

ORDINANCE NUMBER 83

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 any animal that has been domesticated.
2. "Owner" shall be intended to mean any person or association owning or harboring a pet.
3. "At large" shall be intended to mean off the premises of the owner, not in the immediate presence and control of said owner.

Section 2: VIOLATIONS

No person having custody or control of any pet shall permit the same to run at large on any public property or upon private premises of any person other than the owner of such pet within the city limits of the City of McVile. The owner of such pet shall be subject to penalties hereinafter provided, and for such purpose the head of the household of the premises on which a pet is kept shall be considered 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 Office upon procuring said pet, paying a fee of \$15 per pet for the lifetime of said pet. The license shall be displayed on the pet at all times.

Section 4: VACCINATION

No license shall be granted for a pet that may contract rabies or distemper which has not been vaccinated against rabies and distemper during a 90-day period preceding the application for such license, the license may be issued if the pet has been vaccinated within a period of six months preceding the application for a license. A veterinarian shall complete a certificate of vaccination to be issued to the pet owner to be shown to the city auditor at the time of application.

Section 5: PUBLIC NUISANCE

No person shall keep or harbor a pet which habitually barks or otherwise creates a disturbance. Any pet which habitually creates a disturbance shall be deemed a public nuisance and the Nelson County Sheriff's department or other agents 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. Officers shall act upon complaints of a pet being at large or being a public nuisance. The officer, or agent designated, shall notify the owner of such pet within a reasonable period, if ownership is capable of being established. The owner shall have a period of 48 hours to claim the pet. If the pet is not claimed within this period, the officer shall cause such pet to be humanely destroyed or at the officer's discretion, such pet may be delivered to another person for care and keeping.

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

3. If a pet of vicious nature is found running at large and cannot be safely apprehended and held for the owner, the officer may humanely destroy such animal in order to maintain public safety.

4. The pet may be humanely destroyed after the third offense or the officer shall deliver such pet to another person for care or safe keeping.

Section 7: PROHIBITED WITHIN CITY

No owner shall possess a pet of aggressive or vicious nature regardless of breed. If the City or Sheriff's Department has determined, after certain circumstances arising to the health and welfare of its residents, that a pet is determined to fit one of the above criteria, The City Council, or any of its agents may determine the animal shall be removed from the City's jurisdiction.

Section 8: QUANTITY OF PETS

The City of McVilleville prohibits 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 fined \$50 for the 2nd offence, \$100 per occurrence after that leading to the removal of such pet.

Section 10: EFFECTIVE DATE

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

APPROVED

Douglas Stein, Mayor

First Reading- July 10, 2006

Second Reading - August 7, 2006

Exclusions clause added August 13, 2006

Publication: Disbursed via mail July 25, 2006.

Amended August 9, 2006 and distributed August 24, 2006

Amended December 5, 2016 and published online December 2016

Amended December 14th, 2020 1st reading, 2nd reading and publication January 11th 202

