

ORDINANCE NUMBER 83

ORDINANCE PROVIDING FOR THE REGULATION OF PETS WITHIN THE CITY OF MCVILLE, NELSON COUNTY, NORTH DAKOTA

Be it hereby ordained by the City Council of the City of McVile, as follows:

Section 1: DEFINITIONS

1. "Pet" shall be intended to mean either cat, dog, or any domesticated animal or wild animal that has been domesticated and that is raised as a pet.

2. "Owner" shall be intended to mean any person, firm, association, or corporation owning, keeping or harboring a pet.

3. "At large" shall be intended to mean off the premises of the Owner, not in the immediate presence and under control of said owner or member of the immediate family either by leash, cord, chain, or otherwise.

Section 2: VIOLATIONS

No person having the custody or control of any pet shall permit the same to run at large in any of the streets, alleys, public ways, or upon private premises of any such person other than the owner or keeper of such pet within the city limits of the City of McVile. The owner of such pet shall be subject to the penalty hereinafter provided, and for such purpose the head of the household of the premises on which the pet is kept shall be considered to be the owner.

Section 3: LICENSE

A license is required for each pet in the City of McVile. The owner is responsible for obtaining such license from the City Auditor on or before November 1 of each year, and paying the fee as set by the McVile City Council. Any license shall be displayed on the pet at all times by use of a collar tag or other device.

Section 4: VACCINATION

No license shall be granted for a pet animal that may contract rabies or distemper which has not been vaccinated against rabies and distemper as provided in this section during a 90 day period preceding the making of an application for such license, except that when a pet animal is first licensed hereafter, the license may be issued if the pet has been vaccinated within a period of six months preceding the application for a license.

Vaccination shall be performed only by a certified Veterinarian. A veterinarian who vaccinates a pet animal to be licensed in the City of McVile shall complete a certificate of vaccination to be issued to the pet owner to be shown to the auditor at the time of application.

Section 5: PUBLIC NUISANCE

No person shall keep or harbor a pet animal that habitually barks, cries, howls or otherwise crease a disturbance. Any such pet animal which habitually does any of the above shall be deemed a public nuisance and the Nelson County Sheriff's department or other officers as appointed by the City of McVile shall hereby be authorized and empowered to apprehend such pet at any place within the City.

Section 6: APPREHENSION PROVISIONS

1. It shall be the duty of each police officer to act upon each complaint of a pet animal running, being at large or being a public nuisance. The officer or other such person as may designated shall notify the owner of such pet within a reasonable period of time if ownership is capable of being established. Thereafter, the owner shall have a period of 24 hours to claim his or her pet. If the pet is not claimed within this period of time, the police shall cause such pet to be destroyed or at the officer's discretion, may cause such pet to be delivered to another person for care and keeping.

2. Any owner of a pet running at large that is apprehended by a police officer and held by such police, officer until returned shall pay an impounding fee in the sum of \$10.00 per day, plus \$15.00 transportation in addition to an other costs of holding such animal.

3. If a pet or fierce, dangerous, or vicious nature is found running at large and cannot be safely taken up and held for the owner, then it shall be the duty of the police officer to destroy such animal in order to abate a public nuisance.

4. The pet animal may be humanely destroyed after the third offense of letting a pet run at large or being a public nuisance, or the police officer shall delivery such pet to another person for care or safe keeping.

Section 7: BREEDS PROHIBITED WITHIN CITY

The City of McVile shall prohibit ownership of a pet animal of the following breeds:
Dogs: Chows, Dobermans, German Shepherds, Pit Bulls, Rottweiler, Malamutes, Siberian Huskies and Wolf Hybrids. Also any mixture of the Pit Bull or Wolf Breed.

Section 8: QUANTITY OF PETS

The City of McVile shall prohibit ownership of no more than 3 dogs and 3 cats in a single family dwelling.

A special circumstance may be allowed for certified breeders of pets upon written consent of the City Council.

Section 9: PENALTY

Any person violating any provision of this Ordinance shall be guilty of an infraction and shall be punished by a fine of not less than \$50 nor more than \$100 per occurrence.

Section 10. EXCLUSIONS

Any person owning a pet of the prohibited breeds as listed above, within the City of McVile, that has been legally trained for the purpose of certain medical needs, such as the need for a seeing-eyed dog, shall be deemed exempt from the Prohibited Breed Section. Proper documentation regarding the same shall be filed at the City Auditor's Office upon moving this pet into the City limits.

Section 11: EFFECTIVE DATE

This ordinance shall take effect and be in full force from and after it's final passage, approval and publication as provided by law.

APPROVED _____ ATTEST: _____
Robert Stanley, Mayor Renae Arneson, Auditor

(Municipal seal)

First Reading - July 10, 2006
Second Reading - August 7, 2006
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