

AN ORDINANCE REPEALING Ordinance No. 347.

BEIT ORDAINED BY THE COUNCIL OF THE CITY OF CROSBY, NORTH DAKOTA:

- CHAPTER XII: ANIMALS Section:
- 12.01 Definitions

12.02 Dogs and cats

12.03 non-domestic animals

12.04 Farm Animals

12.05 Impounding

12.06 Kennels

12.07 Nuisances

12.08 Seizure of animals

12.09 Animals presenting a danger to health and safety of city

12.10 Diseased animals

12.11 Prohibition of Pit Bull dogs

12.12 Prohibition of Canary dogs

12.11 Dogs and Cats/Number limitation

- 12.12 Basic care
- 12.13 Breeding moratorium
- 12.14 Enforcing office
- 12.15 Pound
- 12.16 Interference with officers
- 12.17 Penalty

12.01 DEFINITIONS

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

1. **Domestic Animals:** Those animals commonly accepted as domesticated household pets. Unless otherwise defined, domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

2. **Farm Animals:** Those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, farm animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

3. **Non-domestic Animals:** Those animals 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, non-domestic animals shall include:

(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 crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a domesticated house pet. However, any wolf* dog crossbreeds licensed by and located in the City of Crosby on May 5, 2003, shall not be subject to the restriction created by this paragraph.

(d) Any member or relative of the rodent family including any skunk (whether or not descanted), raccoon or squirrel, 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, boa constrictors, 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 section, including but not limited to bears, deer, monkeys and game fish.

AT LARGE. Off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, chain, or otherwise restrained or confined.

CAT. Both the male and female of the felidae species commonly accepted as domesticated household pets.

DOG. Both the male and female of the canine species, commonly accepted as domesticated household pets, and other domesticated animals of a dog kind.

OWNER. Any person or persons,

firm, association or corporation owning, keeping, possessing, harboring, maintaining, or having the care, custody, or control of an animal.

RELEASE PERMIT. A permit issued by the Animal Control Officer or other person in charge of the pound for the release of any animal that has been taken to the pound. A release permit may be obtained upon payment of a fee to the City Auditor in accordance with the regular license requirement if the animal is unlicensed, payment of a release fee, and any maintenance costs incurred in capturing and impounding the animal. The release fee shall be as established by resolution of the City Council.

12.02 DOGS AND CATS

(A) *Running at large prohibited.* It shall be unlawful for the dog or cat of any person who owns, keeps, possesses, harbors, maintains or has the care, custody or control of a dog or cat, to run at large. A person, who owns, keeps, possesses, harbors, maintains or has the care, custody or control of a dog or cat which runs at large shall be guilty of an offense. Dogs or cats on a leash and accompanied by a responsible person shall be permitted in streets or on public land unless the city has posted an area with signs reading “Dogs or Cats Prohibited”.

Penalty, see §12.17

(B) *License required.*

(1) All dogs over the age of six months kept, harbored, or maintained by their owners in the city, shall be licensed and registered with the city. Dog licenses shall be issued by the City Auditor upon payment of the license fee as established by resolution of the City. The owner shall state, at the time application is made for the license and upon forms provided, his or her name and address and the name, breed, color, and sex of each dog owned or kept by him or her. No license shall be granted for a dog that has not been vaccinated against rabies, as evidenced by a certificate by a veterinarian qualified to practice in the state in which the dog is vaccinated.

(2) The dog shall be licensed on or before February 1, of each year or thirty (30) days after the dog has been residing in the City of Crosby of each year.

(3) It shall be the duty of each owner of a dog subject to this section to pay to the City Auditor the license fee established by resolution of the City Council.

(4) Upon payment of the license fee as established by resolution, the City Auditor shall issue to the owner a license certificate and a metallic tag for each dog licensed. The tag shall have stamped on it the year for which it is issued and the number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the City Auditor. A charge shall be made for each duplicate tag in an amount established by resolution. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee or tag because of death of a dog or the owner’s leaving the city before the expiration of the license period.

(5) The licensing provisions of this division (B) shall not apply to dogs whose owners are non-residents temporarily within the city, nor shall this provision apply to “seeing eye” dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.

(6) The funds received by the City Auditor from all dog licenses and metallic tags fees as established by resolution shall first be used to defray any costs incidental to the enforcement of this chapter; including but not restricted to the costs of licenses, metallic tags, and impounding and maintenance of the dogs.

(7) *Cats.* Cats shall be included as controlled by this division insofar as running-at-large, pickup, impounding, boarding, licensing and proof of anti-rabies vaccine is concerned. All other provisions of this section shall also apply to cats unless otherwise provided.

(D) *Vaccination.*

(1) All dogs and cats harbored, maintained, or transported within the city shall be vaccinated at least once every three years by a licensed veterinarian for rabies - with a live modified vaccine.

(2) A certificate of vaccination must be kept on which is stated the date of

vaccination, owner’s name and address, the animal’s name (if applicable), sex, description and weight, the type of vaccine, and the veterinarian’s signature. Upon demand made by the City Auditor, the Animal Control Officer or a police officer, the owner shall present for examination the required certificate(s) of vaccination for the animal(s). In cases where certificates are not presented, the owner or keeper of the animal(s) shall have three days in which to present the certificate(s) to the City Auditor or officer. Failure to do so shall be deemed a violation of this section. Penalty, see § 12.17.

12.03. NON-DOMESTIC ANIMALS.

It shall be illegal for any person to own, keep, possess, maintain, have the care and custody of, harbor, or offer for sale, any non-domestic animal within the city. Any owner of a non-domestic animal.at the time of adoption of this code shall have 30 days in which to remove the animal from the city after which time the city may impound the animal as provided for in this section. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled, and for those animals brought into the city as part of an approved school science project or class, or a licensed show or exhibition.

12.04 FARM ANIMALS.

It shall be illegal for any person to own, keep, possess, maintain, have the care and custody of or harbor farm animals within the city. An exception shall be made to this section for those farm animals brought into the city as part of an approved school science project or class, or a licensed or city sanctioned show or exhibit.

12.05 IMPOUNDING.

(A) *Running at large.* Any unlicensed animal running at large is hereby declared a public nuisance. The Animal Control Officer or any police officer may impound any dog or other animal found unlicensed or any animal found running at large and shall give notice of the impounding to the owner of the dog or other animal, if known. In case the owner is unknown, the officer shall post notice at the city office that if the dog or other animal is not claimed within the time specified in division (C) of this section, it will be sold or otherwise disposed of. Except as otherwise provided in this section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs and cats running at large.

(B) *Biting animals.* Any animal that has not been inoculated by a live modified rabies vaccine and which has bitten any person, wherein the skin has been punctured or the services of a doctor are required, shall be confined in the city pound for a period of not less than ten days, at the expense of the owner. The animal may be released at the end of the time if healthy and free from symptoms of rabies, and by the payment of all costs by the owner. However, if the owner of the animal shall elect immediately upon receipt of notice of need for the confinement by the officer to voluntarily and immediately confine the animal for the required period of time in a veterinary hospital of the owner’s choosing, so long as it is located within a ninety-mile radius of the City of Crosby, and provide immediate proof of confinement in the manner as may be required, the owner may do so. If, however, the animal has been inoculated with a live modified rabies vaccine and the owner has proof of the vaccination by a certificate from a licensed veterinarian, the owner may confine the dog or other animal to the owner’s property.

(C) *Reclaiming.* All animals conveyed to the pound shall be kept, with humane treatment and sufficient food and water for their comfort, at least five regular business days, unless the animal is a dangerous animal as defined under §12.11 in which case it shall be kept for seven regular business days or the times specified in §12.11, and except if the animal is a cruelly-treated animal in which case it shall be kept for ten regular business days, unless sooner reclaimed by their owners or keepers as provided by this section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required, unless otherwise provided for in this code or established from time to time by resolution of the City Council.

(1) Payment of the release fee and receipt of a release permit as established by resolution.

(2) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in the pound; and

(3) If a dog is unlicensed, payment of a regular licensing fee as established by resolution, and valid certificate of vaccination for rabies shots is required.

(D) *Unclaimed animals.* At the expiration of the times established in division (C) of this section, if the animal has not been reclaimed in accordance with the provisions of this section, the officer appointed to enforce this section may let any person claim the animal by complying with all provisions in this section, or the officer may sell the animal, or cause the animal to be destroyed in a proper and humane manner and shall properly dispose of the remains thereof. Any money collected under this section shall be payable to the City Auditor.

(E) *Running at large/multiple offenses.* In addition to the penalties provided herein, if the same animal is the basis for three running at large offenses within a one year period of time resulting in conviction or pleas of guilty to running at large by the owner, the municipal judge may, upon making a finding that the same animal has been the basis for three offenses resulting in convictions or pleas of guilty of the offense of running at large within a one year time period, order the Animal Control Officer to destroy the animal in a proper and humane manner and properly dispose of the remains thereof. If the animal is not impounded, and the municipal court orders destruction of the animal under this section, the owner shall immediately make the animal available to the Animal Control Officer. The owner shall be liable to the City for cost of maintaining and disposing of the animal. The owner of the animal shall have ten days from the date of the destruction order to appeal to the District Court. Penalty, see §12.17.

12.06 KENNELS

(A) *Definition of kennel.* The keeping of more than three dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “kennel”; except that a fresh litter of pups may be kept for a period of three months before that keeping shall be deemed to be a “kennel”.

(B) *Kennel as a nuisance.* Because the keeping of more than three dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of three or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a kennel within the city. Penalty, see §12.17.

12.07 NUISANCES.

(A) *Habitual barking.* It shall be unlawful for any person to keep or harbor a dog which habitually barks or cries. Habitual barking shall be defined as barking for repeated intervals of at least five minutes with less than one minute of interruption. The barking must also be audible off of the owner’s or caretaker’s premises.

(B) *Damage to property.* It shall be unlawful for any person’s dog or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage.

(C) *Cleaning up litter.* The owner of any animal or person having the custody or control of any animal shall be responsible for cleaning up any feces of the animal and disposing of the feces in a sanitary manner whether on their own property, on the property of others or on public property.

(D) *Health unit.* It shall be unlawful for any person to keep or harbor an animal officially declared a public nuisance by the Upper Missouri District Health Unit. It shall also be unlawful for any person to keep or harbor an animal under circumstances or conditions officially declared a public nuisance by the Upper Missouri District Health Unit.

(E) *Other.* Any animals kept contrary to this section are subject to impoundment as provided in §12.05. Penalty, see §12.17.

12.08 SEIZURE OF ANIMALS

Any police officer or the Animal Control Officer may enter upon private property and seize any animal provided that the following exist:

(A) There is an identified complainant other than the police officer or the Animal Control Officer making a contemporaneous complaint about the animal;

(B) The officer reasonably believes that the animal meets either the barking dog criteria set out in §12.07(A); the criteria for cruelty set out in §12.13; or the criteria for an at large animal set out in §12.01;

(C) The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;

(D) The officer has made a reasonable attempt to contact the owner of the dog and the property to be entered and those attempts have either failed or have been ignored;

(E) The seizure will not involve the forced entry into a private residence. Use of a pass key obtained from a property manager, landlord, or other authorized person to have that key shall not be considered unauthorized entry; and

(F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the dog is not possible.

12.09 ANIMALS PRESENTING A DANGER TO HEALTH AND SAFETY OF CITY.

If, in the reasonable belief of any person or the Animal Control Officer or police officer, an animal presents an immediate danger to the health and safety of any person, or the animal is threatening imminent harm to any person, or the animal is in the process of attacking any person, the person or officer may destroy the animal in a proper and humane manner. Otherwise, the person or officer may apprehend the animal and deliver it to the pound for confinement under §12.05. If the animal is destroyed, the owner or keeper of the animal destroyed shall be liable to the City for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination. If the animal is found not to be a danger to the health and safety of the City, it may be released to the owner or keeper in accordance with §12.05(C).

12.10 DISEASED ANIMALS.

(A) *Running at large.* No person shall keep or allow to be kept on his or her premises, or on premises occupied by them, nor permit to run at large in the City, any animal which is diseased so as to be a danger to the health and safety of the City, even though the animal be properly licensed under this section.

(B) *Confinement.* Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person, the Animal Control Officer or a police officer. The officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in a manner so as to be a danger to the health and safety of the City, the officer shall cause the animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this section shall be liable to the City for the cost of maintaining and disposing of the animal, plus the costs of any veterinarian examination.

(C) *Release.* If the animal, upon examination, is not found to be diseased the animal shall be released to the owner or keeper free of charge. Penalty, see § 12.17.

12.11 PROHIBITION OF PIT BULL DOGS.

(A) “Pit bull dog” is defined to mean:

- (1) The bull terrier breed of dog;
- (2) Staffordshire bull terrier breed of dog;
- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog;

(5) A dog of mixed breed or of other breeds than above listed which breed or mixed breed is known as a pit bull, pit bull dog or pit bull terrier;

(6) Any dog which has the appearance and characteristics of being predominantly of the breed of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bull, pit bull dog or pit bull terrier, or a combination of any of these breeds.

(B) It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Crosby, North Dakota, any pit bull dog.

12.12 PROHIBITION OF CANARY DOGS

(A) “Canary dog” is defined to mean:

(1) Perro de Presa Canario breed of dog;

(2) Perro Basto breed of dog;

(3) Verdino breed of dog;

(4) Dogo Canario breed of dog;

(5) A dog of mixed breed or of other breeds than above listed which breed or mixed breed is known as a Canary dog, Perro de Presa Canario, Perro Basto, Verdino, Dogo Canario.

(6) Any dog which has the appearance and characteristics of being predominantly of the breed of Canary Dog, Perro de Presa Canario, Perro Basta, Verdino, Dogo Canario, any other breed commonly known as Canary Dog or Perro de Presa Canario, or a combination of any of these breeds.

(B) It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Crosby, North Dakota, any Canary Dogs. Penalty, see § 12.17.

12.11 DOGS AND CATS/NUMBER LIMITATION

It shall be unlawful for any person or persons within a household to own, keep, possess, harbor, maintain or to have the care, custody and control over more than three dogs and three cats within the corporate limits of the city. Penalty, see §12.17.

12.12 BASIC CARE

All animals shall receive from their owners or keepers’ kind treatment, housing in the winter, and sufficient food and water for their comfort. Any person not treating their pet in a humane manner will be subject to the penalties provided in this section.

12.13 BREEDING MORATORIUM.

Every female dog or female cat in heat shall be confined in a building or other enclosure in a manner that it cannot come in contact with another dog or cat except for planned breeding.

12.14 ENFORCING OFFICER.

The City Council is hereby authorized to appoint an animal control officer(s) to enforce the provisions of this chapter. The animal control officer(s) may be a police officer and he may perform his normal law enforcement duties along with his duties as an animal control officer.

12.15 POUND

The City Council shall provide a pound or animal shelter to which animals found in violation of this chapter shall be taken for safe treatment, and if necessary, for destruction. The City Council may provide for more than one location or facility, including private veterinary facilities, as a pound.

12.16 INTERFERENCE WITH OFFICERS.

No person shall in any manner molest, hinder, or interfere with any person authorized by the City Council to capture dogs, cats or other animals and convey them to the pound while engaged in that operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this chapter, or in any other manner to interfere with or hinder the officer in the discharge of his or her duties under this chapter. Penalty, see § 12.17.

12.17 PENALTY

(A) *Separate offenses.* Each day a violation of this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable under this Section.

(B) *Offense.*

An individual violating this ordinance is subject to a non-criminal offense with a \$100.00 fine, for a second violation of this ordinance an individual is subject to a non-criminal offense with a \$200.00 fine. For a third violation of this ordinance an individual is subject to a \$1,000.00 fine. The lookback period of these offenses is within a five (5) year period.

First Reading: April 7th, 2025

Second Reading and Adoption: May 5th, 2025

Publication: May 14th, 2025

CITY OF CROSBY
/s/ James Jacobs, Mayor
James Jacobs, Mayor
ATTEST;
/s/ Alexa Kruger, City Auditor
Alexa Kruger, City Auditor

Shade Tree Experts Business since 1974

R & C Tree Service

Now Working in the Area

Complete Tree Service:

Trimming & Removal

Stump Removal

Modern Equipment

Excellent Work - Fair Price - Free Estimates

License & Bonded Insured

CALL J.P. Roberge 701-334-0381

or toll-free 1-800-334-1518

Credit Cards Accepted

MISSOURI RIVER ROYALTY CORPORATION (MRRC)

Leasing and Buying

Core Bakken minerals!

Please contact Sander Kopseng at 701-226-6128 or at skopseng@unitedenergycorp.com

Crosby City Wide Clean-Up

May 16th thru May 23rd

Roll-off dumpsters will be available at the City Shop and at Crosby Inert Landfill for that entire week; the hours are as follows:

Friday, May 16 -- 1 pm to 6 pm

Saturday, May 17 & Sunday, May 18 -- 10 am to 6 pm

Monday, May 19 - Friday, May 23 -- 1 pm to 6 pm

Pick-up services will be available Wednesday, May 21, 2025. With the city having limited help we are requesting if you want your materials picked up at the curb you will need to sign up at City Hall by May 19 at 4:30 pm. If you are not on the list items will not be picked up.

If there are any questions, please contact City Hall at 701-965-6029.

Thank you, City of Crosby