



CHAPTER 11 ANIMALS AND FOWL

ARTICLE 1 **General Regulations**

11.0101 **Cruelty** No person shall cruelly treat any animal in the city in any way; any person who inhumanly beats, under feeds, overloads or abandons any animal shall be deemed guilty of an offense for which the maximum penalty shall be a fine of Five Hundred and No/100 Dollars (\$500.00).

11.0102 **Dangerous or Vicious Animals** It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city; exhibitions or parades of animals which are feral by nature in the eyes of the law may be conducted only upon securing a permit from the Chief of Police. It shall also be unlawful to keep or harbor within the City of Bowman any dangerous or vicious animal without first having obtained a permit to keep or harbor such animal from the Chief of Police.

11.0103 **Permit – When Issued** The Chief of Police shall have discretion as to whether or not to issue a permit pursuant to Section 11.0102. If the Chief of Police shall refuse to issue a permit, his decision may be appealed to the governing body. No permit shall be issued without first obtaining a description of the animal, the name of the owner or persons in charge, the purpose for which the animal is kept, and such other pertinent information as the Chief of Police shall determine.

11.0104 **Killing Dangerous Animals** The members of the Police 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 property.

11.0105 **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 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 veterinarian is empowered to act.

11.0106 **Unclean Housing or Confinement Area** No person shall cause or allow any yard, kennel, shelter, building or place where any animal is or may be kept to be unclean or unwholesome; nor shall such areas be allowed to accumulate animal waste or be allowed to emit any odors which are offensive to the people of the city. (Revised 4-03-2001)

11.0107 Keeping of Certain Animals Prohibited It shall be unlawful to keep any live sheep, swine or pigs, horses, cattle, chickens, or other poultry, goats, rabbits, buffalo, deer, elk, emu, or ostrich within the city limits. It shall also be unlawful to raise animals for commercial purposes within city limits. **(Revised 4-17-2018)**

11.0108 Strays It shall be unlawful to permit any cattle, horses, sheep, swine, goats or poultry to run at large in the city; 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.

11.0109 Noises 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.

11.0110 Penalty 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 and No/100 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. **(Revised 4-03-2001)**

ARTICLE 2 Dogs and Cats

11.0201 Number of Dogs and Cats Allowed For the purpose of this ordinance the term “pets” shall mean dogs and cats.

All households within the city shall be limited to no more than three pets. Within the three-pet limit, no household shall have more than two dogs. **(Enacted 4-03-2001)**

11.0201.1 License Required No dog or cat 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 or cat kept within the city to have the dog or cat inoculated against rabies and to license such dog or cat. No license or renewal license shall be issued for any dog or cat over six months of age unless the owner shall furnish proof that such dog or cat has been vaccinated for rabies by a duly licensed veterinarian within two (2) years of the application. Any dog or cat licensed prior to six months of age shall be inoculated against rabies upon reaching the age of six months.

11.0202 Licensing Procedure and Terms All dogs and cats shall be registered as to sex, breed, color, name, date and tag number of rabies inoculation, and name and address of owner. 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 with which to mark the animal. It shall be the duty of the owner or keeper to cause such license tag to be securely attached around the animal’s neck and kept there at all times during the license period.

11.0203 License Fee The annual license fee for dogs and cats are as follows:

\$5.00 Any dog or cat under one (1) year of age.
Any spayed female dog or cat.
Any neutered male dog or cat.

\$20.00 Any female dog or cat not spayed and over one (1) year of age.
Any male dog or cat not neutered and over one (1) year of age.

The owner of and spayed female or neuter male dog or cat shall present to the City Auditor a letter or certification signed by a licensed veterinarian to the effect that such dog or cat is neuter or spayed; or such other evidence as the City Auditor shall require. **(Revised 4-03-2001)**

11.0204 License Fee: When Due and Payable The license fees as stated in 11.0203 shall become due and payable on the first day of January in each year for all dogs and cats currently residing within the city. For newly acquired dogs and cats, license fee are due immediately upon their residing within the city. **(Revised 4-03-2001)**

11.0205 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 fenced in or confined to the owner's or keeper's property, residence or dwelling. Dogs or cats not confined or restrained while in or on a vehicle are considered to be running at large. **(Revised 4-03-2001)**

11.0206 Impounding of Unlawful Dogs or Cats Any licensed or unlicensed dog or cat running at large, or any unlawful or nuisance dog or cat, may be taken up by any police officer or designated animal warden and impounded at the city animal pound or such other place as may be designated by the governing body. A record of the impounded animal shall be made describing the type of animal impounded, the date, time, location of capture, color, sex and breed (if known).

11.0207 Notice of Impounded Dog or Cat If the animal impounded is currently licensed and its owner/keeper can be identified, the owner/keeper of the animal shall be notified. If the animal impounded is not licensed and its owner/keeper is unknown, no later than the day after the impounding of any dog or cat, written notice shall be posted for five (5) days in a public place at the police department describing the animal impounded and the time and place of taking.

11.0208 Redemption of Impounded Dog or Cat No impounded dog or cat shall be released to any person until the following requirements are fulfilled:

1. The dog or cat has a current license (if said animal resides within the city).
2. The dog or cat has a current rabies inoculation certificate (if said animal resides within the city)
3. A capture fee of Twenty-Five and No/100 Dollars (\$25.00) is paid to the city for the taking of each animal.

4. An “Approval for Release” has been issued by the Bowman Police Department.
5. All housing and maintenance costs are paid to the animal holding facility.

11.0209 Disposition of Unclaimed Dogs or Cats If at the expiration of five (5) days from the date of notice to the owner/keeper of the posting of such public notice the impounded animal remains unclaimed, the animal shall be destroyed or otherwise disposed of.

11.0210 Nuisance – When The following dog or cat is hereby declared to be a nuisance:

1. Any unlicensed dog or cat
2. Any dog or cat running at large
3. Any dog or cat disturbing the peace by making loud and frequent sounds such as barking, howling, yelping, whining meowing or other disagreeable noises annoying any person.
4. Any dog or cat chasing any person or vehicle.
5. Any dog or cat trespassing upon private property
6. Any dog or cat destroying any property not belonging to the owner/keeper of said animal.
7. Any dog or cat not having a current inoculation certificate for rabies if over six months of age.
8. Any dog or cat that urinated or deposits bodily waste of any nature upon public property or upon private property not belonging to the animal owner.

Any dog or cat being declared a nuisance, upon a 3rd conviction before the Municipal Judge, the owner shall be ordered to remove the animal from the city. **(Revised 4-03-2001)**

11.0211 Female Dogs in Heat All female dogs shall be kept in a secure are of confinement while in heat.

11.0212 Vicious Dogs or Cats No person shall keep, harbor or shelter a vicious dog or cat within the city. A vicious dog or cat is hereby defined as:

1. A dog or cat which has bitten or attacked any person while the person bitten or attacked is not doing injury to another person.

2. A dog or cat which has bitten or attacked another animal while the animal bitten or attacked was not at the time of the biting or attacking, trespassing on the property of the owner of the animal doing the attacking or biting.

Whenever any person or animal is bitten or attacked by a dog or cat under the circumstances set forth in this section it shall be prima facie evidence that the dog or cat doing the biting or attacking is vicious.

Where the owner of the animal can produce evidence of adequate rabies immunization the animal must be confined at the owner's residence for a period of at least ten (10) days from the time of the bite and must be evaluated by a licensed veterinarian prior to release. Where adequate evidence of rabies vaccination is not available the animal shall be surrendered to the police and impounded for a period of ten (10) days from the time of the bite. At the end of this impoundment period the owner shall remove the animal from the city after paying the cost of such impoundment. Any animal unclaimed at the end of the impoundment period shall be destroyed. **(Revised 4-03-2001)**

11.0213 Prohibited Dogs As used in this section, prohibited dog means: Any dog of a breed registered as or known as or described as American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier, American Staffordshire, Rottweiler or Doberman Pinscher, or any dog of a mixed breed which includes one or more of the following breeds known as American Pit Bull Terrier, Bull Terrier, Staffordshire Bull Terrier, American Staffordshire, Rottweiler or Doberman Pinscher.

Upon conviction for a violation of this section, the Municipal Judge shall, in addition to any other penalty authorized by law, order that the dog in question be seized and surrendered to the Chief of Police for purposes of placement outside the city or for humane destruction.

(Revised 4-03-2001)

11.0214 Penalty Any person violating any provision of this article shall be guilty of an infraction and shall be guilty of an infraction and shall be fined not to exceed Five Hundred and No/100 Dollars (\$500.00) and shall be fined no less than Twenty-Five and No/100 Dollars (\$25.00). **(Revised 4-03-2001)**