

TITLE XI.

ANIMALS

(Source: Ord. 2018-28, Sec. 2)

CHAPTERS:

- 11-01. General.
- 11-02. Dangerous or Vicious Animals.
- 11-03. Animal Nuisances

CHAPTER 11-01

GENERAL

SECTIONS:

- 11-0101. Definitions.
- 11-0102. License or Permit and Registration Required.
- 11-0103. Term of License.
- 11-0104. Animal Kennels and Shelters.
- 11-0105. Rabies Control.
- 11-0106. Unlawful to Allow Domestic Fowl and Farm Animals to Run at Large in City.
- 11-0107. Unlawful to Keep Domestic Fowl and Farm Animals Near House.
- 11-0108. Stables and Kennels.
- 11-0109. Shod Animals Prohibited on Walkways.
- 11-0110. Collection of Animal Solid Waste on Public Property.
- 11-0111. Keeping of Chickens. Source: Ord. 2024-38

11-0101. **DEFINITIONS.** Source: Ord. 2024-38, Sec. 1

1. As used in this chapter, “owner” means any person, firm or corporation owning, harboring, or keeping an animal.
2. “At large” means off the premises of the owner and not under the control of the owner or some member of his immediate family or other authorized person either by leash, cord, or chain.
3. “Animal” includes every living animal except a member of the human race.
4. “Chicken” means a female chicken or hen.
5. “Chicken run” means an enclosed outside yard for keeping chickens.
6. “Coop” means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.
7. “Dangerous or Vicious Animal” is any animal that:
 - a. when unprovoked, inflicts bite(s) on any human or domestic animal either on private or public property;
 - b. has a documented history with law enforcement or any other public agency of biting or attacking any human or domestic animal;
 - c. has a known propensity, tendency, or disposition to attack, to cause injury, or otherwise threaten or endanger the safety of humans or domestic animals;

- d. is not properly vaccinated;
 - e. when unprovoked, in a vicious or terrorizing manner approaches any person in an apparent attitude of attack on either private or public property; or
 - f. is 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.
8. “Non-Domestic Animal” is an animal commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, such animals shall include, but are not limited to:
- a. Any member of the large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards and jaguars, but excluding commonly accepted domesticated house cats.
 - b. Any naturally wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - c. Any crossbreeds such as the crossbreeds between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet.
 - d. Any member of or relative of the rodent family including any skunk (whether or not de-scented), raccoon, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - e. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families, including rattlesnakes, restricted non-venomous constricting snakes, pit vipers, crocodiles, and alligators.
 - f. Any other animal which is not explicitly listed above, but which can be reasonably defined by the terms of this subpart, including but not limited to bears, deer, monkeys and game fish.
9. “Owner” means any person or persons, firm, association or corporation owning, keeping, or harboring any animal, including dogs, cats, and chickens.
10. “Person” means the resident, property owner, custodian or keeper of any animal, including dogs, cats and chickens.
11. “Premises” means any lot or group of contiguous lots, parcels or tracts of land located within the City of Harwood.

11-0102. LICENSE OR PERMIT AND REGISTRATION REQUIRED.

1. All dogs and cats kept or maintained in the City shall be licensed and registered if over six (6) months of age on or before the 1st day of January of each calendar year. Dog and cat licenses may be issued by the City Auditor or such other person as may be designated by the City Council or by licensed veterinarians designated by the City Auditor upon payment of an annual license fee as set forth herein. The owner, at the time of application, shall provide information in the form and manner as required by the City Auditor. No license may be issued unless a dog or cat has been inoculated for rabies within twenty-four (24) months preceding the application, Provided, however, that if the prior inoculation was within twenty (20) weeks of birth, an inoculation will be required within twelve (12) months of the first inoculation. The licensing provision of the section shall not apply to dogs or cats brought into the City for the purpose of participation in any dog or cat show, nor to "seeing-eye" dogs or dogs properly trained to assist blind or otherwise disabled persons when such dogs are actually kept for use by blind or otherwise disabled persons for the purpose of aiding them in going from place to place or otherwise in their daily activities.
2. The fees for obtaining a license for a dog or cat, as referenced above, shall be as follows:
 - a. For each and every of the first three dogs and the first three cats kept or maintained at the same residence, the license fee shall be Five and no/100 Dollars (\$5.00) for each neutered dog or cat (whether male or female); and Ten and no/100 Dollars (\$10.00) for each un-neutered dog or cat (whether male or female); and
 - b. For each and every neutered or un-neutered dog or cat kept or maintained at the same residence over and above the first three dogs and the first three cats as identified in subpart A above, the license fee shall be One Hundred and no/100 Dollars (\$100.00) for each dog or cat.
3. The owner or possessor of each dog or cat shall cause a collar to be placed on the neck of the dog or cat, so licensed, with a shield furnished by the City indicating the number of the license and the year of the license. This shield shall be attached at all times while the dog or cat is outdoors within the City limits.
4. Failure to license a dog or cat, as required in section 2B, shall be punishable as an infraction, and shall carry a minimum penalty of at least a fine of One Hundred and no/100 Dollars (\$100.00) or ten (10) hours of community service.

11-0103. TERM OF LICENSE. The license herein provided for shall be in force from the date of issuance thereof until the 1st day of January thereafter.

11-0104. ANIMAL KENNELS AND SHELTERS.

1. No animal kennel or shelter shall be permitted in a residentially-zoned area within the City nor within 300 feet of a residentially-zoned area or any existing actual residence. Provided further that if the animal kennel or shelter involves the temporary or permanent outside housing or keeping of animals, that written permission must first be obtained from all owners within 300 feet of the animal kennel or shelter.
2. For purposes of this section, the following definitions shall apply:
 - a. Animal kennel - is a licensed or unlicensed facility, public or private, engaged in the business of breeding, buying, selling, or boarding animals.
 - b. Animal shelter - is a licensed or unlicensed facility, public or private, used to confine, keep or house at any one time more than one animal seized, lost, abandoned, or given over by owners, which animals are not intended to be "permanently owned and maintained" at the facility by the owner of the facility.
 - c. Permanently owned and maintained - shall mean the person housing or keeping an animal shall have the intent of permanently keeping and owning the animal, and in cases of dogs and cats, having the animals properly licensed and maintained pursuant to the provisions of Chapter 11 of the revised ordinances of the City of Harwood.

11-0105. RABIES CONTROL.

1. If a dog or cat is believed to have rabies, or has been bitten by an animal suspected of having rabies, or bites a human being, such dog or cat shall be confined on the owner's premises and only be allowed outside of an enclosure under the direct supervision of an adult, provided the owner can provide proof that the animal is currently vaccinated for rabies. If no proof of a current rabies vaccination is provided, the animal will be quarantined with a licensed veterinarian at the expense of the owner, for a period of ten (10) days from the date of the bite or from the date the animal is suspected of having rabies. The owner shall notify the City of the fact that the dog or cat has been exposed to rabies or has bitten a human being and, if in the discretion of the City Council the dog or cat is not properly confined by the owner, the City Auditor is empowered to have such dog or cat removed from the owner's premises and placed under observation for a period of ten (10) days at the expense of the owner.
2. Every owner, or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the City, which shall either remove the dog or cat or summarily destroy it.
3. If the animal shows clinical signs of rabies during the period of isolation, it must be humanely destroyed immediately in a manner that preserves the brain intact, and

the brain tissue shall be transferred to the proper authorities to be examined for rabies.

4. Any animal confined under the provisions of this section shall not be released until all expenses of impoundment and related veterinary care are fully paid. Owners of any dog or cat that is to be placed in the pound or destroyed pursuant to the provisions of the above sections may request the City Auditor to review the impoundment or decision to destroy the animal.
5. The owner or other person in charge of any dog or cat, upon demand by any law enforcement officer, must surrender the dog or cat which has bitten a human or domestic animal, or which is suspected as having been exposed to rabies, to city or state officials or to a licensed veterinarian as directed by the city or state officials. It is unlawful for an owner or other person in charge of an animal to fail or refuse to surrender the animal as required by this section. Notwithstanding any other provision of this title, any dog or cat that has bitten a human or domestic animal, or that is suspected of having rabies, may be seized by any law enforcement officer.

11-0106. UNLAWFUL TO ALLOW DOMESTIC FOWL AND FARM ANIMALS TO RUN AT LARGE IN CITY. It shall be unlawful for the owners, keepers and custodians of chickens, ducks, geese or other domestic fowls, horses, cattle, sheep, swine or goats to permit, suffer or allow the same to run at large within limits of the City of Harwood.

11-0107. UNLAWFUL TO KEEP DOMESTIC FOWL AND FARM ANIMALS NEAR HOUSE. Unless otherwise allowed under this chapter, no chickens, ducks, geese, or other domestic fowls, horses, cattle, sheep, swine, or goats shall be kept within the City limits of the City of Harwood.

Source: Ord. 2024-38, Sec. 2

11-0108. STABLES AND KENNELS. No person shall keep within the City any pig sty, kennel, stable or other animal pen or shelter in such a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any such animal pen or shelter constructed in such manner as to permit the contents of filth therein to run or wash upon the premises owned or occupied by another or upon any street or other public place.

11-0109. SHOD ANIMALS PROHIBITED ON WALKWAYS. No person shall permit a shod animal to travel on the asphalt, concrete or stone apron, on or along the sidewalk, pedestrian walkway, hiking, biking, or jogging path or on any publicly owned property unless signs permitting the travel of shod animals are displayed or during an authorized parade in the City.

11-0110. COLLECTION OF ANIMAL SOLID WASTE ON PUBLIC PROPERTY. Every person having custody or control of an animal shall be equipped to, and shall collect, said animal's solid waste when eliminated on property owned by the City of Harwood, the Harwood Park District, or the School District. Any person who wishes to make a complaint regarding violations of this section must appear and sign a complaint.

11-0111. **KEEPING OF CHICKENS.** It is unlawful for any person to own, control, keep, maintain, or harbor chickens on any premises within the City unless that person has a permit to do so as provided in this chapter. A permit will not be issued for the keeping or harboring of more than six (6) chickens on any premises. The keeping or harboring of male chickens or roosters is prohibited.

1. Permit. A person shall not maintain a coop or run unless granted a permit by the City. The permit is subject to all terms and conditions of this chapter and any additional conditions deemed necessary by the City to protect public health, safety, and welfare.
 - a. Annual Permit. Permits will not exceed one (1) year and are subject to annual renewal. The initial permit automatically expires at the end of the initial calendar year and, thereafter, renewals of said permit extend for calendar-year periods. The annual permit fee is set by resolution of the City Commission, as amended from time to time.
 - b. Permit Requirements. An application for a permit includes a complete application with a scaled diagram that indicates the location of the coop and run, approximate size and distance of the coop and run from adjoining structures and property lines, the number and species of chickens to be maintained at the premises, and a signed statement that the applicant will, at all times, keep the chickens in accordance with this chapter and comply with all the conditions within the application and permit. Failure to comply with said conditions, or modification thereof, will constitute a violation of the provisions of this chapter and are grounds for revocation or suspension of the permit. Chickens may be slaughtered on the premises only if for consumption by the occupants of the premises.
 - c. A property with three (3) or more residential dwelling units, commercial, mixed use, and industrial properties is prohibited from keeping chickens.
2. Confinement. A person who owns, controls, keeps, maintains, or harbors chickens must keep them confined at all times in a coop and run and may not allow the chickens to run at large. Chickens must be secured in a chicken coop from sunset to sunrise each day.
 - a. The following conditions apply to both coops and runs:
 - i. Must not be located within the front yard;
 - ii. Must be setback a minimum of three (3) feet from any adjacent structures;
 - iii. Must be setback a minimum of ten (10) feet from all property lines;
 - iv. Must not be located on any public easements;

- v. Must be a minimum of four (4) square feet per chicken and may not exceed ten (10) square feet per chicken;
 - vi. Must not exceed seven (7) feet in total height from adjacent ground level;
 - vii. May be a commercially purchased chicken coop that substantially conforms with the requirements of this ordinance;
 - viii. Fencing for coops and runs may not exceed six (6) feet in total height from adjacent ground level;
 - ix. Must not be located in any part of a dwelling unit or garage;
 - x. Feed must be kept within the coop and run and must be kept in metal predator proof containers; and
 - xi. Manure must be removed frequently, and use of quality bedding material is recommended. Manure which is not properly disposed of and/or causes odor issues will result in revocation of the permit.
 - xii. Coops and runs shall be located within a yard enclosed by a solid opaque fence or wall, or shall otherwise be screened from view of adjacent properties. Fences, walls, or screening used for this purpose shall measure a minimum of five feet (5') in height and not more than four inches (4") from the ground or other surface.
- b. The following conditions apply to coops:
- i. Must be either elevated with a clear open space of at least sixteen (16) inches between the ground surface and grading/floor of the coop or;
 - ii. May be a commercially purchased chicken coop that substantially conforms with the requirements of this ordinance.
 - iii. The coop floor, foundation and footings must be constructed using rodent resistant construction.
- c. The following apply to runs:
- i. Must not exceed ten (10) square feet per chicken;
 - ii. Fencing must not exceed six (6) feet in total height from adjacent ground level; and
 - iii. Must be enclosed with wood, woven wire materials, or a combination thereof.

3. Conditions and Inspections. A person who owns, controls, keeps, maintains, or harbors chickens must not permit the premises where the chickens are kept to be maintained in an unhealthy, unsanitary, or noxious condition or to permit the premises to be in such condition that noxious odors are carried to adjacent properties. Any coop or run authorized by permit under this chapter may be inspected at any reasonable time by the animal control officer, law enforcement officer, public health official, or other employee or agent of the City.
4. Private Restrictions/Covenants. A permit issued to a person whose premises is subject to private restrictions and/or covenants that prohibit the keeping of chickens is the sole responsibility of the person applying for the permit. The interpretation and enforcement of the private restrictions and/or covenants is the sole responsibility of the private parties involved, the City is in no way responsible for interpreting or enforcing private restrictions and/or covenants.
5. Refusal to Grant Permit. The City may refuse to grant or renew a permit to keep or maintain chickens for failure to comply with the provisions of this chapter, submitting an inaccurate or incomplete application, failure to comply with permit conditions, creation of a nuisance condition, or if the public health and safety is unreasonably endangered by the granting or renewing of such permit. Any coop or run constructed or maintained on any premises must be removed from said premises within thirty (30) days after the suspension, expiration, or revocation of the permit for said premises or after a period of thirty (30) days from which chickens have not been lawfully kept on the premises.
6. Suspension and Appeal. A permit for keeping chickens may be revoked or suspended by the City for any violation of this chapter following written notice or, upon request for renewal, the renewal permit may be refused by the City. The applicant may appeal the revocation, suspension, or refusal to renew the permit to the City Auditor by requesting a hearing before the City Council within seven (7) days of the date of the notice. The City Council shall hear testimony from the permittee and City staff and render a decision on the matter or request additional information.
7. Violation. A person who owns, controls, keeps, maintains, or harbors chickens without obtaining or maintaining a current permit or after a permit has been suspended or revoked is guilty of an infraction as provided under Section 1-0211.
8. A person who had a permit to harbor chickens and who no longer harbors chickens must remove any related structures (coop, run, or other) within ten (10) days of no longer harboring chickens.

Source: Ord. 2024-38, Sec. 3

CHAPTER 11-02

DANGEROUS OR VICIOUS ANIMALS

SECTIONS:

- 11-0201. Animals Running at Large Prohibited.
- 11-0202. Impounding of Animals.
- 11-0203. Notice of Impounding.
- 11-0204. Release of Animal.
- 11-0205. Dangerous or Vicious Animals.
- 11-0206. Harboring Dangerous or Vicious Animals.

11-0201. **ANIMALS RUNNING AT LARGE PROHIBITED.** No person who is the owner or keeper of any animal shall allow any animal to run at large in the City.

11-0202. **IMPOUNDING OF ANIMALS.** Any animal found running at large or abandoned may be impounded and shall keep it until redeemed or otherwise disposed of. Law enforcement shall have the right to go onto private property to carry out the purposes of this chapter and to deputize others to assist them.

11-0203. **NOTICE OF IMPOUNDING.** Law enforcement shall immediately give notice of impounding of any such animal to the owner, if known and if the owner can be found.

11-0204. **RELEASE OF ANIMAL.** Any impounded animal may be redeemed by the owner thereof by payment to the City of Harwood of the fees hereinafter established; provided, however, that no animal shall be released unless the owner thereof shall present proof that such animal has been immunized for rabies within the twelve (12) months preceding its impoundment. When such proof is not available, the owner may advance the cost of immunization and any expense incidental thereto, and after such immunization has been accomplished, the animal may be redeemed and released upon payment of the fees provided. Any animal impounded shall bear current Harwood animal license tags or such shall be purchased for said animal by the owner prior to being redeemed by the owner.

11-0205. **DANGEROUS OR VICIOUS ANIMALS.** Any animal defined as dangerous or vicious under Section 11-0101 of this Chapter must be kept under control at all times by its owner. No person shall keep or permit any dangerous or vicious animal within the City unless such animal is secured by a chain on the person's premises or muzzled to prevent it from biting. Any dangerous or vicious animal found running at large may be destroyed without attempting to impound the same.

11-0206. **HARBORING DANGEROUS OR VICIOUS ANIMALS.** Any animal owner or keeper whose animal has attacked a person or another domestic animal shall take such precautions as may be necessary to ensure that the animal does not roam off the owner's or keeper's premises and attack persons or animals. If a dangerous or vicious animal continues to stray from its owner's or keeper's premises and control, thereby causing a risk to persons and animals, any

law enforcement officer may, by petition to a court of appropriate jurisdiction, request that the animal be taken into custody, following which the Court shall determine whether the animal is dangerous or vicious and whether its owner's or keeper's refusal or inability to restrain it constitutes a threat to the health, safety and welfare of the general public. If the Court determines that such a threat exists, it may make such orders as may be necessary to alleviate the danger, including the destruction of the animal in question. In the case of destruction ordered by the Court, the owner shall not be entitled to any compensation for the taking of the animal.

CHAPTER 11-03

ANIMAL NUISANCES

SECTIONS:

- 11-0301. Animal Noises.
- 11-0302. Habitually Barking, Crying or Howling Animal Declared Public Nuisance.
- 11-0303. Habitually Barking, Crying or Howling Animal - Procedure for Complaint.
- 11-0304. Animal Nuisances.
- 11-0305. Poisonous Animals.

11-0301. **ANIMAL NOISES.** No person shall keep within the City any animal which by loud and frequent barking, howling, yelping or other animal noises disturbs the peace and quiet or annoys any citizens.

11-0302. **HABITUALLY BARKING, CRYING OR HOWLING ANIMAL DECLARED PUBLIC NUISANCE.** No person shall keep or harbor any animal which habitually barks, cries or howls. Any such animals which habitually bark, cry or howl are hereby declared to be a public nuisance. "Habitual barking, crying or howling" shall be defined as barking, howling or crying for repeated intervals of at least three minutes with less than one minutes of interruption. Such barking, crying or howling must be audible off of the owner or keepers premises.

11-0303. **HABITUALLY BARKING, CRYING OR HOWLING ANIMAL - PROCEDURE FOR COMPLAINT.** Any person desiring to sign a complaint against the owner of a habitually barking, crying or howling animal must contact law enforcement and state his or her name, address, and facts supporting the alleged nuisance. Law enforcement, upon receipt of a sufficient complaint, shall then notify the person owning, harboring, or keeping the animal that a complaint has been received and that such nuisance must be abated within forty-eight (48) hours, and remain abated for a period of two (2) months. Notice shall be sufficient for purposes of this section if the alleged violator is informed orally of the complaint or if notice of the complaint is posted upon a door of the residence where the alleged violation occurred.

11-0304. **ANIMAL NUISANCES.** The following conditions are hereby declared to be nuisances within the meaning of this title, and no person having ownership or custody of any animal described herein shall:

1. Fail to prohibit any animal from interfering with people, automobiles or bicycles on streets or sidewalks.
2. Fail to prohibit any animal from destroying, defacing or damaging shrubbery, lawns, flowers, gardens or other property.
3. Keep any animal which kills or injures any person or domestic animal.

4. Fail to confine any female animal in heat in a closed building so that such animal cannot come into contact with another animal except for planned and supervised breeding.
5. Allow the accumulation of excrement or other waste materials from an animal which result in foul or noxious odors that are offensive to surrounding residents.

11-0305. **POISONOUS ANIMALS.** No person shall keep or possess within the City any poisonous animal, reptile, amphibian, fish, insect or any other animal that poses a threat to the public health and safety. Such animal may be impounded by law enforcement and disposed of in the manner determined to be in the best interest of the public health and safety.