

ORDINANCE NO. 04-02

AN ORDINANCE AMENDING TITLE 13 OF THE HEBRON CITY ORDINANCES OF 1971 REGARDING THE REGULATION OF ANIMALS AND FOWL IN THE CITY OF HEBRON, COUNTY OF MORTON, STATE OF NORTH DAKOTA

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON, COUNTY OF MORTON, STATE OF NORTH DAKOTA, AS FOLLOWS:

1. That Title 13 Animals and Fowl, is hereby revoked and re-enacted as follows:

TITLE 13

ANIMALS AND FOWL

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13.0103	Cruelty in Transportation
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- 13.0308 Extension of Quarantine.
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- 13.0310 Surrender of Carcass.
- 13.0311 Report of Bite Cases.
- 13.0312 Failure to Obey Health Officer.
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Chapter 4 - Penalty

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- 13.0403 Penalty for Violation of Chapter.

CHAPTER 1 - General Regulations

13.0101 Definitions

In this Chapter, unless the context or subject matter otherwise requires:

1. "Animal" includes every living animal except the human race.
2. "Cruelty" or "torture" includes every act, omission, or neglect whereby unnecessary or unjustifiable pain, suffering, or death is caused or permitted.

13.0102 Overworking, mistreating, or abandoning animals

1. No person may overdrive, overload, torture, cruelly beat, neglect, or unjustifiably injury, maim, mutilate, or kill any animal, or cruelly work any animal when unfit for labor.
2. No person may deprive any animal over which the person has charge or control of necessary food, water, or shelter.
3. No person may keep any animal in any enclosure without exercise and wholesome change of air.

4. No person may abandon any animal.
5. No person may allow any maimed, sick, infirm, or disabled animal of which the person is the owner, or which the person has custody, to lie in any street, road, or other public place for more than 3 hours after notice.
6. No person may willfully instigate, or in any way further, any act of cruelty to any animal or animals, or act tending to produce such cruelty.

Any person who shall violate this article shall be deemed guilty of an offense for which the maximum penalty shall be a fine of one thousand dollars (\$1,000.00), thirty (30) day imprisonment, or both such fine and imprisonment.

13.0103 Cruelty in Transportation

No person may carry, or cause to be carried, any live animals upon any vehicle or otherwise, without providing suitable racks, cars, crates, or cages, or other proper carrying container, nor may he carry an animal, or cause an animal to be carried, in any other cruel manner.

13.0104 Unattended Dog or Cat in Motor Vehicle

No person may leave a cat or a dog unattended in a stationary or parked motor vehicle in a manner that endangers the animals health or safety. Any person who violates this section is guilty of an infraction.

13.0105 Poisoning Animals

No person may unjustifiably administer or expose any known poisonous substance or noxious drug, whether mixed with meat or other food or not, which maybe eaten by any domestic animal.

13.0106 Diseased Animals

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the chief of police or the local health officer.

It is hereby make the duty of the local health officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the state department of health is empowered to act.

13.0107 Housing

No person shall cause or allow any stable or place where any animal is or may be kept to be unclean, or unwholesome.

13.0108 Keeping of Certain Animals Prohibited

It shall be unlawful to keep any live sheep, swine or pigs, cattle, chickens or other poultry, goats, or rabbits in the City. This section shall not apply to any person, partnership or corporation keeping or handling such animals under consignment in the course of regular business or to a licensed livestock auction market.

It shall be unlawful to keep any sheep, horses, cattle, swine, goats, rabbits, chickens or other poultry, except for small house birds, dogs and cats, which may kept pursuant to the regulations set out herein, within the city limits of the City of Hebron except as provided in areas zoned agricultural (A) pursuant to the zoning ordinances of the City of Hebron. The areas zoned agricultural (A) pursuant to the zoning ordinances of the City of Hebron, shall have the following limitations:

1. There shall be no more than one (1) adult horse, sheep or cow and one (1) foal, calf or lamb per two (2) acres.
2. No swine shall be allowed whatsoever.
3. There shall be no feedlots allowed and the feedlots shall be defined as fenced-off or closed in areas where animals are fed rather than allowed to graze.

13.0109 Kennels and Other Breeding Establishments

No person or corporation shall be permitted to maintain or keep kennels or other establishments for the breeding for sale of dogs and cats within the city limits of the City of Hebron, provided however, that the keeping of dogs and cats as pets shall be permitted as provided in this Chapter.

13.0110 Strays

It shall be unlawful to permit any cattle, horses, sheep, swine, goats or poultry to run at large in the City; and any such animal running at large in any public place in the City shall be impounded. It shall further be unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

CHAPTER 2 – Dogs and Cats

13.0201 License Required

No dog shall be permitted to be or remain in the City without being licensed as herein after provided if over one month of age. It shall be the duty of the owner or keeper of any dog kept within the City to have the dog inoculated against rabies and proof thereof is shown to the person issuing the license.

13.0202 Licensing Procedure and Terms

All dogs shall be registered as to sex, breed, name and address of owner and name of dog. Licenses shall be issued by the City Auditor on an annual basis as hereinafter more fully provided. The person paying the license fee shall receive a receipt therefore and a metal tag or badge with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag or badge to be securely attached around the animal's neck and kept there at all times during the license period.

13.0203 License Fee

At the time of such registration such owner shall obtain a license for each dog they own and shall pay a fee of Eight Dollars (\$8.00) for the first license; Ten Dollars (\$10.00) for the second license; Twenty Dollars (\$20.00) for the third license; and Thirty Dollars (\$30.00) for the fourth license. Licenses are limited as per Section 13.0214 below.

13.0204 License: When Due and Payable

The license fees previously provided for shall become due and payable on the 1st day of January in each year and shall become delinquent on the 1st day of May in each. If the fee is not paid before the first day of May a penalty of five dollars (\$5.00) shall be added to the license fee for each dog not yet licensed.

The license fee herein provided shall become due and payable on January 1st of each year and shall license a dog for the ensuing year; all dog licenses shall expire on December 31st of each year. In case of failure of any owner or keeper of a dog to pay such license fee upon any dog, such dog shall be surrendered by the owner or keeper thereof for the purpose of being disposed of, as hereinafter provided, upon the demand of the city auditor or any police officer of the city.

Any dog required to be licensed and not wearing upon his collar the license tag herein provided for, found within the city after the 1st day of January in any year, shall be taken by the police officer of the city or any other person authorized by the city council of the City of Hebron to act. It shall be the duty of the police officer or any other person authorized by the city council of the City of Hebron to hold said dog in the city pound for a period of three (3)

days. If during such period of three (3) days, the owner shall claim the same, and shall pay the city auditor the license fee and penalty fee for a total of Ten Dollars (\$10.00), plus the costs of taking and caring for the dog while in custody, the said dog shall be returned to him. If not so redeemed within the three (3) days, the police officer or any other person authorized by the city council of the City of Hebron to so act, shall humanly destroy said dog. If the owner can reasonably be identified, the city official impounding the dog shall immediately notify the owner upon impoundment of the dog. Said notification may be by telephone or mail.

13.0205 Dogs Running at Large Prohibited

It shall be unlawful and a violation of this chapter for any dog to run at large at any time, upon any of the streets, avenues, alleys, parks, or school grounds or upon private premises of any person other than such owner or keeper of such dog, and such running at large is hereby declared to be a nuisance. The owner or keeper of such dog shall be subject to the penalty hereinafter provided for violation of this chapter, and for such purpose the head of the household of the premises on which such dog is kept shall be considered to be the owner: however, a dog on a leash and attended by the owner or keeper shall be permitted upon the streets or other public ways of the city.

The penalty for a violation of this article in the case of a dog seized by the city police officer or by any other person authorized by the city council to act and impound such animal, shall be determined as provided below in Section 13.0206. Otherwise, any person who violates this section shall be guilty of an infraction for which the maximum penalty is a fine of Five Hundred Dollars (\$500.00).

13.0206 Impounding

Unrestrained dogs may be taken by the city police officer or any other person authorized by the city council to act and impound in an animal shelter or the city pound and there confined in a human manner. Impounded dogs shall be kept for not less than three (3) days unless reclaimed by their owners. If by a permit tag or other means the owner can be identified, the officer shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Dogs not claimed by their owners within three (3) days after such notification or within three (3) days after impoundment if no such owner can be identified, shall be humanly disposed. Dogs impounded pursuant to this section, may be claimed by their owners of said dogs, upon payment of the owner of the following costs and penalties:

1. For the first violation, within one (1) year, the owner shall pay a fine in the amount of Twenty-Five Dollars (\$25.00), plus Five Dollars (\$5.00) per day kennel fee.
2. For the second violation, within one (1) year, the owner shall pay a fine in the amount of Fifty Dollars (\$50.00), plus Five Dollars (\$5.00) per day kennel fee.

3. For the third violation, within one (1) year, the owner shall pay a fine in the amount of Seventy-Five Dollars (\$75.00), plus Five Dollars (\$5.00) per day kennel fee.
4. For the fourth violation, within one (1) year, the owner shall pay a fine in the amount of One Hundred Dollars (\$100.00), plus Five Dollars (\$5.00) per day kennel fee.
5. For the fifth violation, within one (1) year, or for any additional violation, within one (1) year, the owner shall be prosecuted for a general violation of this ordinance and shall be subject to a maximum fine of Five Hundred Dollars (\$500.00) per occurrence.

For the purposes of this ordinance, one (1) year shall be defined as 365 days prior to a violation, exclusive of the day in which the violation occurs.

13.0207 Rabies Shots

The owner or keeper of any dog or dogs shall have such dog or dogs given rabies shot by a licensed veterinarian at such times as recommended by the veterinarian. Such owner or keeper shall present a certificate or statement from such veterinarian showing that all rabies shots required have been given when he makes application for a dog license, and no license shall be issued until such proof of rabies shot is presented. Said shots must be kept current and proof provided of same.

13.0208 Return to Owner if Known

Notwithstanding the provisions of Section 13.0206, if a dog or cat is found at large and its owner can be identified and located, such dog or cat need not be impounded but may, instead, be taken to the owner. In such case the policeman or other officer may proceed against the owner or keeper for violation of this article.

13.0209 Noisy Dog Prohibited

It shall be unlawful to keep or harbor within the City any dog that disturbs the peace by habitually howling, barking, whining, or making other disagreeable noise. Any person wishing to file a complaint shall be required to give his name and address and sign a complaint.

13.0210 Nuisance – When

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

Any dog which shall within the City of Hebron destroy any property, which is not the property of the owner or keeper, or which shall by its actions frighten or annoy any person or which trespasses upon the property of someone other than the owner or keeper, and by any yelping, barking, or howling annoy any person, or persons, is hereby declared to be a public nuisance. And the owner or keeper of such dog shall be guilty of an infraction.

13.0211 Declared Nuisance when Vicious - May be Destroyed

It shall be a violation of this ordinance for any person to own or keep within the City of Hebron, any vicious dog or any dog which may have bitten any person. The chief of police of the city or any other officer or agent of the city council shall be authorized to take up the vicious dog or any dog which may have bitten another person, whether said dog may be licensed or otherwise, and may destroy said dog. It shall be unlawful and violation of this ordinance for the owner or keeper of a vicious dog or a dog which may have bitten a person, to refuse or surrender said dog to the chief of police, or other officer or agent of the city council.

13.0212 Keeping of Female Dogs in Season Prohibited, Exception.

It shall be unlawful for any person to keep any female dog within the City of Hebron when in season unless such female dog is kept upon the premises of the owner, either tethered or kept within the building on said premises.

13.0213 Muzzling, When Required.

Whenever it shall be deemed necessary to the public safety that any dog or dogs permitted within the said City shall be muzzled, the City police department, Morton County Sheriff's Department, or any other agent directed by the City Council is hereby empowered to compel the owner, or keeper of such dog or dogs to properly and securely muzzle the same.

13.0214 Limitation on Number of Dogs.

No more than two (2) dogs shall be kept at any personal place of residence or dwelling house (apartment, single-family home, mobile home, or other type of residence or dwelling house), nor shall any one individual or his immediate family own more than two (2) dogs located within the city limits of the City of Hebron. However, any owner who had more than two (2) dogs prior to November 1, 1999 may keep such dogs at their personal place of residence or dwelling house and license them as per Section 13.0203 above. The owners of such dogs excepted herein may continue to keep such dogs and license them accordingly but shall not be allowed to license any dogs replacing the original licensed dogs in excess of the two (2) dog limit herein.

Should a female dog deliver puppies, those puppies may be kept, along with the mother and one (1) other dog, in said residence or dwelling house for a period of not more than six (6) months after the birth of the puppies. At the expiration of six (6) months after the birth of any puppies being kept in a residence or dwelling house, the limits as set out herein, on the number of dogs shall be two (2) dogs as otherwise provided herein.

13.0215 Dog and Cat Feces Declared Nuisance.

It is hereby declared a nuisance and a violation of this ordinance for the owner or keeper of a dog or cat to allow dog or cat feces to accumulate on private property owned or kept or occupied by the owner or keeper or to allow dog or cat feces to be deposited on the private property of another or on public property if such dog or cat feces is deposited by a dog or cat owned or kept by the person. The owner or keeper of said dog or cat shall remove and sanitarily dispose of such dog and cat feces within twenty-four (24) hours of its deposit.

CHAPTER 3 - Rabies Control

13.0301 Quarantine of Biting Animal.

Any animal which bites or scratches a person shall be immediately reported to the City Health Officer and shall thereupon be securely quarantined at the direction of the city health officer, for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the city health officer or under his direction. At the discretion of the city health officer, such quarantine may be on the premises of the owner, at the shelter designated as the city pound, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the city pound. At the discretion of the city council another agent of the city other than the city health officer, such as the mayor or chief of police, may be appointed to discharge the duties of the city health officer with respect to rabies control.

13.0302 Duty of Owner to Surrender Animal; Redemption.

The owner, upon demand by the city health officer, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine, the expense of which shall be borne by the owner, in accordance with fees set from time to time by the city council. If said dog is adjudged to be free of rabies, it may be reclaimed by the owner at the end of the quarantine period, unless it shall be ordered destroyed pursuant to Section 13.0211 of this chapter.

13.0303 Disposition of Dead Rabid Animal.

When rabies has been diagnosed in an animal under quarantine or rabies suspected by a licensed veterinarian, and the animal dies while under such observation, the city health officer shall immediately send the head of such animal to the state health department for pathological examination and shall notify the property public health officer of the reports of human contacts and diagnosis.

13.0304 Area-Wide Quarantine: When Imposed.

When the report indicates a positive diagnosis of rabies, the city health officer may order an area-wide quarantine for a period of sixty (60) days, and upon the involving of such quarantine, no pet animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine. During such quarantine, no animal may be taken or shipped from the city without permission of the city health officer.

13.0305 Same: Vaccination.

During the area-wide quarantine period and as long thereafter as he decides it is necessary to prevent the spread of rabies, the city health officer may require that all dogs, three (3) months of age and older, shall be vaccinated against rabies. All vaccinated dogs shall be restricted (leashing or confinement on enclosed premises) for thirty (30) days after vaccination. During the quarantine period, the city health officer is hereby empowered to provide for a program of mass immunization by the establishment of temporary emergency canine rabies vaccination clinics strategically located through the area of the health jurisdiction.

13.0306 Same: Redemption of Strays Restricted.

No animal which has been impounded by reason of its being as stray, unclaimed by its owner, shall be allowed to be adopted from any animal shelter during the period of rabies emergency quarantine, except by special authorization of the city health officer.

13.0307 Destruction, Isolation of Bitten Animals.

Animals bitten by a known rabid animal shall be immediately destroyed, or if the owner is unwilling to destroy the exposed animal, strict isolation of the animal in a kennel, designated by the City Health officer, for six (6) months shall be enforced. If the animal has been previously vaccinated, within time limits established by the Public Health Service based on the kind of vaccination used, re-vaccination and restraint (leashing and confinement) for thirty (30) days shall be carried out.

13.0308 Extension of Quarantine.

In the event there are additional cases of rabies occurring during the period of area-wide quarantine, such period of quarantine may be extended for an additional period of time.

13.0309 Destruction, Removal of Rabid Animals.

No person shall kill, or caused to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove such animal from the City Limits without written permission from the City Health Officer.

13.0310 Surrender of Carcass.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the City Health Officer.

13.0311 Report of Bite Cases.

It shall be the duty of every physician, or other medical practitioner, to report to the City Health Officer, the names and addresses of persons treated for bites, inflicted by animals, together with such other information as will be helpful in rabies control.

13.0312 Failure to Obey Health Officer.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by the city health officer.

13.0313 Report of Suspected Cases.

It shall be the duty of every licensed veterinarian to report to the city health officer any animal considered by him to be a rabies suspect.

CHAPTER 4 - Penalty

13.0401 Saving Clause.

Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby.

13.0402 Injurious Acts Not Expressly Forbidden.

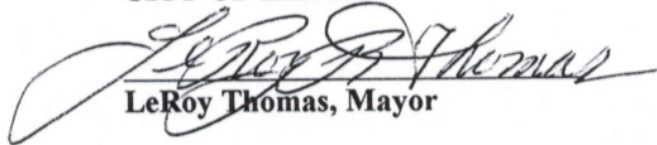
Every person who willfully and wrongfully commits any act which grossly injures the person or property of another or which grossly disturbs the public peace or health, or which openly outrages public decency, and is injurious to public morals, although no punishment is expressly prescribed therefor by this compilation, is guilty of a class B misdemeanor.

13.0403 Penalty for Violation of Chapter.

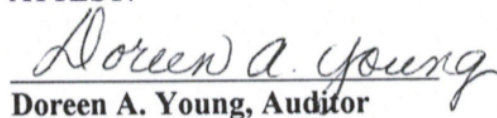
Any person who shall violate the provisions of this article for which a specific penalty is not otherwise provided shall be guilty of an infraction for which the maximum penalty is a fine of five hundred dollars (\$500.00). The owner of any animal impounded pursuant to the provisions of this article shall pay all costs and charges assessed for such impoundment before such animal shall be released to the owner.

2. Severability. All ordinances or parts of ordinances in conflict herewith are hereby repealed and rescinded.
3. Savings Clause. If any provision of this Ordinance or its application any person or circumstances held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances is not affected.
4. Effective Date. This Ordinance shall remain in full force and effect from and after its final passage and approval and upon publication of its title and penalty clause.

CITY OF HEBRON


LeRoy Thomas, Mayor

ATTEST:


Doreen A. Young, Auditor

Introduction and First Reading: June 1, 2004
Second Reading and Final Passage: July 6, 2004
Publication: August 4, 2004
Effective Date: August 4, 2004

ORDINANCE NO. 05-01

AN ORDINANCE AMENDING TITLE TWELVE OF THE HEBRON CITY ORDINANCES OF 1971 REGARDING PUBLIC NUISANCES IN THE CITY OF HEBRON, MORTON COUNTY, NORTH DAKOTA.

12-0410 Abatement Required - Penalty for Failure

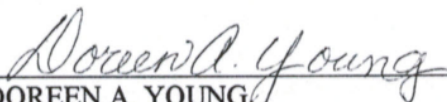
If the owners allow a nuisance to exist or fail to abate a nuisance they, and each of them upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00) for each violation of this Ordinance and a separate violation shall be deemed committed on each day during or on which the nuisance is permitted to exist.

12.0601 Prohibiting Abandonment in Places Accessible to Children

It shall be unlawful for any person, firm, or corporation to leave or permit to remain outside of any dwelling, building, or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his or its control, in a place accessible to children. Any abandoned, unattended or discarded ice box, refrigerator or other container which has an air-tight door or lid, snaplock or other locking device which may not be released from the inside, without first removing said door or lid, snaplock, or other locking device from said ice box, refrigerator or container. Any person violating this section shall be guilty of a Class B Misdemeanor and subject to a fine of not more than One Thousand Dollars (\$1,000.00) and incarceration of not more than thirty (30) days, or both such fine and incarceration.

The title and penalty sections of the above Ordinance is published in accordance with the laws of the State of North Dakota.

Dated this 10th day of January, 2005.



DOREEN A. YOUNG
HEBRON CITY AUDITOR