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CHAPTER ELEVEN

ANIMALS AND FOWL

ARTICLE 1 – General Regulations

11.0101 Cruelty – Penalty

It shall be unlawful for any person to abuse any animal through 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:

- a) *Shade* shall mean protection from the direct rays of the sun during the months of June through September.
- b) *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.
- c) *Vicious* shall mean any animal that approaches any person or domestic animal in an apparent attitude of attack.

(Amended – Ordinance 126 – 10-12-2015)

11.0102 Dangerous Animals

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 chief of police. It shall also be 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 chief of police.

- a) “Dangerous animal” as the term is used in this chapter means:
 - 1. Any animal known to its owner or harborer to have a tendency or disposition to attack, bite, cause injury or to otherwise endanger the safety of or be a menace to human beings or domestic animals;
 - 2. Any animal that attacks, bites, or injures a human being or another domestic animal one (1) or more times;

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3. Any animal that 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;
 4. Any animal owned or harbored primarily or in part for purposes of fighting or any animal trained for fighting;
 5. Any animal certified by a veterinarian, after observation, as posing a danger to human life or property if not kept in the manner required by this article; or
 6. Any animal that has been determined to be dangerous by the city council or municipal court.
- b) Notwithstanding the foregoing, no animal may be declared dangerous solely due to injury or damage 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.
- c) No animal may be declared dangerous solely due to injury or damage sustained by a domestic animal that at the time such injury or damage was sustained by teasing, taunting, abusing, or assaulting the animal. No animal may declared dangerous solely due to the animal protecting or defending a human being from an attack or assault in the immediate vicinity of the animal. No animal may be deemed dangerous solely due to the animal protecting or defending its young offspring.

(Amended – Ordinance 126 – 10/12/2015)

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, the decision may be appealed to the City governing body. No permit shall be issued without first obtaining a description of the animal, the name of the owner or person in charge, the purpose for which the animal is kept, and such other pertinent information as the chief of police may determine. Any dangerous animal kept or allowed to run at large without the owner or keeper having first obtained a permit in compliance with this section is hereby declared a nuisance and the owner or keeper is guilty of a violation of this article.

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.

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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.

11.0106 Keeping of Certain Animals Prohibited

It is unlawful to keep any live horses, sheep, swine or pigs, cattle, chickens or other poultry, goats, or rabbits in the City unless specifically authorized by a permit issued by the City.

(Amended – Ordinance 151 – 11/11/2024)

11.0107 Strays

It is unlawful to keep any live horses, sheep, swine or pigs, cattle, chickens or other poultry, goats, or rabbits in the City unless specifically authorized by a permit issued by the City.

(Amended – Ordinance 151 – 11/11/2024)

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.

11.0109 Duty of animal owners to be responsible

- a) It shall be the duty of every owner of any animal, or anyone having an animal in his or her possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- b) In the event that the owner or keeper of any animal is a minor, the parent or guardian of such minor shall be responsible to ensure that all provisions of this chapter are complied with.

(Amended – Ordinance 126- 10/12/2015)

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).**

In addition to the foregoing penalty, any person who violates this article shall pay all expenses, including impoundment, shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article, before the animal may be released.

(Amended – Ordinance 126- 10/12/2015)

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11.0111 Wild Animals Prohibited

- a) Wild animals shall be defined as follows: any living member of the animal kingdom, including those born or raised in captivity, except the following: domestic dogs (excluding hybrids with wolves, coyotes, or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents whose adult weight is less than five (5) pounds, captive-bred species of common cage birds, fish, and non-venomous and non-poisonous reptiles and amphibians whose adult weight is less than five (5) pounds.
- b) No person or facility within the City limits shall own, possess, or have custody of any wild animal on their premises unless such facility is classified as a zoological park or veterinary clinic.
- c) No person shall keep or allow to be kept any wild animals as a pet within the City limits.
- d) The members of the Police Department are authorized to kill any Wild Animal of any kind when it is necessary for the protection of any person or property. An animal being restrained is not admissible evidence that it was not necessary to kill the animal for the protection of people and property.

(Amended – Ordinance 126 – 10/12/2015)

ARTICLE 2 – Dogs and Cats

11.0201 License Required; Rabies Inoculation

No dog or cat shall be permitted to be or remain in the City without being licensed as hereinafter provided if over six months of age. No license or renewal license shall be issued for a dog or cat over six months of age unless it has been inoculated against rabies. The owner shall provide the City with proof in the form of a veterinarian's certificate or affidavit that the animal has been inoculated with rabies vaccine. Dogs and cats must be inoculated against rabies. It is unlawful to own an animal that does not have current inoculation against rabies.

(Amended – Ordinance 126 – 10/12/2015)

11.0202 Licensing Procedure and Terms

- a) The owner or keeper of any animal shall pay a fee to the city for a license required by this article as follows:
 1. Five dollars (\$5.00) for a dog or cat, which dog or cat has been spayed or neutered; or;
 2. Ten dollars (\$10.00) for any other dog or cat;
- b) The fee set forth herein shall be for a license issued for one (1) year.
- c) The fee required under subsection (a) shall not be required for a trained animal for a handicapped individual
- d) Licenses shall be issued by the City Auditor on an annual basis. The person paying the license fee shall receive a receipt therefore and a metal tag or a badge with thick to

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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.

(Amended – Ordinance 126 – 10/12/2015)

11.0203 License: When Due and Payable

The license fees or renewal fees previously provided for shall become due and payable when the animal is six months old, as provided in 11.0201, and due the first day of January, of every year thereafter.

(Amended – Ordinance 126 – 10/12/2015)

11.0204 Prohibition and Control of Dangerous Dogs or Cats

Except as otherwise permitted in this chapter, it shall be unlawful for any person to own, keep or harbor a dangerous dog or cat within the City limits, and any animal found to be the subject of the violation of this ordinance shall be subject to immediate seizure and impoundment.

Upon order by the Municipal Court, a dangerous dog or cat may be destroyed if it poses a continuing threat to the citizens of the City.

(Amended – Ordinance 126 – 10/12/2015)

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 in the confines of the owner's or keeper's premises. "At large" means not being under the control of a human by means of a leash, lead or properly operating electronic collar attached to an animal or being carried.

(Amended – Ordinance 126 – 10/12/2015)

11.0206 Impounding

- a) Unrestrained dogs and cats may be taken by the police or the City dog or cat warden and impounded in an animal shelter, and thereafter confined in a humane manner. 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. Licensed dogs or cats not claimed by their owners within five (5) days shall be humanely disposed of or offered to the public for adoption. Impounded, unlicensed dogs or cats shall be kept for three (3) days and, unless reclaimed by their owners, within three (3) days after a photo and notice of the impounded animal has been placed at City Hall shall be humanely disposed of or offered to the public for adoption.

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Redemption of Impounded Animal; Conditions

- b) If the impounded animal is a dog or cat which has been impounded previously, it shall not be released unless it has been spayed or neutered. If the lack of spaying or neutering prohibits the release of the animal, the person seeking its release may arrange for its spaying or neutering, and if such arrangements are made within five (5) days, the time allowed for redemption of the animal shall be extended accordingly.

(Amended – Ordinance 126 – 10/12/2015)

11.0207 Fee for Redemption of Impounded Animals

- a) In any case where an animal is impounded, the owner or keeper claiming the animal shall pay to the City the license fee for the animal, if any, plus an impounding fee and a fee for the care and maintenance of the animal while in custody, as established by the City Council.
- b) The impounding fee for an animal for the first impounding shall be seventy-five dollars (\$75.00).
- c) In the event an animal is impounded a second time, the impounding fee shall be one hundred fifty dollars (\$150.00).
- d) In the event an animal is impounded a third or subsequent time, the impounding fee shall be two hundred twenty-five dollars (\$225.00).
- e) In addition to the above impounding fee, a daily fee of twenty dollars (\$20.00) shall be charged for each day or fraction thereof that the animal is impounded.
- f) There shall be a fee of twenty (\$20.00) for adopting an animal. Anyone adopting an animal who lives within McKenzie County, shall license the animal with the City of Arnegard, and such animal shall not be released until it is spayed or neutered. If the lack of spaying or neutering prohibits the release of the animal, the person seeking its release may arrange for its spaying or neutering, and if such arrangements are made within five (5) days, the time allowed for redemption of the animal shall be extended accordingly.

(Amended – Ordinance 126 – 10/12/2015)

11.0208 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, and subject the owner to the penalties found in 11.0219.

(Amended – Ordinance 126 – 10/12/2015)

11.0209 Noisy Dog or Cat Prohibited

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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. Any person wishing to file a complaint shall be required to give his name and address.

11.0210 Nuisance – When

Any licensed dog or cat, any dog or cat running at large, any dog or cat disturbing the peace, or any dog or cat molesting passersby, chasing vehicles, attacking other domestic animals, causing an accumulation of waste or causing odors, trespassing upon school grounds, or trespassing upon private property, or damaging property is hereby declared to be a nuisance.

It shall be unlawful for the owner or person having custody or responsibility of a cat or dog to allow or permit the cat or dog to be a nuisance as defined herein. The nuisance shall be an offense irrespective of whether such offense occurs on or off the property of the offender.

(Amended – Ordinance 126 – 10/12/2015)

11.0211 Limitation to the Number of Dogs and Cats

- a) No person shall harbor or keep more than three dogs or cats or combination of dogs or cats upon premises within the city which are owned or controlled by him, unless a permit is obtained pursuant to the subsections which follow.
- b) The Arnegard City Council may grant a person a permit to harbor or keep more than three dogs or cats, or combination of dogs or cats. The permit shall specify the number of dogs or cats, or combination of dogs or cats, which the permittee may harbor or keep, subject to such limitations and conditions as the Council may impose. The permit shall attach to the premises to which relates and shall be personal to the permittee and may not be transferred.
- c) In determining whether a permit shall issue or not, the Arnegard City Council shall consider:
 - 1. The area in square footage of the premises to which the permit relates;
 - 2. The proposed facilities to house the animals and to provide them with an exercise area;
 - 3. The proposed sanitation measures the permittee will employ;
 - 4. The size and customary habits of each type or breed of animal sought to be kept;
 - 5. The proximity, type, and configuration of residences surrounding the place where the animals are to be housed;
 - 6. The past history of the applicant with regard to violations of this chapter and generally with regard to providing sanitary and humane care for the animals; and
 - 7. Any other factor reasonably likely to affect adversely the persons who live, work, visit or transact business in close proximity to the proposed permit area.
- d) Any violation of 11.0211, or any violation of the terms of a permit issued under 11.0211 (b), (c) shall be an offense punished under 11.0219 of this code.

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(Amended – Ordinance 126 – 10/12/2015)

11.0212 Confinement of Dangerous Dogs or Cats

- a) No person owning or harboring a dangerous dog or cat shall permit the animal to go unconfined outdoors, including on the premises of such person. A dangerous dog or cat is “unconfined outdoors” if the animal is not securely confined indoors or confined in a securely enclosed and locked pen, kennel, or fenced enclosure upon the premises of said person. Such pen, kennel, or fenced enclosure must have sides at least six (6) feet high. And securely attached to the sides, the sides must be imbedded into the ground no less than one (1) foot. The pen, kennel or fenced enclosure must be constructed in a manner to prevent escape by the animal and to prevent access by young children.
- b) All structures erected to house a dangerous dog or cat shall comply with all zoning and building requirements and regulations of the City. All such structures must be adequately lighted and ventilated, kept in a clean and sanitary condition and meet the standards set out in 11.0101 of this code.
- c) No person owning or harboring a dangerous animal shall permit the animal to go beyond his or her property line unless the animal is securely muzzled and harnessed or leashed with an unbreakable chain, leash or cord having a minimum tensile strength of three hundred (300) pounds and not exceeding four (4) feet in length, and is under the direct control and supervision of the owner or keeper of the animal.
- d) All owners or keepers of any dangerous dog or cat shall display in a prominent place on their premises, and at each entrance or exit to the area where such animal is confined, a sign warning that there is a dangerous animal on the premises.
- e) No person shall own or harbor any dog or cat for the purpose of causing or encouraging the animal to attack human beings or domestic animals.
- f) No dangerous dog or cat shall be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such structure on its own violation. No such animal may be kept in a house or structure when the windows are open, or when such windows or screen doors are the only obstacle or obstruction preventing the animal from exiting the structure.
- g) Any person owning or harboring a dangerous dog or cat and not adhering to the provisions of this article shall immediately remove the animal from the City or have the dangerous animal impounded until compliance with provisions of this article are met or until arrangements are made to remove the animal from the City.

(Amended – Ordinance 126 – 10/12/2015)

11.0213 Liability insurance

All owners or keepers of dangerous dogs or cats shall present the City Auditor proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering any damage or injury which may be caused by such dangerous animal for a period not less than twelve (12) months. That policy shall contain a provision requiring the City to be named as additional insured for the sole purpose of the City Auditor or other licensing authority where such animals are licensed to be

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notified by the insurance company of any cancellation, termination, or expiration of the liability insurance.

(Amended – Ordinance 126 – 10/12/2015)

11.0214 Owner or Keeper's Signed Statement

The owner or keeper of any dangerous dog or cat shall sign a statement attesting that:

- a) The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this Article during the twelve-month period for which said insurance is provided, unless the owner or keeper shall cease to own or keep the dangerous animal prior to expiration of said policy, or said policy is replaced by a newly issued policy.
- b) The owner or keeper has an enclosure for the dangerous animal which will be kept or maintained so as to prevent escape.
- c) The owner or keeper will notify the police department immediately if a dangerous animal is on the loose, is unconfined, has attacked another domestic animal, or has attacked a human being.
- d) The owner understands that it is unlawful for the owner or keeper of a dangerous animal to fail to comply with the requirements and conditions set forth in this article. Any animal found to be the subject of the violation of this article shall be subject to immediate seizure and impoundment. In addition, failure to comply shall be an offense punishable with a fine.

(Amended – Ordinance 126 – 10/12/2015)

11.0215 Police Department Powers

- a) The police department and community service officers are hereby empowered to make whatever reasonable inquiry is deemed necessary to ensure compliance with the provisions of this article, and any such officer is hereby empowered to seize and impound any dangerous animal whose owner or keeper fails to comply with the provisions hereof.
- b) Upon attack or assault, a community officer or the police department is hereby empowered to seize and impound the dangerous animal if the conduct of such dangerous animal or its owner or keeper constitutes a violation of the provisions of this article.
- c) In the event that a community officer or the police department has probable cause to believe that the animal in question is dangerous and may pose a threat of harm to human beings or other domestic animals, the officer or police department may seize and impound the animal pending the hearing. The owner or keeper of the animal shall be liable to the City for the costs and expenses of impounding such animal. If at any time prior to the hearing the owner or keeper of the animal wishes to have the animal humanely destroyed, the animal may be released for that purpose. The owner or keeper must present written proof of the destruction to a police officer.

11.0216 Restraint requirements

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No person having the custody or control of any dog or cat shall permit the same to be written or upon any unfenced area or lot abutting a street, sidewalk, public park, public place, or any other private land without being effectively restrained by a chain, rope, cord, or other such restrictive restraint, including a properly operating electronic collar, effectively preventing such animal from reaching any street, sidewalk, public park, public place, or any private land belonging to another.

11.0217 Active Duty Dog Exemption

All dogs owned or used by local, state or federal governmental bodies, while in active duty or during training, and under the supervision of a peace officer, shall be exempt from the provisions of this chapter.

11.0218 Pet solid waste – Collection and disposal

Every owner or person having control of a dog or cat shall collect and properly dispose of the dog or cat's solid waste when eliminated. It is an offense subject to a fee of twenty-five (\$25.00) to allow a dog or cat to eliminate solid waste on another's private property without permission, or upon public streets, sidewalks, parks, or other public areas, and fail to properly collect and dispose of such waste.

11.0219 Penalty

A violation of Section 11.0204 or 11.0210 is an infraction, for which the maximum penalty is a fine of five hundred dollars (\$500.00). Any person convicted of an infraction who has, within one (1) year prior to commission of the infraction, been previously convicted of an offense classified as an infraction, may be sentenced as though convicted of a Class B Misdemeanor. If the prosecution contends that the infraction is punishable as a Class B Misdemeanor, the Complaint shall specify that the offense is a Class B Misdemeanor. A person convicted of violating the dangerous or nuisance dog or cat sections of this Article (Articles 11.0204 and 11.0210) shall be assessed a fine of not less than one hundred dollars (\$100.00) for a first offense and a fine of not less than one hundred fifty dollars (\$150.00) for a second offense. In addition to any fine which may be imposed by the Court, any sentence imposed for a third offense must require that the offending dog or cat be humanely disposed of.

A violation of Section 11.0201, 11.0205, or 11.0211 is a noncriminal offense for which there shall be assessed a fee of one hundred dollars (\$100.00).

- a) Any individual who has been cited for a violation of Section 11.0201, 11.0205, or 11.0211 may appear before a court of competent jurisdiction and pay the fee by the time scheduled for a hearing or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that individual's action and the judge may waive, reduce, or suspend the fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation. The bond required to secure

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appearance before the court must be identical to the fee. This subdivision does not allow a citing officer to receive the fee or bond.

- b) If an individual cited for a violation of Section 11.0201, 11.0205, or 11.0211 does not choose to follow the procedures provided under subdivision a, that individual may request a hearing on the issue of the commission of the violation cited. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety (90) days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual cited shall deposit with the court an appearance bond equal to the fee for the violation cited.
- c) The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt.

(Amended – Ordinance 126 – 10/12/2015)

11.0301. Definitions.

- 1. BROODING: The period of chicken growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.
- 2. CHICKEN: A domesticated bird that serves as a source of eggs or meat that has a trinomial name of Gallus gallus domesticus. No other genus or species of fowl is allowed.
- 3. COOP: The structure for the keeping or housing of chickens permitted by the ordinance.
- 4. HEN: A female chicken
- 5. OFFICER: Any person designated by the City to enforce this ordinance.
- 6. ROOSTER: A male chicken.
- 7. RUN: A fully enclosed and covered area attached to a coop where the chickens can roam unsupervised.

11.0302. Purpose.

It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. Therefore, it is the purpose and intent of this ordinance to permit the keeping and maintenance of chickens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.

11.0303. Investigation and Enforcement.

Officers designated by the City shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as is necessary and may grant, deny, or refuse to renew any application for permit, or terminate an existing permit under this article.

11.0304. Limitations for each single dwelling residential unit.

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(1) No more than six (6) chickens shall be housed or kept on any one (1) residential property in any area of the City zoned for single family dwelling residential with a permit as outlined below.

(2) Roosters are prohibited.

(3) Slaughtering of chickens inside City limits property is prohibited.

(4) A separate coop is required to house the chickens. Coops must be constructed and maintained to meet the following minimum standards:

- (a) Located in the rear or side yard. Coops shall not be located street side.
- (b) Setback at least ten (10) feet from the rear or side property lines.
- (c) Interior floor space – four (4) square feet per chicken if a run is provided. If no run is provided, six (6) square feet per chicken.
- (d) Interior height – six (6) feet to allow access for cleaning and maintenance.
- (e) Doors – one (1) standard door to allow humans to access the coop and one (1) for chickens (if above ground level, must also provide a stable ramp).

(f) Climate control – adequate ventilation and/or insulation to maintain the coop temperature at a range livable for chickens.

(g) Nest boxes – one (1) box per every three (3) chickens.

(h) Roosts – one and one-half (1 ½) inch diameter or greater, located eighteen (18) inches from the wall and two (2) to three (3) inches above the floor.

(i) Rodent proof – coop construction and materials must be adequate to prevent access by rodents.

(j) Coops shall be constructed and maintained in a workmanlike manner.

(5) Runs.

(a) Runs are required if the coop has a floor area smaller than six (6) square feet per chicken. Runs must be constructed and maintained to meet the following minimum standards:

- 1) Location: rear or side yard. Runs shall not be located street side.
- 2) Size: Six (6) square feet per chicken. If the coop is elevated at least two (2) feet so the chickens can access the space beneath, that area may count as a portion of the minimum run footprint.
- 3) Height: Six (6) feet in height to allow access for cleaning and maintenance.
- 4) Gate: One gate to allow human access to the run.
- 5) Cover: Adequate to keep chickens in and predators out. The run shall be enclosed on all sides.
- 6) Substrate: Composed of material that can be easily raked or regularly replace to reduce odor and flies.

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(6) Chickens shall not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

(7) All premises on which chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop, run, and their surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City removing chickens from the premises or revoking a chicken permit.

(8) All grain and food stored for the use of the chickens on a premise with a chicken permit shall be kept in a rodent proof container.

(9) Chickens shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property. No chicken shall be permitted to roam outside the coop or run.

(10) Dead chickens must be disposed of as soon as possible after death, usually within forty-eight (48) to seventy-two (72) hours. Legal forms of chicken carcass disposal include burial, off-site incineration or rendering, or composting.

Sec. 11.0305. Application.

Any person desiring a permit required under the provisions of this article shall make written application to the City upon a form prescribed by and containing such information as required by the City. The application shall be submitted to City Hall. Among other things, the application shall contain the following information:

(1) A description of the real property upon which it is desired to keep the chickens.

(2) The breed and number of chickens to be maintained on the premises.

(3) A site plan of the property showing the location and size of the proposed chicken coop and run, setbacks from the chicken coop to property lines and surrounding buildings (including houses and buildings on adjacent lots), and the location, style, and height of fencing proposed to contain the chickens in a run. Portable coops and cages are allowed, but portable locations must be included with the site plan.

(4) Statements that the applicant will at all times keep the chickens in accordance with all of the conditions prescribed by the officer, or modification thereof, and that failure to obey such conditions will constitute a violation of the provisions of this chapter and grounds for cancellation of the permit.

(5) Such other and further information as may be required by the City.

11.0306. Permit conditions.

(1) If granted, the permit shall be issued by the City and shall state the conditions, if any, imposed upon the permitted for the keeping of chickens under this permit. The permit shall specify the restrictions, limitations, conditions and prohibitions which the officer deems reasonably necessary to protect any person or neighboring use from unsanitary conditions, unreasonable noise or odors, or annoyance, or to protect the public health and safety. Such permit may be modified from time to time or revoked by the officer for failure to conform to such restrictions, limitations, prohibitions. Such modification shall be effective after ten (10) days following the mailing of written notice thereof by certified mail to the person or persons keeping or maintain such chickens.

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(2) A person who has been issued a permit shall submit the same for examination upon demand by the animal control officer, law enforcement officer, public health official or other employee or agent of the City.

Sec. 11.0307. Violations.

(1) Resident must abate any nuisance within ten (10) days of being given written notice of the nuisance. The written notice shall be served by regular mail. Unsanitary conditions, unreasonable noise or odors, or annoyance caused by the keeping of chickens shall be considered a nuisance.

(2) Any person violating any of the sections of this ordinance shall be deemed guilty of a infraction and may be fined up to \$500 for each violation. Each day the nuisance exists after the notice shall constitute a separate offense.

(3) If any person is found guilty by a court for violation of this section, their permit to own, keep, harbor, or have custody of chickens shall be deemed automatically revoked and no new permit may be issued for a period of one (1) year.

(4) Any person violating any conditions of this permit shall reimburse the City for all costs borne by the City to enforce the conditions of the permit including but not limited to the pickup and impounding of chickens.

Sec. 11.0308. Permit Required

No person shall (without first obtaining a permit in writing from the City) own, keep, harbor or have custody of any live chicken.

The City may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this section, submitting an inaccurate or incomplete application, if the conditions of the permit are not met, if a nuisance condition is created, if the City receives objection(s) from neighboring property owners, if the property owner has failed to follow other City ordinances, or if the public health and safety would be unreasonably endangered by the granting or renewing of such permit.

Sec. 11.0309. Fees; issuance.

For each residential site the fee for a permit is as may be imposed, set, established and fixed by the City Council, by resolution, from time to time. The initial fee at the time this ordinance is passed is \$100.00.

Sec. 11.0310. Term.

The permit period under this section shall expire One (1) years from the date the permit is issued.

Sec. 11.0311. Permit Termination, Expiration, or Suspension.

The City may suspend or terminate any permit issued under this ordinance if the person holding the permit refuses or fails to comply with this ordinance, with any regulations promulgated by the city council pursuant to this ordinance, or with any state or local law governing cruelty to animals or the keeping of animals.

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Any person whose permit is terminated or expired shall, within ten (10) days thereafter, humanely dispose of all chickens being owned, kept or harbored by such person, and no part of the permit fee shall be refunded. Any person whose permit is terminated or expired shall, within ten (10) days thereafter, shall remove the chicken coop or chicken run.

Any chicken coop or chicken run constructed or maintained on any premises shall be removed from said premises if the chicken-keeping activities have been discontinued or abandoned. Chicken-keeping activities shall be deemed to have been discontinued or abandoned if chicken keeping activities have not been conducted for more than one (1) year. Chicken keeping activities is defined as the actual raising or harboring of live chickens.

(Ordinance 152 - Enacted – 12/09/2024)