

Max

ORDINANCE NO. 107 A

AN ORDINANCE PERTAINING TO THE KEEPING OF PIT BULL DOGS AND ROTTWEILER WITHIN THE CORPORATE LIMITS OF THE CITY OF MAX, NORTH DAKOTA.

BE IT ORDAINED BY THE CITY OF MAX, NORTH DAKOTA:

Section 1. Purpose: In order to protect the health, safety and welfare of the residents and citizens of the City of Max, the City Council of the City of Max does hereby enact the following provisions:

Section 2. Pit Bull Dogs/Rottweiler: Keeping prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Max, North Dakota.

Any pit bull dog; provided, that pit bull dogs registered with the City on or before the first day of March, 1987 may be kept within the City subject to the standards and requirements set forth in Section 2 -3 of this Article. "Pit bull dog" is defined to mean:

- (a) the bull terrier breed of dog;
- (b) Staffordshire bull terrier breed of dog;
- (c) The American pit bull terrier breed of dog;
- (d) The American Staffordshire terrier breed of dog;
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
- (f) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers, or a combination of any of these breeds.

Section 2-3 Keeping of Registered Pit Bulls: The provisions of Section 2 of this Article are not applicable to owners, keepers or harborers of pit bull dogs registered with the city of Max, on or before the 1st day of March, 1987, the effective date of this article. The keeping of such dogs, however, shall be subject to the following standards:

(1) Leash and Muzzle: No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.

(2) Confinement: All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement Indoors. No pit bull may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) Signs. All owners, keepers or harborers of registered pit bull dogs within the City shall within ten (10) days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.

(5) Insurance. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide proof to the City Auditor of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Max City Auditor.

(6) Identification Photographs. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this ordinance provide to the City Auditor two color photographs of the registered animal clearly showing the color and approximate size of the animal.

(7) Reporting Requirements. All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the city Auditor as required hereinafter:

- (a) The removal from the City or death of a registered pit bull dog;
- (b) The birth of offspring of a registered pit bull dog;
- (c) The new address of a registered pit bull dog owner should the owner move within the corporate city limits.

(8) Sale or Transfer of Ownership Prohibited. Sale- No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the City.

(9) Animals Born of Registered Dogs. All offspring born of pit bull dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.

(10) Irrefutable Presumptions. There shall be an irrefutable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 2 of this article is in fact a dog subject to the requirements of this section.

(11) Failure to Comply. It shall be unlawful for the owner, keeper or harbored of a pit bull dog registered with the City of Max to fail to comply with the requirements and conditions set forth in this ordinance. Any dog found to be the subject of a violation of this ordinance shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.

(12) Violations and Penalties. Any person violating or permitting the violation of any provision of this ordinance shall upon conviction in Municipal Court be fined a sum not more than \$500.00. In addition to the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed thirty (30) days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the City. Should the defendant refuse to remove the dog from the City the municipal court judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this ordinance.

(13) Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

Section 4: This ordinance shall take effect and be in full force from and after the 9 day of October, 1987.

The motion for the adoption of the foregoing Ordinance was moved by Alderman McElwain and was duly seconded by Alderman Wagner, and upon vote being taken thereon, the following Alderman voted in favor thereof: Huettl, McElwain, Wagner and Mack and the following Alderman voted against the same: none.

First Reading: September 8, 1987

Second Reading: October 9, 1987

Third Reading: October 9, 1987

CITY OF MAX, NORTH DAKOTA

By Donald J. Nett

Mayor

Attest: C.T. Jacobson

City Auditor

REVISED:

First Reading: 2 - 3 - 03

Second and Final Passage: 3 - 3 - 03

APPROVED:

Mayor

ATTEST:

Auditor