

Ordinance No 146

AN ORDINANCE PROVIDING FOR THE REGULATION OF ANIMALS AND FOWL WITH THE CITY OF MICHIGAN CITY, NORTH DAKOTA.

Be it ordained by the city council of the city of Michigan City, north Dakota:

Article I – Definitions

1. “Pet” shall be intended to mean either cat or dog, male or female
2. “Owner” shall be intended to mean any person or persons, firm, association, or corporation owning, keeping, or harboring a pet.
3. “At large” shall be intended to mean off the premises of the owner, and not in the immediate presence and under control of the owner or member of the immediate family either by leash, cord, and chain or otherwise.

Article II – General Regulations

1. No person shall cruelly treat any animal in the city in any way, any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be deemed guilty of a violation of this section.
2. It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city.
3. It shall be unlawful to harbor or keep any animals, which disturb the peace by loud noises at any time of the day or night.
4. It shall be unlawful to keep or permit any cattle, horses, sheep, swine, goats, or poultry to run at large within the city limits. It shall further be unlawful to picket or tie any such animal in any of the streets of the city for the purpose of grazing or feeding.
5. Members of law enforcement or any other person in the city are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property.
6. No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervisor of the chief of police or the health officer. It is hereby made the duty of law enforcement or dog or cat warden to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state veterinarian is empowered to act.
7. No person shall cause or allow any place where any animals are kept to become unclean or unwholesome.

Article III – Dogs and Cats

1. No dog or cat shall be permitted to be or remain in the city of Michigan without being licensed as hereinafter provided if over one (1) month of

- age. No license shall be issued for a dog or cat over six (6) months of age unless it has been inoculated against rabies.
2. It shall be the duty of the owners or person in custody of any dog or cat kept in the city to have the dog or cat inoculated against rabies at least once each year if the vaccine used was Phenalized vaccine and within three years if the vaccine used was Avianized vaccine.
 3. All dogs and cats kept in the city shall be registered as to sex, breed, name and address of the owner, and name of the dog or cat. At the time of such registration, such owner shall obtain a license for such dog or cat and shall pay an annual \$10.00 fee for each cat or dog. It shall be the duty of said owner to cause such license tag to be securely attached around the dog or cat's neck and kept there at all times during the license period. The annual fee is due by June 1st of each year. After June 1st of each year and additional \$10.00 lat fee will be charged to obtain a dog or cat license.
 4. it shall be unlawful to keep or harbor any more that three (3) dogs, six (6) months of age or older, in any single-family dwelling in the city of Michigan city.
 5. it shall be unlawful to keep or harbor any more than one (1) dog, six (6) months of age or older, in any multi-family dwelling in the City of Michigan city.
 6. It shall be unlawful to keep or harbor any vicious dog breeds in the city of Michigan City. Said breeds include but are not limited to Pit Bulls.
 7. No vicious, dangerous, ferocious dog or cat or sick dog or cat with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the city.

Article IV – Penalties for Violation of Ordinance

1. Unrestrained dogs or cats may be taken by law enforcement or the city dog and cat warden and impounded in an animal shelter and there confined in a humane manner. Impounded dogs or cats shall be kept five (5) days unless reclaimed by their owners. If a permit tag or other means can identify the owner identified, the officer shall immediately upon impoundment notify the owner in person, by telephone or mail of the impoundment of the animal.
2. Notwithstanding the provisions of **Article IV Part 1**, if an is found at large and its owner can identified and located; such animal need not be impounded. In such case, the law enforcement officer, dog or cat warden or other officer may proceed against the owner for violation of this ordinance.
3. A photograph of the dog or cat running or being at large in any of the streets, public ways, public places, parks, or upon the private premises of any other person than the owner or keeper of such cat or dog, within the city of Michigan City shall be considered evidence showing a violation of the city's animal ordinance.
4. On the first offense, a warning will be issued with the owner signing to the fact that they have received their first and only warning. On the second

offences, a \$50.00 fine will be levied. On the third offense, or if the \$50.00 fine is not paid within ten(10) days the dog or cat will be impounded and the owner shall pay impounding fee based on the current boarding rates per day that the dog or cat was impounded. In addition, a mileage fee equal to that of the Internal Revenue Standard Mileage Rate will be charged for the transportation of the dog or cat to the impounding site and return trip. If the dog or cat is not properly licensed, the owner shall be required to license the animal and pay all outstanding fines prior to it being returned to the owner. Dogs and cats not claimed by their owners within three (3) days shall be humanely disposed of.

5. The owner of any dog or cat that is found to be unlicensed will be impounded and the owner will be fined \$50.00. The owner shall be required to license the animal and pay all outstanding fines prior to it being returned to the owner. The owner shall pay an impounding fee based on the current boarding rates per day that the dog or cat was impounded. In addition, a mileage fee equal to that of the Internal Revenue Standard Mileage Rate will be charged for the transportation of the dog or cat to the impounding site and return trip./ dogs and cats not claimed by their owner or if the fees and fines are not paid within three (3) days shall be humanely disposed of.

Allen I. Orwick – Mayor

Attested to:

Jay Haugen – Auditor

Fist Reading – August 4, 2003

Second and final Reading – September 8, 2003