Offering animals as novelties or prizes prohibited.

1. It shall be unlawful for a person to sell, offer for sale, trade, barter, or give away in the city any live animal, bird, or reptile as a novelty, prize for, or as an inducement to enter a place of amusement; or offer such animals as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade

- for business, other than establishments selling animals as their primary business.
2. It shall be unlawful for a person to transport into the city any live animal, bird, or reptile for any purposes prohibited by subsection (1) of this section.
 3. It shall be unlawful for a person to sell, offer for sale, or otherwise dispose of any animal whose appearance has been artificially or chemically colored, sprayed, or painted.

Section 5-01-19. Report of vehicular collision with domestic animal.

A person whose vehicle causes injury or death to a dog, cat, or other domestic animal in the city shall stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify the animal's owner, if known, or the city police department, together with a description of the animal struck, the location of the striking, and an estimate as to the condition of the animal after being struck, along with the rabies tag number of the animal, if it can be safely ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

Section 5-01-20. Feeding of wild birds prohibited.

It shall be unlawful for a person to feed, scatter food, or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards, and streets of the city for any birds or fowl. However, a person may feed, scatter food, or leave food for wild birds upon private property.

Section 5-01-21. Definitions—Assumption of custody—Immunity from liability.

1. For the purposes of this chapter, "animal" shall include any mammal, bird, or reptile.
2. Any law enforcement officer, licensed veterinarian, investigator, or person who has custody of an animal under this chapter and who is acting in an official or professional capacity and making a good-faith effort to comply with this chapter is immune from any civil or criminal liability for acts taken or omitted while attempting to comply with this chapter.

Chapter 5-02. Cats and Dogs.

Section 5-02-01. Definitions.

When used in this chapter, the following words, terms, phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Animal" means any animate being or living creature which is not human or which is endowed with the power of voluntary motion. It shall include all reptiles, fish, fowl, mammals, or other animate being.
2. "Cat" means a carnivorous mammal (*Felis Catus*) long domesticated and kept by humans as a pet or for catching rats and mice.
3. "Dog" means and includes animals of the *Canis Familiaris* species, and hybrids of a *Canis Genus*, excluding wolves.
4. "Kennel" means a facility operated commercially and principally for the purpose of

boarding, housing, grooming, breeding, or training dogs, cats, or both. For purposes of this chapter, "kennel" shall not include a facility in or adjoining a private residence where dogs or cats are kept for hobby of the owner, lessee, or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials, or for the guarding or protecting of the property, and an occasional sale of puppies or kittens by the owner, lessee, or other occupant of the property shall not make such property a kennel for the purposes of this title.

5. "Public nuisance animal" means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the right of citizens, other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall include, but is not limited to:
 - a. Any animal that is repeatedly found running at large.
 - b. Any dog or cat in any section of a park or public recreation area unless the cat or dog is controlled by a leash or similar physical restraint or in an area of a park designated for cats and dogs.
 - c. Any animal that damages, soils, defiles, or defecates on any property other than that of its owner.
 - d. Any animal that makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - e. Any animal in heat that is not confined so as to prevent attraction or contact with other animals.
 - f. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
 - g. Any animal that chases motor vehicles in a public right-of-way.
 - h. Any animal that attacks vehicles in a public right-of-way.
 - i. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
 - j. Any animal that is offensive or dangerous to the public health, safety, or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
6. "Under restraint" means that an animal is secured by a leash, lead, cord, tether, or rope which shall be no more than sixteen (16) feet long, if the leash is retractable or no more than eight (8) feet long if the leash, lead, cord, tether, or rope is non-retractable; the animal is under the control of a person physically capable of restraining the animal or restricting the movement of an animal and obedient to that person's commands; or if the animal is securely enclosed within the real property limits of the owner's premises.
7. "Vicious" or "Dangerous animal" means any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal, or any animal that without provocation, has bitten or attacked a human being or other animal shall be *prima facie* presumed to be vicious

or dangerous.

Section 5-02-02. Number of allowable pets.

1. The number of allowable of cats and dogs in one home shall be no more than six (6) dogs, cats, or any combination thereof.
2. If the number of cats and dogs in one home which exceeds six (6) dogs, cats, or any combination thereof, the owner or possessor of said cats and dogs shall possess a kennel license as provided in this ordinance.
3. This requirement for a kennel license shall not apply to cats, dogs, or any combination thereof which are less than six (6) months of age. However, if the cats, dogs, or any combination thereof shall be six (6) months of age or older, the owner or possessor thereof shall apply for a kennel license.
4. The owner or possessor of such cats or dogs shall comply with all requirements for a kennel license.

Section 5-02-03. Kennel Licensing—Requirements—Exemption.

1. Any person who shall keep more than six (6) dogs or cats, or any combination thereof which are six months of age or greater, upon any lot, building, structure, enclosure or premises within the City, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where more than six (6) dogs or cats in any combination are boarded, kept for sale, or kept for hire, shall be required to obtain a kennel license.
2. A kennel license may be issued only if the applicant first obtains a conditional use permit from the City in the manner prescribed by law. The applicant shall pay for all costs of such notification. The application for a conditional use permit to operate a kennel shall include a waste disposal plan, the total number of dogs and cats which shall occupy the premises, and any other information which shall be required by the City to ascertain that the zoning, lot size, physical structures, and that the confining structures or confining fences for the said dogs and/or cats are adequate for the number of dogs and/or cats upon the premises. Consideration shall be given to the dog breeds proposed to be kenneled. The cost of a kennel license shall be determined by a resolution of the board of city commissioners.
3. All kennels shall be annually inspected by a licensed veterinarian. An inspection fee of one hundred dollars (\$100.00) shall be charged for such inspection, which shall be paid to the licensed veterinarian for such inspection.
4. Upon the receipt of a conditional use permit from the City and after completion of the required inspection by a licensed veterinarian as provided in this section, the applicant shall be issued a kennel license.
5. A licensed veterinarian shall certify to the City that the kenneled dogs or cats are kept in sanitary conditions; are provided adequate food, water, and necessary medical attention; have an adequate amount of space; are provided appropriate exercise; and maintain appropriate standards for breed and species. In the event there are any deficiencies, the licensed veterinarian shall duly note the same in writing and shall deliver a copy of the said deficiency or deficiencies to the licensee and to the City. The licensee shall have thirty (30) days from the date of such inspection to correct the said deficiencies. Failure to do so shall result in the immediate revocation of the kennel license.
6. The kennel premises shall be kept in a clean and sanitary manner by the regular removal of waste

and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or the diffusion of offensive odors beyond the lot lines of the property wherein the kennel is located.

7. The licensee shall at all times remain compliant with all applicable local, state and/or federal laws, rules or regulations. Any violation of any applicable local, state or federal laws, rules and or regulations shall result in the immediate revocation of the license.
8. In the event that a person is in violation of the provisions of this section, the offense shall be considered an infraction for the first violation, and in the event that there is a second or subsequent violation within a twelve (12) month period from the date of the first violation, such second or subsequent violation shall be considered a Class B Misdemeanor.
9. Any kennel maintained and under the direction of a licensed veterinarian shall be exempt from the provisions of this section.

Section 5-02-04. Dog and cat curbing requirements.

1. No person knowingly shall allow a cat, a dog, or any other animal which is kept by that person to defecate on a public street, byway, municipally owned or public land or building, or upon private property in the city without the prior permission of the owner of such property. However, if an animal defecates on such property the animal's owner or keeper shall promptly remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities.
2. The owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.
3. No person knowingly shall allow his or her dog or cat to disperse waste material placed for public or private collection upon any public street, or byway or right-of-way, or any municipally owned or public land or building, or upon private property.

Section 5-02-05. Impoundment of dogs, cats, or other animals.

1. It shall be the duty of any law enforcement officer to take into his possession and impound any and all dogs, cats, or other animals found running at large or not under restraint within the city limits contrary to these ordinances.
2. If such law enforcement officer shall know, or can ascertain by reasonable inquiry, who is the owner of such animal, and if the owner shall live within the city or within the one (1) mile extraterritorial jurisdiction of the city, the law enforcement officer shall give him notice that he has such an animal in his possession, and shall deliver the same to the owner upon payment of the charges accrued as specified herein.
3. All animal while impounded shall be under the control of the Police Department, and all advertisements and sales of impoundment shall be made by the Department.
4. It shall be duty of the Police Department to enforce the provisions of this article and for that

purpose may employ necessary assistance.

(R.O. 1940, SS 10-202, 10-203.)

Section 5-02-06. Impoundment fees and costs responsibility of owner or possessor.

All fees and costs incurred by the city with the capture, impoundment, care, sale, and disposition of any animal, will be incurred by the owner or possessor of said animal, and payment of such fees and costs shall be the responsibility of the owner or possessor of said animal.

Section 5-02-07. Sale of impounded animals under certain conditions, disposition of proceeds of sale.

When the owner of animals impounded shall neglect or refuse to pay the charges or shall not be known to or found by the law enforcement officer, the Police Department shall provide notice as provided in Section 5-04-08 of this Code that the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement within five (5) days after such publication in the official newspaper of the city. If the owner does not claim the animal within five (5) days, as required by this subdivision, the law enforcement officer may sell the animal, place the animal for adoption, or provide for its humane destruction as directed by the veterinarian and as provided in Section 5-04-08.

(R.O. 1940, S 10-204.)

Chapter 5-03. Licensure – Impoundment.

Section 5-03-01. Registry to be kept by police department—Issuance of tags.

1. On receipt of the fee required herein, the Police Department shall register the cat or dog for which the same is paid, in a book kept for that purpose, which record shall state the name of the owner of the cat or dog, and the name and description of said cat or dog.
2. The Police Department shall also deliver to the owner of such a cat or dog, licensed as specified in this ordinance, a registry certificate and a metal tag or shield upon which shall be stamped the number of such certificate and the year of issue.

(R.O. 1940, SS 10-103, 10-103; Ord. No. 665 S 2 (part), 1981.)

Section 5-03-02. Licensing and registration--Required--Exceptions.

1. All dogs and cats which are six (6) months of age or older in the City shall be licensed.
2. All licenses will be issued by the Police Department.
3. The license fee shall be determined by resolution of the Board of City Commissioners.
4. Proof of a current rabies vaccination for each animal must be shown at the time of application for a license in order to obtain a license.
5. The license fees or renewal fees shall become due or payable each year on the first day of

March.

6. Every person who owns a cat or dog in the city shall ensure that each cat and dog owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen cat or dog can be ascertained quickly and easily. Such means of identification shall be in addition to the permanent metal tag or shield which shall be issued by the City for purposes of licensure as set forth herein. The permanent metal tag or shield issued by the City shall contain sufficient information so that the owner of the cat or dog may be identified and shall be attached to a durable collar worn at all times by the cat or dog.
7. The means of identification required by this section shall be in addition to any tags required to be worn by cats and dogs by state law or other provision of this Code, and shall include one of the following:
 - a. A microchip implanted in the cat or dog or which bears a registered identification number, and which can be read by a standard microchip scanner; or
 - b. A tattoo which readily distinguishes the cat or dog from other dogs or cats; or
 - c. A permanent tag or shield attached to a durable collar worn at all times by the cat or dog, and bearing the owner's current name, address and telephone number.
8. A dog or cat which has been kept within the City by its owner or possessor for two (2) weeks or less shall not be required to obtain a license or be registered. However, such dog or cat shall have an appropriate license issued by its original municipality of residence, and the owner or possessor thereof must be able to provide proof of a current rabies vaccination within a reasonable period of time where the age of the dog or cat indicates that vaccination is appropriate.

(R.O. 1940, S 10-105).

Section 5-03-03. Duties.

Every law enforcement officer shall impound all cats and dogs found running at large which are not registered and have no city metallic number as provided by this chapter. Whenever a law enforcement officer shall have satisfactory evidence of any resident of the city harboring any cat or dog of any description on his premises, he shall have the right and authority, and it shall be his duty to collect such license tax for such cat or dog. It shall be unlawful to refuse to pay the same.

Section 5-03-04. Compensation.

Compensation for collection of cat and dog licenses shall be determined by the board of city commissioners.

(R.O. 1940, S 10-110.)

Section 5-03-05. Enforcement authority defined.

1. For the purposed of this title, the enforcement authority shall consist of the city police department and its contractors, agents, employees, and designees.
2. Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee, or other occupant of the enclosure, or through other

legal process.

3. If any animal is believed to be enclosed without adequate food, shelter and water, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number, or in his discretion, an officer may apply to district court for an administrative warrant to enter the premises.
4. It shall be unlawful for a person to interfere with an officer or other enforcement authority personnel in the performance of their duties or equipment.

Section 5-03-06. Running at large – Prohibited generally.

1. No person in the city who is the owner of or the keeper of any dangerous, vicious, mischievous, or unruly animal, and who knows the animal to be such, shall suffer or permit the same to run at large.
2. No livestock or domestic animal of any kind shall be permitted to run at large in any of the streets, avenues, alleys, or public grounds in the city, or be tethered in or such a manner as to go upon any street, sidewalk, crosswalk, or public ground in the city.
3. Any animal found running at large or tethered out contrary to the provisions set herein shall be impounded in such suitable place as shall be designated by the board of city commissioners as the public pound. Fees for holding an animal over night at the public pound shall be determined through contracted rates. The veterinarian and trapping services for the City shall be outlined in a contract signed by the City and a service provider.
4. It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city.
5. An animal found at large in violation of this chapter or an animal found confined or abandoned on private property in violation of this chapter shall be impounded.
6. Except as provided in subsection (5) of this section, the first violation in any twelve-month (12) period shall be punishable as an infraction, and all second and subsequent violations in a twelve-month period are punishable as a Class B Misdemeanor.
7. If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property, it attacks another animal or chases or approaches a person in a menacing fashion or apparent attitude of attack, then the violation shall be subject to the appropriate enforcement procedures and penalties.
8. Upon determination by a veterinarian by inspection of the animal, the animal may be released to the owner or it may be detained for further treatment or it may be detained for further treatment to determine the animal has been neglected or is in need of appropriate immunizations, or treatment.
9. Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements article for regaining the custody of the animal. Such attempt shall include, but not necessarily be limited to, the following:
 - a. In the instance of an impounded cat or dog, contact with the owner identified by the microchip or other means of identification, if any, borne by the cat or dog;
 - b. In the instance of an impounded cat or dog not bearing a means of identification, contact with the veterinarian facility listed on the animal's vaccination tag.
 - c. In the instance of an impounded cat or dog which does not bear any means of identification or vaccination tag, the animal may be presumed to be abandoned.

(R.O. 1940, S 10-206)

Section 5-03-07. Report of impoundment.

A person who confines an animal found by that person to be at large in the city shall notify the Police Department within forty eight (48) hours thereafter. At the discretion of the division, the animal may be kept by the finder and a found report left with the Police Department, to enable the finder an opportunity to return the animal to its rightful owner.

Any impoundment animal will be taken to an appropriate facility and checked for identification tags, tattoos, or scanned for an identifying microchip.

Persons finding an animal are obligated to comply with all the rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting the return to the actual owner.

Section 5-03-08. Return of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the officer, the return would not present danger to the public or otherwise return in a violation of this chapter.

Section 5-03-09. Return of impounded animal to its owner.

1. An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions herein. If no permanent identification is on the animal, it may be considered feral.
2. The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the board of city commissioners may impose, and the payment of the appropriate impoundment and kennel fees, and any other applicable fees and fines.

Section 5-03-10. Impoundment and kennel fees; disposition.

Impoundment and kennel fees shall be collected by and paid to the Police Department, which shall remit such funds to the city. If the law enforcement officer in a particular case is a person contracting with the city who renders services, the fees may be retained by and as the property of such person as part of all that person's charges for rendering such services, if the contract so provides.

Section 5-03-11. Disposition of owner-surrendered animals, impounded animals not claimed by owner, or animals impounded for a violation of ordinance.

1. An animal impounded under this article and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than five (5) business days.

2. An animal not claimed within the five (5) day impoundment period may be kept, adopted, rescued by a humane or breed rescue organization, or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority in the manner prescribed by Section 5-04-08.
3. An animal impounded for a violation of Sections 5-04-01, 5-04-02, or 5-04-03 may be kept, adopted, rescued by a humane or breed rescue organization, or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority in the manner prescribed by Section 5-04-06.
4. Notwithstanding any other provisions to the contrary, a veterinarian may humanely destroy any impounded animal if the veterinarian, upon examining the animal, determines that the animal is experiencing excruciating pain or suffering and that the animal's pain or suffering is not likely to be alleviated using reasonable medical interventions.

Section 5-03-12. Restrictions on return of certain animals.

Notwithstanding any other provision of this chapter, an animal which has been impounded under this title for a violation of provisions set herein, or which has been impounded on two (2) or more prior occasions, the law enforcement agency shall apply to the court, which shall determine whether the animal may be returned to its owner, but only if the court in its discretion determines that such return will not result in further or ongoing violations of these sections.

Section 5-03-13. Injured or diseased animals.

Notwithstanding any provision of this title to the contrary, an injured or diseased animal need not be retained five (5) business days, but may be disposed of at any time when in the reasonable discretion of the enforcement authority, veterinarian, and contracted agents, it would be more humane or reasonable to do so, rather than provide veterinary care.

Section 5-03-14. Rabies.

1. A rabies vaccination certification shall be a prerequisite to issuance of license.
2. Any domesticated animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through non-bite exposure in the city shall be humanely quarantined for a period of not less than ten (10) days. In the sole discretion of the quarantining authority, the quarantine may be on the premises of the owner, at the city animal care and control shelter or those of its contractors, if any, or at the owner's expense.
3. Whenever the quarantining authority has reasonable cause to suspect that an animal in the city has been exposed to rabies, or bitten, or exposed through non-bite exposure to rabies, such an animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority. Such quarantine and observation shall be at the expense of the owner of the animal.
4. When an animal quarantined in the city has been found rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, the diagnosis made of, the animal.

5. An animals' owner or keeper who resists the quarantining authority acting under this section, or who permits such an animal owned or kept by that person to be at large in the city, shall be guilty of a Class B Misdemeanor, and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded.
6. The quarantining authority shall dispose of any animal reasonably suspected by it of being infected with rabies in the city in accordance with the rules and regulations of the state board of animal health.
7. Each veterinarian in the city shall report to the quarantining authority animals confirmed by the veterinarian to be rabid.

Section 5-03-15. Contracts for the disposition of owner-surrendered and impounded animals.

The city may contract, arrange, or agree for the disposition of an animal that was surrendered by its owner, or impounded, and that was unclaimed for longer than five (5) business days, and an animal transferred to a person so contracting, arranging, or agreeing with the city shall thereafter be the property solely of the contractor. The contract, arrangement, or agreement may provide for the retention by the contractor of any funds received in payment for animals sold to the other persons, in order to help cover such contractor's expenses of rendering its services.

Section 5-03-16. Euthanasia of animals—Humane euthanasia of animals.

1. The veterinarian, other animal shelters, and/or public animal facilities which destroy animals in the city, shall use only such methods, materials, and standards as approved by the American Veterinary Medical Association for said purpose. In no event shall an animal be euthanized inhumanely.
2. The veterinarian shall provide sedatives for struggling or vicious animals when necessary for use during the euthanasia process and train its personnel in their proper and humane use and administration.
3. Only persons trained in humane procedures by licensed veterinarians, by registered veterinary technicians, or by persons sanctioned and/or certified by the Humane Society shall perform the euthanasia of animals in a humane manner.
4. No animal's body shall be disposed of until all vital signs are checked to assure that death has occurred.

Section 5-03-17. Custody and disposition of dead animals.

It shall be unlawful for a person to allow the body, or parts thereof, of any dead animal to be kept, held, or disposed of in violation of this section, as follows:

1. No public or private carrier shall either transport any dead animal through or into the city, or allow it to remain in or on any of its cars, vehicles, tracks, or places controlled by it, in either instance longer than five (5) hours;
2. No person shall skin, dismember, dissect, cut up, or dispose of the body of a dead animal, or any parts thereof in the city, unless the person is regularly engaged in such business of killing and disposing of such animals for use as food or otherwise, and is so authorized by law, or does so for the person's own use; and
3. No person shall possess, keep, use, or dispose of anywhere in the city, a dead animal or parts

thereof, or offal of a live animal in any manner that creates offensive odors or sights, or constitutes a public nuisance which affects health and comfort in any respect. These items must be kept in a secure container that prohibits animals of any kind access to said items.

4. No owner or possessor of any animal which shall have died shall suffer the same to remain on any public ground, street, land, alley, or upon any private lot, or place within the city, nor shall any matter, slop, or filth whatsoever, solid or fluid, in the river or in any pool of water in the city. It shall be unlawful for any owner or possessor of dead animals to bury the same within the city except upon ground designated for such purpose by the city commission without first getting a written permit therefore from either the health officer or board of health. (R.O. 1940, S 12-504.)

Section 5-03-18. Owner responsibility for animal attacks.

It shall be unlawful for an owner or keeper of an animal to allow that animal to attack and injure a person who did not provoke the animal prior to the attack. For purposes of this section, "provoke" means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

Chapter 5-04. Neglect – Animal Abuse – Abandonment.

Section 5-04-01. Neglect - Definition - Exemptions – Penalty.

1. Any person that willfully or negligently engages in animal neglect is guilty of a Class B Misdemeanor.
2. For purposes of this title, "neglect" with respect to dogs and cats, means the failure to provide an animal with:
 - a. Food and water, as appropriate for the species, the breed, and the animal's age and physical condition;
 - b. Shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition;
 - c. Necessary medical attention; and
 - d. An environment that is:
 - i. Ventilated in a manner appropriate for the species, the breed, and the animal's age and physical condition;
 - ii. Cleaned in a manner appropriate for the species, the breed, and the animal's age and physical condition; and
 - iii. Free of conditions likely to cause injury or death to an animal of that species, breed, age, and physical condition.
3. For purposes of this title, "neglect" with respect to all animals other than those included in subsection 2, means the failure to provide:
 - a. Food and water that is:
 - i. Appropriate for the species and the breed; and
 - ii. Sufficient to sustain the animal's health.
 - b. Minimal protection from adverse weather conditions, as appropriate for the species and the breed; and
 - c. Medical attention in the event of an injury or illness, as appropriate for the species and

the breed.

4. The following do not constitute violations of this title:

a. Any usual and customary practice in:

- i. The production of food, feed, fiber, or ornament, including all aspects of the livestock industry.
- ii. The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
- iii. The sport of rodeo.
- iv. Animal racing;
- v. The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C . 2131, et seq.;
- vi. Fishing, hunting, and trapping.
- vii. Wildlife management.
- viii. The culinary arts.
- ix. Lawful research and educational activities.
- x. Pest, vermin, predator, and animal damage control, including the

disposition of wild animals that have entered structures or personal property;

b. The humane or swift destruction of an animal for cause; and

c. Services provided by or under the direction of a licensed veterinarian.

Section 5-04-02. Animal abuse - Definition - Exemptions - Penalty.

- 1. Any person that willfully or negligently engages in animal abuse is guilty of a Class B Misdemeanor for a first offense.
- 2. Second and subsequent offenses shall be transferred to district court.
- 3. For purposes of this chapter, "animal abuse" means any act or omission that results in physical injury to an animal or that causes the death of an animal, but does not include any act that falls within the definition of animal cruelty, as set forth in section 36-21.2-03 of the North Dakota Century Code.
- 4. The following do not constitute violations of this section:
 - a. Any usual and customary practice in:
 - i. The production of food, feed, fiber, or ornament, including all aspects of the livestock industry.
 - ii. The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals.
 - iii. The sport of rodeo.
 - iv. Animal racing.
 - v. The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C . 2131, et seq.
 - vi. Fishing, hunting, and trapping.
 - vii. Wildlife management.
 - viii. The culinary arts.
 - ix. Lawful research and educational activities.
 - x. Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
 - b. Any action taken by an individual against an animal that is attacking or is about to attack

- a human, a companion animal, or livestock
- c. The humane or swift destruction of an animal for cause.
- d. Services provided by or under the direction of a licensed veterinarian.

Section 5-04-03. Animal cruelty - Definition - Exemptions - Penalty.

1. Any person that intentionally engages in animal cruelty is guilty of a Class B Misdemeanor.
2. For purposes of this chapter, "animal cruelty" means:
 - a. Breaking an animal's bones;
 - b. Causing the prolonged impairment of an animal's health;
 - c. Mutilating an animal; or
 - d. Physically torturing an animal.
3. The following do not constitute violations of this section:
 - a. Any usual and customary practice in:
 - (1) The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - (2) The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - (3) The sport of rodeo;
 - (4) Animal racing;
 - (5) The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - (6) Fishing, hunting, and trapping;
 - (7) Wildlife management;
 - (8) The culinary arts;
 - (9) Lawful research and educational activities; and
 - (10) Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
 - b. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;
 - c. The humane or swift destruction of an animal for cause; and
 - d. Services provided by or under the direction of a licensed veterinarian.

Section 5-04-04 Animal abandonment - Definition - Exemptions - Penalty.

1. Any person that willfully engages in the abandonment of an animal is guilty of a Class B Misdemeanor.
2. For purposes of this chapter, "abandonment" means the relinquishment of a person's custody or control, with no intention of reclaiming that custody or control, and without placing the animal into the custody or control of another person that is able to provide care for the animal and who knowingly and willingly accepts that responsibility. The term includes:
 - a. The desertion of an animal; and
 - b. The failure to retrieve an animal within forty-eight (48) hours after the agreed

upon conclusion of a boarding contract or other service contract, other than that specified in section 43-29-16.1 of the North Dakota Century Code.

2. The following do not constitute violations of this section:
 - a. Any usual and customary practice in:
 - i. The production of food, feed, fiber, or ornament, including all aspects of the livestock industry.
 - ii. The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals.
 - iii. The sport of rodeo.
 - iv. Animal racing.
 - v. The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C 2131, et seq.
 - vi. Fishing, hunting, and trapping.
 - vii. Wildlife management.
 - viii. The culinary arts.
 - ix. Lawful research and educational activities.
 - x. Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property.
 - xi. The humane or swift destruction of an animal for cause.
 - xii. Services provided by or under the direction of a licensed veterinarian.
3. For purposes of this section, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

Section 5-04-05. Seizure of animal - Court order.

1. A law enforcement officer may petition the court for an order directing the seizure of any animal believed to have been neglected, abused, treated cruelly, or subjected to any act or omission in violation of this chapter.
2. The court may act without notice to the animal's owner or to the person having custody or control of the animal and may rely solely on testimony or an affidavit in considering the petition.
3. In the order for seizure, the court may direct that a veterinarian humanely destroy an animal if the veterinarian, upon examining the animal, determines that the animal is experiencing excruciating pain or suffering and that the animal's pain or suffering is not likely to be alleviated using reasonable medical interventions.

Section 5-04-06. Law enforcement—Duty upon seizure—Notification.

1. Upon seizing an animal as provided for herein, the law enforcement officer shall provide care for the animal, either directly or through a contractual arrangement with another person. For purposes of this subsection, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.
 - a. If the owner and the person having custody or control at the time of the seizure are

known to the officer, the officer shall:

- (1) Provide notice of the seizure to the owner and the person having custody or control of the animal; and
 - (2) Petition the court for an order directing the animal's disposition.
- b. If the animal's owner is not known to the law enforcement officer, the officer shall publish notice of the animal's seizure in the official newspaper of the county and indicate that if the owner does not claim the animal within five (5) days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer.
 - (1) If the owner does not claim the animal within five (5) days, as required by this subdivision, the law enforcement officer shall sell the animal, place the animal for adoption, or provide for its humane destruction as directed by the veterinarian.
 - (2) If the owner is identified within the five (5) day period, the law enforcement officer shall petition the court for an order directing the animal's disposition.
2. In ruling on a petition for an animal's disposition under this section, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner, with or without conditions.

Section 5-04-07. Costs of seizure and care - Responsibility of owner - Lien.

1. If convicted of violating this chapter, the owner of an animal seized under this title is responsible for all costs related to the animal's seizure, including required notifications, attorney's fees, court costs, and any costs incurred in providing the animal with care or in providing for its destruction in accordance with this title.
2.
 - a. The law enforcement agency that seized the animal has a lien upon the animal for all costs incurred as a result of the seizure and conviction. The lien is superior to any other claim or lien.
 - b. If the lien is not satisfied by the animal's owner, the law enforcement agency may apply to the court for an order enforcing the lien.
3. If a seized animal is sold, the proceeds must be used first to satisfy the lienholder to the extent of the lien and second to satisfy any other claims involving the animal. Any remaining proceeds must be returned to the owner, as directed by the court. If the owner is unknown, any proceeds otherwise payable to the owner must be deposited in the general fund of the city.

Section 5-04-08. Abandoned animal - Law enforcement officer - Duties.

1. A law enforcement officer may take custody of an animal if the officer has reasonable cause to believe that the animal has been abandoned in violation of this title.
2.
 - a. Upon taking custody of an animal in accordance with this section, the law enforcement officer shall:
 - (1) Provide care for the animal, either directly or through a contractual arrangement

with another person; and

(2)

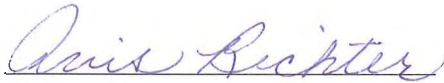
- a. Notify the owner, if known to the officer; or
 - b. If the owner is not known to the officer, provide notice of the animal's custody, indicate that if the owner does not lay claim to the animal within five (5) days, the animal will be sold, placed for adoption, or humanely destroyed, at the direction of the law enforcement officer, and include the officer's contact information.
- b. For purposes of this subdivision, notice may be provided by:
- (1) Publication in the official newspaper of the county if the newspaper is published daily or in a daily newspaper serving the county;
 - (2) Any electronic means; or
 - (3) Posting a description and a photograph at the local law enforcement center.
3. If the owner is identified within the five (5) day period, the law enforcement officer shall return the animal to the owner only if:
- a. The owner demonstrates that the animal was not abandoned in violation of this chapter; and
 - b. The owner pays for all costs associated with the animal's care while in custody, including any costs of notifications under this section.
4. If the law enforcement officer refuses to return the animal to its owner, the owner may petition the court for an order directing its return. In ruling on a petition under this subsection, a court may direct that the animal be sold, placed for adoption, humanely destroyed, or returned to its owner with or without conditions.
5. If the owner does not lay claim to the animal within five (5) days, the law enforcement officer shall sell the animal, place it for adoption, or humanely destroy it.
6. Any proceeds from the sale or adoption of an animal under this section must be deposited in the city general fund.
7. Notwithstanding the requirements of this section, if upon examining an animal taken into custody by a law enforcement officer in accordance with this section a licensed veterinarian determines that the animal's condition justifies its destruction, the veterinarian shall humanely destroy the animal. The law enforcement agency shall reimburse the veterinarian for the cost of the animal's destruction.
8. For purposes of this section, "care" means food, water, and shelter from the elements, as appropriate for the species, the breed, and the animal's age and physical condition, and necessary medical attention.

Section 5-04-09. Title of animal - Sale or adoption.

The title to any animal sold or adopted in accordance with this title passes to the individual taking custody or control of the animal.

Section 2. Any ordinances of the City of Valley City which are in conflict with the ordinance are hereby repealed.

Section 3. Should any part of this Ordinance be declared unconstitutional or invalid, the remaining portion thereof shall remain in full force and effect.



Avis Richter, Auditor of the City
Valley City, Barnes County,
North Dakota



Matt Pedersen, Vice President of the Board of City of
Commissioners of the City of Valley City,
Barnes County, North Dakota

Introduction and First Reading:
Second Reading, Final Passage, and Adoption:
Adoption:

November 18, 2014
December 2, 2014
December 2, 2014

TITLE AND PENALTY CLAUSE

ORDINANCE NO. 981

**TITLE: ORDINANCE REPEALING AND AMENDING AND
REENACTING CHAPTER 5, ANIMALS AND FOWL, OF
THE REVISED ORDINANCES OF THE CITY OF
VALLEY CITY, NORTH DAKOTA**

**BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF
VALLEY CITY, BARNES COUNTY, NORTH DAKOTA, PURSUANT TO THE HOME
RULE CHARTER OF THE CITY OF VALLEY CITY, NORTH DAKOTA:**

PENALTY CLAUSES APPLICABLE TO ORDINANCE NO. 981:

Section 1-9. General penalty; continuing violations.

Whenever in these Revised Ordinances or in any ordinance of the City or in any rule or regulation promulgated pursuant thereto, any act is prohibited or is made or declared unlawful or an offense, or whenever in these Revised Ordinances or any ordinance or in any rule or regulation promulgated pursuant thereto the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific

penalty is provided therefor, any person upon conviction for the violation of any such provision of these Revised Ordinances or any ordinance or any such rule or regulation shall be punished by a fine not exceeding one thousand five hundred dollars (\$1500) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment, for each such offense. Each day any violation of any provision of these Revised Ordinances or of any ordinance or of any such rule or regulation shall continue shall constitute a separate offense. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

Dated this 2nd day of December, 2014.

A handwritten signature in blue ink, reading "Avis Richter", written over a horizontal line.

Avis Richter, Auditor of the City
Valley City, Barnes County,
North Dakota

A handwritten signature in blue ink, reading "Matt Pedersen", written over a horizontal line.

Matt Pedersen, Vice President of the Board of City of
Commissioners of the City of Valley City,
Barnes County, North Dakota

TITLE AND PENALTY CLAUSE PUBLISHED December 15, 2014

ORDINANCE NO. 1023

ORDINANCE AMENDING TITLE 5, ANIMALS AND FOWL, FOR THE CITY OF VALLEY CITY, NORTH DAKOTA

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF VALLEY CITY, BARNES COUNTY, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF VALLEY CITY, NORTH DAKOTA:

Section 1. Title 5 of the Revised Ordinances of the City of Valley City is amended, updated, and reenacted to read as follows:

Title 5. Animals and Fowl

Chapter 5-02. Cats, ~~and~~ Dogs, and Other Pets.

- Section
- 5-02-01 Definitions.
- 5-02-02 Number of allowable pets.
- 5-02-03 Licensing and registration-Required-Exceptions.
- 5-02-04 Kennel licensing-Requirements-Exemption.
- 5-02-05 Dog and cat curbing requirements.
- 5-02-06 Impoundment of dogs, cats, or other animals.
- 5-02-07 Impoundment fees responsibility of owner or possessor.
- 5-02-08 Sale of impounded animals under certain conditions, dispositions of proceeds of sale.

Chapter 5-01. In General

Section 5-01-01. North Dakota state laws governing private possession of exotic animals.

1. No person shall possess, own, or keep an exotic animal, nontraditional livestock, primate which is not a human being, mountain lion, wolf, or wolf hybrid in captivity except as may be allowed under the laws of the State and under the administrative rules of the State, as the same may be amended.
2. No person may import any domestic or wild animal into the City which has been determined by the state board of animal health to pose a threat to the health and well-being of this state's human or animal population.
3. Except in accordance with the terms of a permit issued by the state veterinarian, a person may not possess a live venomous reptile, as defined by the state veterinarian pursuant to Section 36-01-31 of the North Dakota Century Code.
4. A person may not release in this city any reptile whose possession is prohibited by law.
5. In enforcing this section, the provisions of Section 36-01-12.2 regarding nontraditional livestock are applicable.
6. This restriction shall not apply to any domestic or wild animal which the state board of health has exempted from any restriction imposed under the laws of the State or under the

administrative rules of the State, as the same may be amended.

7. Any law enforcement officer may confiscate any exotic animal, nontraditional livestock, primate which is not a human being, mountain lion, wolf, wolf hybrid, or other wild animal in the manner prescribed by law.
8. For purposes of this section, Nontraditional Livestock is defined in section 36-01-00.1 North Dakota Century Code and includes, but is not limited to, the following animals as set forth by the North Dakota Department of Agriculture:

(a) Category One Nontraditional Livestock—turkeys, geese and ducks morphologically distinguishable from wild turkeys, geese, and ducks, pigeons, mules, donkeys, asses, ratites, chinchilla, Guinea fowl, ferrets, ranch foxes, ranch mink, peafowl, all pheasants, quail, chukar, hedgehog, and degus;

(b) Category Two Nontraditional Livestock—all nondomestic ungulates, including all deer and pronghorn, nondomestic cats not listed in category 3, waterfowl, shorebirds, upland game birds not listed in category 1, crows, wolverines, otters, martens, fishers, kit or swift foxes, badgers, coyotes, mink, red and gray fox, muskrats, beavers, weasels, opossums, prairie dogs, and other ground squirrels; and

(c) Category Three Nontraditional Livestock—Wild species of the family suidae (any swine not considered domestic in North Dakota by the board), big cats, including mountain lion, jaguar, leopard, lion, tiger, and cheetah, bears, wolves and wolf-hybrids (any animal that is part wolf), venomous reptiles, primates, non-domestic sheep and their hybrids and nondomestic goats and their hybrids.

Chapter 5-02. Cats, and Dogs, and Other Pets.

Section 5-02-02. Number of allowable pets.

1. ~~The number of allowable of cats and dogs in one home shall be no more than six (6) dogs, cats, or any combination thereof.~~ It is unlawful to keep, harbor, own, or in any way possess more than six (6) air-breathing animals over six months of age upon or about the premises of any dwelling unit, within the limits of the City of Valley City. The animals authorized by this section must not otherwise be prohibited by law.
2. ~~If the number of cats and dogs in one home which exceeds six (6) dogs, cats, or any combination thereof, the owner or possessor of said cats and dogs shall possess a kennel license as provided in this ordinance.~~ This restriction does not apply to those in compliance with the kennel license requirements of this chapter.
3. ~~This requirement for a kennel license shall not apply to cats, dogs, or any combination thereof which are less than six (6) months of age. However, if the cats, dogs, or any combination thereof shall be six (6) months of age or older, the owner or possessor thereof shall apply for a kennel license.~~

Section 5-02-03. Kennel Licensing-Requirements-Exemption.

1. Any person who shall keep more than six (6) air breathing animals over six months of age ~~dogs or cats, or any combination thereof which are six months of age or greater, upon any lot, building, structure, enclosure or premises within the City, whether such keeping is for pleasure, profit, breeding, or exhibiting, and including places where more than six (6) dogs or cats in any combination are boarded, kept for sale, or kept for hire, shall be~~ is required to obtain a kennel license.
2. A kennel license may be issued only if the applicant first obtains a conditional use permit from the City in the manner prescribed by law. The applicant shall pay for all costs of such

notification. The application for a conditional use permit to operate a kennel shall include a waste disposal plan, the total number of ~~dogs and cats~~ air breathing animals over six months of age which shall occupy the premises, and any other information which shall be required by the City to ascertain that the zoning, lot size, physical structures, and that the confining structures or confining fences ~~for the said dogs and/or cats~~ are adequate for the number of ~~dogs and/or cats~~ animals upon the premises. Consideration shall be given to the dog breeds proposed to be kenneled. The cost of a kennel license shall be determined by a resolution of the board of city commissioners.

3. All kennels shall be annually inspected by a licensed veterinarian. An inspection fee of one hundred dollars (\$100.00) shall be charged for such inspection, which shall be paid to the licensed veterinarian for such inspection.
4. Upon the receipt of a conditional use permit from the City and after completion of the required inspection by a licensed veterinarian as provided in this section, the applicant shall be issued a kennel license.
5. A licensed veterinarian shall certify to the City that the kenneled ~~dogs or cats~~ animals are kept in sanitary conditions; are provided adequate food, water, and necessary medical attention; have an adequate amount of space; are provided appropriate exercise; and that appropriate standards are maintained ~~appropriate standards~~ for breed and species. In the event there are any deficiencies, the licensed veterinarian shall duly note the same in writing and shall deliver a copy of the said deficiency or deficiencies to the licensee and to the City. The licensee shall have thirty (30) days from the date of such inspection to correct the said deficiencies. Failure to do so shall result in the immediate revocation of the kennel license.
6. The kennel premises shall be kept in a clean and sanitary manner by the regular removal of waste and by the use of spray and disinfectants to prevent the accumulation of flies, the spread of disease, or the diffusion of offensive odors beyond the lot lines of the property wherein the kennel is located.
7. The licensee shall at all times remain compliant with all applicable local, state and/or federal laws, rules or regulations. Any violation of any applicable local, state or federal laws, rules and or regulations shall result in the immediate revocation of the license.
8. In the event that a person is in violation of the provisions of this section, the offense shall be considered an infraction for the first violation, and in the event that there is a second or subsequent violation within a twelve (12) month period from the date of the first violation, such second or subsequent violation shall be considered a Class B Misdemeanor.
9. Any kennel maintained and under the direction of a licensed veterinarian shall be exempt from the provisions of this section.

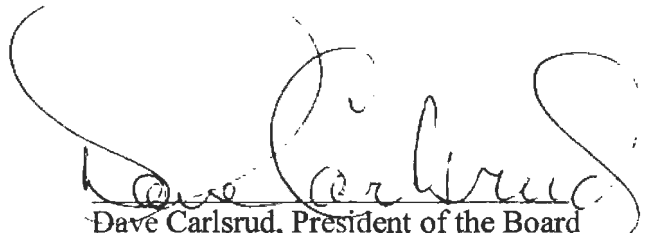
Section 5-03-02. Licensing and registration-Required--Exceptions.

1. All dogs and cats which are six (6) months of age or older in the City shall be licensed.
2. All licenses will be issued by the Police Department.
3. The license fee shall be determined by resolution of the Board of City Commissioners.
4. Proof of a current rabies vaccination for each animal must be shown at the time of application for a license in order to obtain a license.
5. The license fees or renewal fees shall become due or payable every odd ~~each~~ year on the first day of March.
6. Every person who owns a cat or dog in the city shall ensure that each cat and dog owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen cat or dog can be ascertained quickly and easily. Such means of identification shall be in addition to the permanent metal tag or shield which shall be issued

by the City for purposes of licensure as set forth herein. The permanent metal tag or shield issued by the City shall contain sufficient information so that the owner of the cat or dog may be identified and shall be attached to a durable collar worn at all times by the cat or dog.

7. The means of identification required by this section shall be in addition to any tags required to be worn by cats and dogs by state law or other provision of this Code, and shall include one of the following:
 - a. A microchip implanted in the cat or dog or which bears a registered identification number, and which can be read by a standard microchip scanner; or
 - b. A tattoo which readily distinguishes the cat or dog from other dogs or cats; or
 - c. A permanent tag or shield attached to a durable collar worn at all times by the cat or dog, and bearing the owner's current name, address and telephone number.
8. A dog or cat which has been kept within the City by its owner or possessor for two (2) weeks or less shall not be required to obtain a license or be registered. However, such dog or cat shall have an appropriate license issued by its original municipality of residence, and the owner or possessor thereof must be able to provide proof of a current rabies vaccination within a reasonable period of time where the age of the dog or cat indicates that vaccination is appropriate.

Dated this 19th day of September, 2017



Dave Carlsrud, President of the Board
Of City Commissioners of the City of Valley
City, Barnes County, North Dakota

ATTEST:



Avis Richter, City Auditor of the City of Valley City,
Barnes County, North Dakota

Introduction and First Reading:
Second Reading, Final Passage, and Adoption

September 5, 2017
September 19, 2017

Title & Penalty Clause Published

October ____, 2017

TITLE AND PENALTY CLAUSE

ORDINANCE NO. 1023

TITLE: AN ORDINANCE AMENDING TITLE 5, ANIMALS AND FOWL, FOR THE CITY OF VALLEY CITY, NORTH DAKOTA

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF VALLEY CITY, BARNES COUNTY, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF VALLEY CITY, NORTH DAKOTA:

PENALTY CLAUSES APPLICABLE TO ORDINANCE NO. 1023:

Section 1-9. General penalty; continuing violations.

Whenever in these Revised Ordinances or in any ordinance of the City or in any rule or regulation promulgated pursuant thereto, any act is prohibited or is made or declared unlawful or an offense, or whenever in these Revised Ordinances or any ordinance or in any rule or regulation promulgated pursuant thereto the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, any person upon conviction for the violation of any such provision of these Revised Ordinances or any ordinance or any such rule or regulation shall be punished by a fine not exceeding one thousand five hundred dollars (\$1500) or by imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment, for each such offense. Each day any violation of any provision of these Revised Ordinances or of any ordinance or of any such rule or regulation shall continue shall constitute a separate offense. In the construction and interpretation of this section, the revocation of a license or permit shall not be considered as a recovery or penalty so as to bar any other penalty being enforced.

Dated this 19th day of September, 2017.



Avis Richter, Auditor of the City
Valley City, Barnes County,
North Dakota



Dave Carlsrud, President of the Board of City of
Commissioners of the City of Valley City,
Barnes County, North Dakota

(Publish October ____, 2017)

ORDINANCE 1043

AN ORDINANCE AMENDING TITLES 5, 7, 8, 9, 11.1, AND 15 OF THE VALLEY CITY MUNICIPAL CODE

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF VALLEY CITY, BARNES COUNTY, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF VALLEY CITY, NORTH DAKOTA:

Section 1. That the following sections of Title 5, Animals and Fowl, of the Valley City Municipal Code, are amended as follows:

Section 5-01-20. Feeding of deer and wild birds prohibited.

1. It shall be unlawful for a person to feed, scatter food, or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards, and streets of the city for any birds or fowl. However, a person may feed, scatter food, or leave food for wild birds upon private property.
2. **Feeding of deer prohibited.** No person shall feed or allow the feeding of deer within the city limits of the city of Valley City. For purposes of this section, "feed" or "feeding" shall mean the provision of any grain, fruit vegetables, nuts, hay, or other edible material either on the ground or within a structure above the ground in a manner that attracts deer. Living food sources such as fruit trees and other live vegetation or bird feeders shall not be considered a violation of this section.
 - a. This prohibition shall not apply to veterinarians, city animal control officers, park maintenance staff, or county, state and federal game officials who, in the course of their duties, have deer in their custody or control.
 - b. Those found in violation of this section shall be charged with a civil administrative offense, and are subject to a mandatory fine of \$200.00.

(Ords. 907, 981.)

Section 5-02-05. Impoundment of dogs, cats, or other animals.

1. It shall be the duty of any law enforcement officer to take into possession and impound any animals causing a violation of this section.
2. If such law enforcement officer shall know, or can ascertain by reasonable inquiry, who is the owner of such animal, and if the owner shall live within the city or within the one (1) mile extraterritorial jurisdiction of the city, the law enforcement officer shall give him notice that he has such an animal in his possession, and shall deliver the same to the owner upon payment of the charges accrued as specified herein.
3. All animals while impounded shall be under the control of the Police Department, and all advertisements and sales of impoundment shall be made by the Department.
4. It shall be duty of the Police Department to enforce the provisions of this article and for that purpose may employ necessary assistance.

Section 5-03-06. Running at large and vicious or dangerous animals prohibited—penalties.

1. No person in the city who is the owner of or the keeper of any dangerous, vicious, mischievous, or unruly animal, and who knows the animal to be such, shall suffer or permit the same to run at large.
2. No livestock or domestic animal of any kind shall be permitted to run at large in any of the streets, avenues, alleys, or public grounds in the city, or be tethered in or such a manner as to go upon any street, sidewalk, crosswalk, or public ground in the city.
3. Any animal found running at large or tethered out contrary to the provisions set herein shall be impounded in such suitable place as shall be designated by the board of city commissioners as the public pound. Fees for holding an animal over night at the public pound shall be determined through contracted rates. The veterinarian and trapping services for the City shall be outlined in a contract signed by the City and a service provider.
4. It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city.
5. An animal found at large in violation of this chapter or an animal found confined or abandoned on private property in violation of this chapter shall be impounded.
6. Except as provided in subsection (5) of this section, the first violation in any twelve-month (12) period shall be punishable as an infraction, and all second and subsequent violations in a twelve-month period are punishable as a Class B Misdemeanor.
7. If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property, it attacks another animal or chases or approaches a person in a menacing fashion or apparent attitude of attack, then the violation shall be subject to the appropriate enforcement procedures and penalties.
8. Upon determination by a veterinarian by inspection of the animal, the animal may be released to the owner or it may be detained for further treatment or it may be detained for further treatment to determine the animal has been neglected or is in need of appropriate immunizations, or treatment.
9. Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements article for regaining the custody of the animal. Such attempt shall include, but not necessarily be limited to, the following:
 - a. In the instance of an impounded cat or dog, contact with the owner identified by the microchip or other means of identification, if any, borne by the cat or dog;
 - b. In the instance of an impounded cat or dog not bearing a means of identification, contact with the veterinarian facility listed on the animal's vaccination tag.
 - c. In the instance of an impounded cat or dog which does not bear any means of identification or vaccination tag, the animal may be presumed to be abandoned.
10. It is prohibited for a person to keep a vicious or dangerous animal within the jurisdiction of the City of Valley City.

Section 2. That the following section of Title 7, Buildings, Signs, Streets, Sidewalks, Curbs, and Boulevards, of the Valley City Municipal Code, is amended as follows:

CHAPTER 1. BUILDINGS

Section 7-01-01	Building permits – required
Section 7-01-02	Building permits - application

Section 7-01-03	Building permits - fees
Section 7-01-04	Building permits – issuance
Section 7-01-05	Duties and powers of building inspector
Section 7-01-06	Building code
Section 7-01-07	Unsafe Buildings and structures - Dangerous buildings defined
Section 7-01-08	Standards for repair, vacation, or demolition
Section 7-01-09	Inspections by fire chief or building inspector

Section. 7-01-01 Building permits – required.

No building or structure of any description shall be erected or placed upon any lot or tract within the city, or within area adjoining the city over which the city has zoning jurisdiction, without the owner having first obtained a written permit from the Building Inspector.

Section 7-01-02. Building permits – application.

Written application for the building permit required by section 7-01-01 shall be made by the owner of the premises or contractor and such application shall show the general plan of the building or structure, whether it is to be used for residence or other purposes, and the estimated cost.

It is further required that an application for new construction be accompanied by a plat of the property in question, prepared by a land surveyor, noting all corners and direction changes of the lot or tract in question and further establishing the grade for the proposed construction. The corners and direction changes of such lot or tract shall be designated by pins placed upon such property by the land surveyor.

Section. 7-01-03 Building permits -Fees.

Upon making an initial application for a permit under this article, each applicant shall pay to the city a permit fee according to the fee schedule adopted by the city commission by resolution.

Section 7-01-04 Building permits – Issuance.

The permit required by section 7-01-01 shall be in writing, issued and signed by the building inspector or authorized designee.

Section 7-01-05 Duties and Powers of Building Inspector

The building inspector, or authorized designee, is authorized and directed to enforce the provisions of the State Building Code as adopted by the City of Valley City. The building inspector has the authority to render interpretations of the State Building Code and to establish policies and procedures to clarify the application of its provisions which may be presented to the board of city commissioners for its approval by resolution. The building inspector shall be responsible for applications and permits, notices and orders, and inspections including a right of entry at reasonable times to enforce and assure compliance with the State Building Code.

Section 7-01-06 Building Code

The City of Valley City shall follow the North Dakota Building Code with its amendments to the latest International Code.

Section 7-01-07 Unsafe Buildings and Structures - Dangerous buildings defined.

All buildings or structures which have any or all of the following defects shall be deemed dangerous buildings:

1. Those buildings whose interior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
2. Those buildings which, exclusive of the foundation, show thirty three percent (33%) or more, of damage or deterioration of the supporting members or members, or fifty percent (50%) of damage or deterioration of the non-supporting enclosing or outside walls or covering.
3. Those buildings which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used. Those buildings which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or the people of the city.
4. Those buildings which have become or are so dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause or aggravate sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living in such buildings.
5. Those buildings having inadequate facilities for egress in case of fire or panic or those having insufficient stairways, elevators, fire escapes, or other means of communication.
5. Those buildings which have parts which are so attached that they may fall and injure members of the public or property.
6. Those buildings which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this city.
7. Those building which because of their condition are unsafe, unsanitary, or dangerous to the health, morals, safety, or general welfare of the people of this city.
8. Those buildings existing in violation of any provision of the city building code, zoning ordinance, any provision of the fire prevention code or other ordinances of this city now or subsequently enacted.

Section 7-01-08 Standards for repair, vacation, or demolition.

The following standards shall be followed in substance by the building inspector or fire inspector in ordering repair, vacation, or demolition:

1. If the dangerous building can reasonably be repaired so that it will no longer exist in violation of the terms of this article, it shall be ordered repaired.
2. If the dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to vacate.
3. In any case where a dangerous building is fifty percent (50%) damaged, decayed, or deteriorated from its original value or structure, it shall be demolished, and in all cases where a building cannot be repaired so that it will no longer be in violation of the terms of this article, it shall be demolished. In all cases where a dangerous building is a fire hazard existing or erected in violation of the terms of this article, or any ordinance of this city or statute of the state, it shall be demolished.
4. All dangerous buildings are declared to be public nuisances, and shall be repaired, vacated, or demolished as provided in this article.

Section 7-01-09 Inspections by fire chief or building inspector.

The chief of the fire department or the building inspector shall:

1. Inspect, or cause to be inspected, semiannually, all public buildings, schools, halls, churches, theaters, hotels, tenements, commercial manufacturing or loft buildings for the purpose of determining whether any conditions exist which render such places a dangerous building.
2. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in violation of this article.
3. Inspect any building, wall, or structure reported by the fire or police departments of this city as probably existing in violation of the terms of this article.
4. Notify in writing the owner, occupant, lessee, mortgagee, and all other persons having an interest in such building, as shown by the records in the office of the register of deeds.
 - a. The owner must vacate, or repair, or demolish such building in accordance with the notice and remain in possession. Any person notified under this section to repair, vacate, or demolish any building shall be given a reasonable time, not exceeding thirty (30) days, to have the work or act required by the notice completed.
5. The notice shall provide a description of the building, or structure, deemed unsafe, the particulars which made the building or structure dangerous.
6. Noncompliance shall be subject to further appropriate citation.

Chapter 7-07. Buildings, Requiring Restoration of Property Upon Removal or Demolition of Buildings.

Section 7-07-01. Restoration of Property Upon Removal or Demolition of Buildings.

Within ten (10) days of removal or demolition of any building or structure within the City, the premises vacated shall be restored as follows:

1. All materials and debris, including sidewalks, driveways, basement foundations and floors, shall be removed and hauled away and shall not be buried or covered upon the premises.
2. Water and sewer lines and all other public utility services shall be cut and removed from the site and shall be capped at the main within the adjoining public right of way as directed by Valley City Public Works or other entity providing such service.
3. All excavations on private property shall be packed with clay and topped with six inches of black dirt and seeded to grass.

Section 3. That the following sections of Title 8, Tree Trimming, Tree Preservation, and Protection, of the Valley City Municipal Code, are amended as follows:

Section 8-03-03. Same – Applications; fees.

Any person who desires to conduct business of a pawnbroker within the city shall first make application for license to the city auditor and president of the board of city commissioners, which application shall give the location at which such business is to be carried on, together with a personal reference of the applicant and shall deposit with the city auditor according to the fee schedule set by resolution of the city commissioners.

Section 8-06-13. Arboricultural Specifications and Standards of Practice.

1. The city forester shall have authority to promulgate the rules and regulations of the arboricultural specifications and standards of practice, which also may be known as the "Forestry Standards", governing the planting, maintenance removal, fertilization, pruning, and bracing of trees on streets or other public sites in the city of Valley City, Barnes County, North Dakota, with the approval of the Valley City Beautification Committee.
2. The Valley City Beautification Committee will be appointed by the Valley City Commission, and shall include the Valley City forester, and a representative from Valley City Public Works, Park District of the City of Valley City, Valley City Chamber of Commerce, and a Community at Large representative.

Section 8-06-15. Species, Cultivars and Varieties.

1. Only desirable long-lived trees of good appearance, beauty, adaptability, and generally free from injurious pests or diseases shall be planted in public sites as identified in the forestry standards planting guide established by the city forester. The city forester shall periodically review the species, cultivars, and varieties included on the approved list of the planting guide to determine if any should be removed for any reason, or if certain new species, cultivars, or varieties of proven dependability, and value should be added. The City also may provide the

public with a Recommended Tree Species Brochure.

2. Where street blocks have been assigned a particular species or variety of trees by adoption of a master street tree plan by the forestry advisory board, only such trees shall be planted subject to revision by the city forester, and approval by the forestry advisory board.

Section 4. That the following section of Title 9, Fire Protection, of the Valley City Municipal Code, is amended as follows:

Section 9-01-17. Recreational Fire Guidelines.

1. Recreational fires cannot be located within fifteen (15) feet of a structure (including decks and fences) or other combustible material unless they are in an approved container designed for this purpose, such as a screened appliance. When enclosed in an approved container, recreational fires must be at least fifteen (15) feet from structures. Any condition that could cause a fire to spread within fifteen (15) feet of a structure needs to be eliminated before lighting the fire.
2. A recreational fire fuel area cannot be more than three feet (3') wide and must be two feet (2') deep, and sixteen inches (16") in height. Burn pits or pots of said parameters shall be approved for burning.
3. All recreational fires must be constantly attended until the fire is extinguished. A five pound (5lb) ABC – 3A rated fire extinguisher or water hose shall be available for immediate use and shall be attended at all times while being operated.
4. The following materials are approved for use in recreational fires: twigs, small branches, logs, and small lumber.
5. The following materials are prohibited for use as burning materials: garbage, paper material, painted or chemically treated lumber, and leaves.
6. Any recreational fire that will be offensive or objectionable due to smoke or odor emissions is prohibited.
7. Recreational fire burning is allowed when wind conditions are minimal or calm, and shall be prohibited during a Fire Ban.
8. Open burning (not enclosed in a burn container as specified herein) is not allowed unless a permit is acquired from the Fire Chief pursuant to application with the Fire Department of the City of Valley City.
9. The Fire Chief may issue rules and regulations regarding recreational fires consistent with this section.
10. A violation of this section is an infraction for the first offense within twelve months and a B Misdemeanor for subsequent offenses within twelve months.

Section 9-02-02. Adoption of the International Fire Code.

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials, or explosion, the City adopts the Latest Version of the International Fire Code. The City Auditor will keep the Latest Version as it becomes available.

The provisions of the latest version of the International Fire Code and any amendments thereto are controlling within the limits of the city, with the following additions, deletions, and amendments:

- (a) Section 101.1 of the 2012 International Fire Code and acts amendatory thereto regarding administration, is amended to state:

Section 101.1. Title. These regulations shall be known as the City Fire Prevention Code, hereinafter referred to as “this code.”

- (b) Section 108 of the 2012 International Fire Code and acts amendatory thereto, regarding board of appeals, is deleted in its entirety.
- (c) Section 109.4 of the 2012 and acts amendatory thereto, regarding violation penalties, is amended to read as follows:

Section 109.4. Violation Penalties. Any person who violates a provision of this code or who fails to comply with any of the requirements thereof or who erects, installs, alters, repairs, or does work in violation of the approved construction documents or directives of the fire code official, or of a permit or certificate used under the provisions of this code, shall be guilty of offense Class B Misdemeanor. Each day that a violation continues after due notice has been served may be deemed a separate offense.

- (d) Section 111.4 of the 2012 International Fire Code and acts amendatory thereto, regarding Failure to Comply, is amended to read as follows:

Section 111.4. Failure to Comply. Any person who continues any work after having been served with a stop work order, except work as that person is directed to perform to remove a violation of unsafe condition, shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

- (e) Section 307.4.3 of the 2012 International Fire Code and acts amendatory thereto, regarding portable outdoor fireplaces, is amended by deleting the exception set forth therein.
- (f) Section 307.1 of the 2012 International Fire Code and acts amendatory thereto, regarding open burning, is amended to read as follows:

Section 307.1. Open Burning. Open burning, as defined in Section 302.1 of the 2012 International Fire Code, is allowed within the city only upon receiving a permit from the fire chief and is subject to the regulations set forth in said permit.

- (g) Chapter 9 and Chapter 10 of the 2012 International Fire Code and acts amendatory thereto are hereby adopted with such amendments, additions, and deletions as necessary to make such chapters consistent with the concurrent sections of the applicable International Building Code, as adopted pursuant to city ordinance. In the event of any dispute, the then applicable sections of the International Building Code, as adopted pursuant to city ordinance, shall take precedence.

Section 9-03-02. Establishment of limits of districts in which storage of flammable or

combustible liquids in outside above-ground tanks is prohibited.

Pursuant to the limits restricting storage of flammable or combustible liquids established in Sections 3404.2.9.6.1 and 3406.2.4.4 of the International Fire Code, no conditional use permit for storage of flammable liquids will be allowed adjacent to residential or heavily populated areas and congested commercial areas without appropriate spacing as deemed necessary by the authority having jurisdiction.

Section 9-03-03. Establishment of limits in which storage of liquefied petroleum (LP) gases is to be restricted.

Pursuant to Section 3804.2 of the International Fire Code, no conditional use permit shall be allowed for liquefied petroleum (LP) storage adjacent to heavily-populated residential areas, and congested commercial areas without appropriate spacing as deemed necessary by the authority having jurisdiction. At no time shall the aggregate capacity exceed two thousand (2,000.00) gallons per location in areas approved by the authority having jurisdiction. Spacing shall conform to NFPA Standard 58.

Section 5. That Title 11.1, Housing, of the Valley City Municipal Code is created and enacted as follows:

Chapter 11.1-01. Providing Infrastructure to Housing Developments/Subdivisions.

- (a) The City of Valley City is currently experiencing a shortage of affordable housing units within the City of Valley City.
- (b) One factor in the shortage of affordable single and multiple family housing units within the City of Valley City is the limited number of suitable and affordable lots on which to erect new home construction.
- (c) Installation of required infrastructure in subdivisions by private developers is an impediment to the development of suitable and affordable lots designed for new home construction.
- (d) An increase in the number of affordable single family dwelling units is integral to the continued growth and well being of the economy of the City of Valley City.
- (e) The well being of the economy of the City of Valley City is of public benefit to all citizen and residents of the City of Valley City.
- (f) The City of Valley City is a home rule city duly authorized to enter into enterprises with private parties.
- (g) This ordinance hereby authorizes the City of Valley City to engage in an enterprise to provide infrastructure to Prairie View Addition to the City of Valley City.
- (h) The infrastructure to be provided shall consist of 1) Sanitary sewer; 2) Storm sewer; 3) Potable water; and 4) A gravel surfaced street.
- (i) Said infrastructure improvements shall be located in the dedicated easement and public roadways as indicated on the approved plat.
- (j) The City of Valley City shall pay the costs of design engineering, installation engineering and materials, in addition to providing the necessary equipment for the installation to be completed by City employees.
- (k) The costs of the infrastructure installation shall be assessed to each lot in Prairie View Subdivision; however said debt shall continue to be serviced by the City of Valley City

paying interest only on said costs, until such time as each lot is sold, at which time the special assessment shall be assumed by the respective buyer.

- (l) City of Valley City shall service all debt incurred in the installation of the infrastructure authorized by this Ordinance, until said time as each lot is sold, at which time a proportionate share of the debt shall be assessed to the sold lot as a special assessment and assumed by the respective buyer.
- (m) Developer shall sell the lots for an average of \$9,000.00, subject to annual review by Developer and City, at which time lot prices may be adjusted pursuant to mutual agreement to ensure that the parties achieve the public purpose of providing affordable lots for new construction of single or multiple family dwellings.
- (n) This joint enterprise shall also be subject to the conditions of the approved plat, Developer's covenants, and the Developer's Agreement entered into between Developer and the City and executed in conjunction herewith.

(Ord. 888.)

Section 6. That the following sections of Title 15, Public Works, of the Valley City Municipal Code, are amended as follows:

Section 15-05-05. Who may remove contents of garbage, receptacles; dumpster diving prohibited.

It is unlawful for any person, firm, or corporation, or any agent or employee thereof, to haul, carry or convey through, along, or upon any public street, alley, or sidewalk within the City of Valley City, any garbage, rubbish, or ashes as classified under this chapter unless the owner or employed, licensed, or permitted by the City of Valley City, to carry or convey garbage. This section does not apply for abandoned property placed on the curb during cleanup week.

Section 15-05-16. Surface Drainage and Storm Sewer System Cleaning and Maintenance Fee.

- a. There is hereby established a surface drainage and storm sewer system cleaning and maintenance fee of \$1.00 per month, said monthly fee to be charged each electric utility account within the City of Valley City. The funds collected will be used for maintenance purposes and will not be used to reduce assessments in drainage and storm sewer improvement districts.
- b. Said monthly fee shall be administered and collected by Valley City Public Works as a part of its regular monthly billing for electrical service, and nonpayment thereof will allow for disconnection of utility services as provided for by applicable ordinances of the City of Valley City. The fee established hereby may hereafter be changed from time to time by resolution of the Board of City Commissioners made during the regular, open and public proceedings thereof.

(Ord. 843.)

Section 15-08-07. Aggregation of Retail Customer Demand Response.

- a. Valley City Public Works or its authorized designee is the sole entity permitted to bid

demand response on behalf of retail customers served by the Valley City directly into any Commission-approved independent system operator's or regional transmission organization's organized electric markets.

- b. Retail customers served by Valley City Public Works wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized electric markets may do so by participating in the program established by Valley City Public Works or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of Valley City Public Works.

(Ord. 922.)

Section 15-08-08

- a. Valley City Public Works or its authorized designee is the sole entity permitted to bid demand response on behalf of retail customers served by Valley City Public Works directly into any Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff).
- b. Retail customers served by Valley City Public Works wishing to bid their demand response into a Commission-approved independent system operator's or regional transmission organization's organized markets for energy imbalance, spinning reserves, supplemental reserves, reactive power and voltage control, or regulation and frequency response ancillary services (or its functional equivalent in the Commission-approved independent system operator's or regional transmission organization's tariff) may do so by participating in the program established by Valley City Public Works or its authorized designee. Retail customers are not permitted to participate in the demand response program of any other entity without the express prior authorization of Valley City Public Works.

(Ord. 922.)


Avis Richter, Auditor of the City
City of Valley City, Barnes County,
North Dakota


Dave Carlsrud, President of the Board of
Commissioners of the City of Valley City,
Barnes County, North Dakota

Introduction and First Reading:
Second Reading, Final Passage, and Adoption:
Adoption:
Title and Penalty Clause Published:

November 20, 2018
December 4, 2018
December 4, 2018
December 21, 2018

TITLE AND PENALTY CLAUSE

ORDINANCE 1043

TITLE: AN ORDINANCE AMENDING TITLES 5, 7, 8, 9, 11.1, AND 15
OF THE VALLEY CITY MUNICIPAL CODE

PENALTY CLAUSES APPLICABLE TO ORDINANCE NO. 1043

Section. 1-01-09. General penalty; continuing violations.

Whenever in the Valley City Municipal Code or in any ordinance of the city or in any rule or regulation promulgated pursuant thereto, any act is prohibited or is made or declared unlawful or an offense, or whenever in the Valley City Municipal Code or any ordinance or in any rule or regulation promulgated pursuant thereto the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, any person upon conviction for the violation is a Class B Misdemeanor as defined by the North Dakota Century Code. The maximum penalty for a Class B Misdemeanor is not more than thirty (30) days imprisonment and/or a fine not to exceed one thousand five hundred dollars (\$1,500). Each day any violation of any provision of the Valley City Municipal Code or of any ordinance or of any such rule or regulation continues constitutes a separate offense. In the construction and interpretation of this section, the revocation of a license or permit is not considered as a recovery or penalty so as to bar any other penalty being enforced.

Section 5-01-20. Feeding of deer and wild birds prohibited.

- a. It shall be unlawful for a person to feed, scatter food, or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards, and streets of the city for any birds or fowl. However, a person may feed, scatter food, or leave food for wild birds upon private property.
- b. **Feeding of deer prohibited.** No person shall feed or allow the feeding of deer within the city limits of the city of Valley City. For purposes of this section, “feed” or “feeding” shall mean the provision of any grain, fruit vegetables, nuts, hay, or other edible material either on the ground or within a structure above the ground in a manner that attracts deer. Living food sources such as fruit trees and other live vegetation or bird feeders shall not be considered a violation of this section.
 - a. This prohibition shall not apply to veterinarians, city animal control officers, park maintenance staff, or county, state and federal game officials who, in the course of their duties, have deer in their custody or control.
 - b. Those found in violation of this section shall be charged with a civil administrative offense, and are subject to a mandatory fine of \$200.00.

Section 5-03-06. Running at large and vicious or dangerous animals prohibited—penalties.

10. It is prohibited for a person to keep a vicious or dangerous animal within the jurisdiction of the City of Valley City.

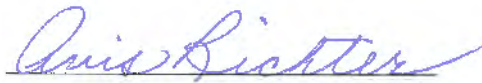
Section 9-01-17. Recreational Fire Guidelines.

10. A violation of this section is an infraction for the first offense within twelve months and a B Misdemeanor for subsequent offenses within twelve months.

Section 15-05-05. Who may remove contents of garbage, receptacles; dumpster diving prohibited.

It is unlawful for any person, firm, or corporation, or any agent or employee thereof, to haul, carry or convey through, along, or upon any public street, alley, or sidewalk within the City of Valley City, any garbage, rubbish, or ashes as classified under this chapter unless the owner or employed, licensed, or permitted by the City of Valley City, to carry or convey garbage. This section does not apply for abandoned property placed on the curb during cleanup week.

Dated this 17 day of December, 2018.



Avis Richter, Auditor of the City
Valley City, Barnes County,
North Dakota



Dave Carlsrud, President of the Board of City of
Commissioners of the City of Valley City,
Barnes County, North Dakota

TITLE AND PENALTY CLAUSE PUBLISHED December 21, 2018

AFFP

TITLE/PENALTY CLAUSE/ORD1043

Affidavit of Publication

STATE OF NORTH DAKOTA SS
}
COUNTY OF BARNES
COUNTY }

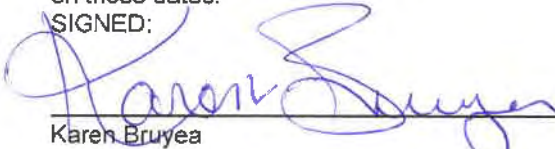
Karen Bruyee, being duly sworn, says:

That she is Karen Bruyee of the Valley City Times Record, a daily newspaper of general circulation, printed and published in Valley City, Barnes County, North Dakota; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

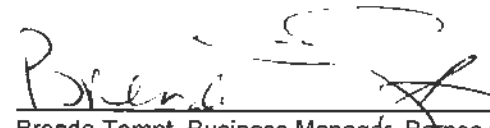
December 21, 2018

That said newspaper was regularly issued and circulated on those dates.

SIGNED:


Karen Bruyee

Subscribed to and sworn to me this 21st day of December 2018.


Brenda Tompt, Business Manager, Barnes County
County, North Dakota

My commission expires: July 05, 2022

00000286 00007247

Emma or Brenda
City of Valley City
P.O. Box 390
Valley City, ND 58072

TITLE AND PENALTY CLAUSE
ORDINANCE 1043

TITLE: AN ORDINANCE AMENDING TITLES 5, 7, 8, 9, 11.1, AND 15 OF THE VALLEY CITY MUNICIPAL CODE

PENALTY CLAUSES APPLICABLE TO ORDINANCE NO. 1043

Section. 1-01-09. General penalty; continuing violations.

Whenever in the Valley City Municipal Code or in any ordinance of the city or in any rule or regulation promulgated pursuant thereto, any act is prohibited or is made or declared unlawful or an offense, or whenever in the Valley City Municipal Code or any ordinance or in any rule or regulation promulgated pursuant thereto the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, any person upon conviction for the violation is a Class B Misdemeanor as defined by the North Dakota Century Code. The maximum penalty for a Class B Misdemeanor is not more than thirty (30) days imprisonment and/or a fine not to exceed one thousand five hundred dollars (\$1,500). Each day any violation of any provision of the Valley City Municipal Code or of any ordinance or of any such rule or regulation continues constitutes a separate offense. In the construction and interpretation of this section, the revocation of a license or permit is not considered as a recovery or penalty so as to bar any other penalty being enforced.

Section 5-01-20. Feeding of deer and wild birds prohibited.

a. It shall be unlawful for a person to feed, scatter food, or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards, and streets of the city for any birds or fowl. However, a person may feed, scatter food, or leave food for wild birds upon private property.

b. Feeding of deer prohibited. No person shall feed or allow the feeding of deer within the city limits of the city of Valley City. For purposes of this section, "feed" or "feeding" shall mean the provision of any grain, fruit vegetables, nuts, hay, or other edible material either on the ground or within a structure above the ground in a manner that attracts deer. Living food sources such as fruit trees and other live vegetation or bird feeders shall not be considered a violation of this section.

a. This prohibition shall not apply to veterinarians, city animal control officers, park maintenance staff, or county, state and federal game officials who, in the course of their duties, have deer in their custody or control.

b. Those found in violation of this section shall be charged with a civil administrative offense, and are subject to a mandatory fine of \$200.00.

Section 5-03-06. Running at large and vicious or dangerous animals prohibited—penalties.

10. It is prohibited for a person to keep a vicious or dangerous animal within the jurisdiction of the City of Valley City.

Section 9-01-17. Recreational Fire Guidelines.

10. A violation of this section is an infraction for the first offense within twelve months and a B Misdemeanor for subsequent offenses within twelve months.

Section 15-05-05. Who may remove contents of garbage, receptacles; dumpster diving prohibited.

It is unlawful for any person, firm, or corporation, or any agent or employee thereof, to haul, carry or convey through, along, or upon any public street, alley, or sidewalk within the City of Valley City, any garbage, rubbish, or ashes as classified under this chapter unless the owner or employee, licensed, or permitted by the City of Valley City, to carry or convey garbage. This section does not apply for abandoned property placed on the curb during cleanup week.

Dated this 17th day of December, 2018.

/s/

Avis Richter, Auditor of the City
Valley City, Barnes County,
North Dakota

/s/

Dave Carlsrud, President of the Board of City Commissioners of the City of Valley
City,
Barnes County, North Dakota

TITLE AND PENALTY CLAUSE PUBLISHED December 21, 2018

BRENDA TOMPT
Notary Public
State of North Dakota
My Commission Expires July 5, 2022