

**ORDINANCE NO. 2025-1
ANIMALS**

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS WITHIN THE CITY LIMITS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL AND MAYOR OF THE CITY OF DOUGLAS, IN WARD COUNTY, NORTH DAKOTA:

ARTICLE 1 – General Regulations

11.0101 Animal Neglect, Abuse and Cruelty

It shall be an offense for any person to abuse any animal through an act, omission, or neglect, which causes or inflicts any unnecessary pain, injury or death to any animal, whether such animal belongs to such person or to another, except that reasonable force, taking into account the size and demeanor of the animal, may be employed to drive away vicious or trespassing animals. It shall be unlawful for any person in charge of any animal to fail to provide such animal with food, potable water, shade or shelter, or to expose any animal to hot, stormy, cold or inclement weather for an extended period, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner. As used in this section:

1. “Shade” shall mean protection from the direct rays of the sun during the months of June through September.
2. “Shelter” as it applies to animals, shall mean a moisture-proof structure of suitable size to accommodate the animal and allow retention of body heat, made of durable material with a solid floor raised at least two (2) inches from the ground and with the entrance covered by a flexible, wind-proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.
3. “Vicious” shall mean any animal that approaches any person or domestic animal in an apparent attitude of attack.
4. “Other Officer” shall mean any person other than law enforcement officials, who serve as the mayor or other members of the governing body of the City of Douglas.

11.0101.1 Animal Neglect, Abuse and Cruelty

Section 11.0101 does not apply to:

1. Any usual and customary practice in:
 - a. The production of food, feed, fiber, or ornament, including all aspects of the livestock industry;
 - b. The boarding, breeding, competition, exhibition, feeding, raising, showing, and training of animals;
 - c. The sport of rodeo;
 - d. Animal racing;

- e. The use of animals by exhibitors licensed under the Animal Welfare Act, 7 U.S.C. 2131, et seq.;
 - f. Fishing, hunting, and trapping;
 - g. Wildlife management;
 - h. The culinary arts;
2. Lawful research and educational activities; and
 3. Pest, vermin, predator, and animal damage control, including the disposition of wild animals that have entered structures or personal property;
 4. Any action taken by an individual against an animal that is attacking or is about to attack a human, a companion animal, or livestock;
 5. The humane or swift destruction of an animal for cause;
 6. Services provided by or under the direction of a licensed veterinarian. (Source: North Dakota Century Code section 36-21.2-02)

11.0102 Dangerous Animals

1. It is unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City. Exhibitions or parades of wild animals may be conducted only upon securing a permit from the Sheriff, or other officer. It is also unlawful to keep or harbor within the city any dangerous animal without first having obtained a permit to keep or harbor such animal from the city council.
2. "Dangerous animal: as used in this section means:
 - a. Any animal known to its owner or harbored to have a propensity, tendency, or disposition to attack, bite, cause injury or to otherwise endanger the safety of or menace human beings or domestic animals; or
 - b. Any animal which attacks, bites, or injures a human being or another domestic animal one (1) or more times without provocation; or
 - c. Any animal which, when unprovoked, in a vicious or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places; or
 - d. Any animal owned or harbored primarily or in part for purposes of fighting or any animal trained for fighting; or
 - e. Any animal certified by a doctor of veterinary medicine licensed within the State of North Dakota, after observation thereof, as posing a danger to human life or property if not kept in the manner required by this article; or
 - f. Any animal which has been determined to be dangerous by the city council or municipal court under this article.
3. Notwithstanding the foregoing, no animal may be found or declared dangerous if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or was teasing, abusing, or assaulting the animal or was committing or attempting to commit a crime.

4. No animal may be found or declared dangerous if an injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, taunting, abusing or assaulting the animal. No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an attack or assault. No animal may be deemed dangerous if the animal was protecting or defending its young offspring.
5. The provisions of this section shall not apply to K-9 or other dogs owned by any police department or any law enforcement agency or officer which are used in the performance of police work.

11.0103 Killing Dangerous Animals

The members of the sheriff's department 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 domestic animals.

11.0104 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 sheriff's department or the health officer.

It is hereby made the duty of the 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.

It is the responsibility of the owner of any animal to vaccinate pets and other domestic animals in the city to protect citizens and their domestic animals.

11.0105 Housing

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

11.0106 Keeping of Certain Animals Prohibited

It is unlawful to keep any live livestock, horses, sheep, swine or pigs, cattle, or goats, 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.

11.0107 Strays

It is unlawful to permit any livestock, 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 is also unlawful to picket or tie any such animal in any of the streets of the City for the purpose of grazing or feeding.

11.0108 Noises

It is unlawful to harbor or keep any animal which habitually disturbs the peace by loud noises at any time of the day or night.

11.0110 Penalty

Any person who violates 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 may be released to the owner.

ARTICLE 2 – Dogs and Cats

11.0201 Dog or Cat Running at Large Prohibited

It shall be unlawful for the owner or keeper of any dog or cat to permit the same to run at large in the City at any time. A dog or cat shall not be considered running at large if attended and on a leash or when in the confines of the owner's or keeper's premises.

11.0202 Disposition of Unlawful Dogs or Cats

Any dog or cat running at large may be taken up by any police officer and impounded at the city dog pound, or such other place as may be designated by the governing body. The dog or cat shall not be released to any person until such dog or cat is licensed (if unlicensed), if deemed by Ward County, a fee established by resolution is paid for the taking of each animal, and all pound charges are paid directly to the facility where the dog or cat is housed.

11.0203 Disposition of Unclaimed Dogs or Cats

The owner or keeper shall be notified of the taking of the dog or cat. If the owner or keeper fails to pay the charges (including license if necessary) and claim the animal within three days of notification the animal may be destroyed. If the owner or keeper is unknown, the city shall give public notice of the taking of the animal before it is destroyed or otherwise disposed of.

11.0204 Return to Owner if Known

Notwithstanding the provisions of Section 11.0206, 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.

11.0205 Noisy Dog or Cat Prohibited

It shall be unlawful to keep or harbor within the City any dog or cat that disturbs the peace by habitually howling, barking, whining, meowing or making other disagreeable noise during the hours of 10:00 pm to 6:00 am. Any person wishing to file a complaint shall be required to give his name and address and sign a complaint.

11.0206 Nuisance – When

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

11.0207 Penalty


Any person violating any provision of this article shall be guilty of an infraction and be fined not to exceed five hundred dollars (\$500.00).

CITY OF DOUGLAS

First Reading: February 2025

Second Reading and Final Passage: March 12, 2025

Attest: 
Interim Auditor

Approved: 
Mayor