

TITLE XI.

ANIMALS

CHAPTERS:

- 11-01. Chickens, Domestic Fowl, Farm Animals and Vicious Animals. (Source: Ord. 2020-84,
Sec. 1)
- 11-02. Dogs and Cats.

CHAPTER 11-01
(Source: Ord. 2020-84, Sec. 1)

CHICKENS, DOMESTIC FOWL, FARM ANIMALS AND VICIOUS ANIMALS

SECTIONS:

- 11-0101. Unlawful to Run at Large in City.
- 11-0102. Unlawful to Keep Domestic Fowl and Farm Animals - Exception.
- 11-0103. Vicious Animals.
- 11-0104. Registration and Coop Required.
- 11-0105. Definitions.
- 11-0106. Confinement.
- 11-0107. Chicken Coops and Chicken Runs.
- 11-0108. Private Restrictions and Covenants on Property.
- 11-0109. Penalty.
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11-0101. **UNLAWFUL TO RUN AT LARGE IN CITY.** It shall be unlawful for the owners, keepers and custodians of chickens or hen pheasants, to permit, suffer or allow the same to run at large on the streets, avenues, alleys, parks or public grounds within the limits of the City of Kindred, or to be tethered or staked in such a manner as to go upon any street, sidewalk, crosswalk, or public ground within the city. Any such animals found within the corporate limits of the city except on property zoned with an "A-Agricultural District" are declared to be public nuisances. This section does not apply to the owners of any farm animals kept as a part of any state educational institution or the owners of any farm animals temporarily exhibited at any fair or agricultural exhibition, provided said animals are stabled and cared for in a sanitary manner approved by the health department.

11-0102. **UNLAWFUL TO KEEP DOMESTIC FOWL AND FARM ANIMALS - EXCEPTION.** Unless otherwise allowed under this Chapter, no ducks, geese or other domestic fowls, horses, cattle, sheep, swine or goats shall be kept within the City limits of the City of Kindred, except that chickens and hen pheasants may be kept within the limits of the City provided the provisions of this Chapter are met; and farm animals may be kept on property zoned as "A-Agricultural District" under the Land Development Code (Chapter4 of the Revised Ordinances of 2004 of the City of Kindred) of the City of Kindred.

11-0103. **VICIOUS ANIMALS.** No person or persons in the City, being the owner of, or keeper of, any dangerous, vicious, or unruly animal shall not suffer the same to run at large. For purposes of this section, the words "owner," "running at large," and "suffer" shall be defined as in Section 11-0203 of the ordinances of the City of Kindred.

11-0104. **REGISTRATION AND COOP REQUIRED.** It is unlawful for any person to own, control, keep, maintain or harbor chickens or hen pheasants on any premises within the City unless said chickens are registered with the city and contained in a chicken coop. No registration will be issued for the keeping or harboring of more than eight (8) chickens and/or hen pheasants

on any premises. The keeping or harboring of male chickens or roosters is prohibited. The breeding of chickens or hen pheasants on any premises within the City is prohibited.

- (a) A building permit that meets building standards must be obtained for the construction and installation of the chicken coop. The building permitting process will define coop specs and distance requirements from property lines.
- (b) The building permit application must include:
 - i. a scaled diagram indicating the location of any enclosure, chicken coop and chicken run, and the approximate size and distance from adjoining structure(s) and property lines. To the extent a chicken coop or run is intended to be moveable, the scaled diagram must indicate the area or areas into which they may be located should the permit be granted;
 - ii. the number of chickens and/or hen pheasants to be maintained at the premises; and
 - iii. a statement that the applicant/permittee will at all times keep the chickens and/or hen pheasants in accordance with this ordinance and all the conditions prescribed by the City Council, or modification thereof, and failure to obey such conditions will constitute a violation of the provisions of this Chapter and grounds for cancellation of the chicken registration.

No permit will be issued for an incomplete application.

- (c) The City Council may refuse to grant or renew a yearly registration for failure to comply with the provisions of this Chapter, if a nuisance condition is created, or if the public health and safety would be unreasonably endangered by the granting or renewing of registration.
- (d) Chicken and hen pheasant registration must include a NPIP (National Poultry Improvement Plan) certificate. Only NPIP certified chickens and/or hen pheasants are allowed within the City of Kindred.
- (e) Chickens and hen pheasants must be kept and handled in a sanitary manner to prevent the spread of communicable disease among birds or to humans. Any person keeping chickens and/or hen pheasants must immediately report any unusual illness or death of the fowl to the Cass County Public Health Department.

11-0105. **DEFINITIONS.** The following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (a) "At large" means a chicken out of its chicken coop or run, off the premises or not under the custody and control of the owner.
- (b) "Brooder" means a small pen designed to rear young poultry.
- (c) "Chicken coop" means a structure for housing chickens made of wood or other similar materials that provides shelter from the elements.

- (d) "Chicken run" means an enclosed outside yard for keeping chickens.
- (e) "Farm Animal" means any of the following: horse of any kind, cattle, sheep, swine, goats.
- (f) "Person" means for purposes of this article and unless the context suggests otherwise, the resident, property owner, custodian, or keeper or of any chicken and shall include, where the context of the provision allows, any natural person, co-tenancy, partnership, corporation, limited liability company or other form of separate business entity recognized by North Dakota state law.
- (g) "Premises" means, for purposes of this article only, a residential single dwelling parcel of real property.

11-0106. **CONFINEMENT.** Every person who owns, controls, keeps, or harbors chickens and/or hen pheasants must always keep them confined and may not allow them to run at large. They must be secured in a chicken coop from sunset to sunrise each day. Chickens and/or hen pheasants may be allowed out of their coop and run so long as they are kept in a fenced backyard and are not allowed to run at large.

11-0107. **CHICKEN COOPS AND CHICKEN RUNS.**

- (a) Except as set forth in this section, chicken coops and runs, as accessory structures, must comply with the setback requirements set forth in the Kindred City Zoning Ordinances for accessory uses. Chicken coops and chicken runs may not be located within the front yards and are subject to a three (3) foot setback from any adjacent property. All chicken coops must be a minimum of four (4) square feet per chicken in size. Attached fenced-in chicken runs must have a minimum of ten (10) square feet per chicken, including the chicken coop and may not exceed twenty (20) square feet per chicken and fencing may not exceed six (6) feet in total height from adjacent ground level. Chicken runs may be enclosed with wood or woven wire materials or a combination thereof. To the extent the setback provisions of the Kindred City Zoning Ordinances conflict with the setback or other provisions of this Chapter, the setback or other provisions of the Kindred City Zoning Ordinances will apply.
- (b) Chicken coops are not allowed to be in any part of a home or a garage that is attached to a home. No chickens or hen pheasants are allowed inside the dwelling unless younger than 8 weeks of age and confined to a brooder.
- (c) Feed must be kept in metal predator proof containers. All stored manure must be placed within a fully enclosed container. No more than three cubic feet of manure may be stored. All other manure not used for fertilizing must be removed. The henhouse, chicken run and pen and surrounding area must be kept free from trash and accumulated manure. Chicken manure may be placed in yard compost piles.

- (d) Neither odors nor noise may be present at the lot line to the extent that it results in a public nuisance or is in violation of any noise ordinance or is overly odorous and causes complaints.
- (e) The owner must take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. If problems arise and are not dealt with according to the penalty provisions of this ordinance, Animal Control will intervene and take necessary actions to remedy the situation.

11-0108. **PRIVATE RESTRICTIONS AND COVENANTS ON PROPERTY.**

- (a) Notwithstanding the issuance of a chicken registration by the City, private restrictions and/or covenants on the use of property are enforceable and take precedence over a chicken registration. A chicken registration issued to a person whose premises are subject to private restrictions and/or covenants that prohibit the keeping of chickens or hen pheasants is void. The interpretation and enforcement of the private restriction is the sole responsibility of the private parties involved.
- (b) For any person who proposes to keep chickens in the yard of a rented single-family residential dwelling, the applicant must present a signed statement from the owner of the dwelling consenting to the applicant's proposal for keeping chickens on the premises.

11-0109. **PENALTY.** In addition to being a nuisance, any violation of this ordinance is an infraction, punishable by a fine of at least One Hundred and 00/100 Dollars (\$100.00). Each day the violation continues is considered a separate offense.

11-0110. **ENFORCEMENT.** Upon a complaint filed with the City Auditor related to a violation of this ordinance, the City Auditor will cause notice to be provided to the Owner. The notice, stating the violation and what action is required, will be delivered to the Owner and provide said Owner ten (10) days to comply. If compliance is not completed within ten (10) days, the City will have the authority to abate the nuisance. Costs related to said abatement will be the responsibility of the Owner and will be assessed to the property if not paid. An hourly rate, to be set by resolution of the City Council, will be charged for the abatement, along with any applicable clean-up costs and attorney's fees.

CHAPTER 11-02

DOGS AND CATS

SECTIONS:

- 11-0201. Dogs or Cats Running at Large Declared a Nuisance.
- 11-0202. Dogs or Cats Running at Large Prohibited.
- 11-0203. Definitions of Terms.
- 11-0204. Identification and Vaccination Required.
- 11-0205. Reserved for Future Use.
- 11-0206. Impounding Dog or Cat Running at Large.
- 11-0207. Reserved for Future Use.
- 11-0208. Reserved for Future Use.
- 11-0209. Animal Kennels and Shelters.
- 11-0210. Dogs and Cats Having Fierce, Dangerous or Vicious Propensities.
- 11-0211. Habitually Barking, Crying or Howling Animal Cat Declared Public Nuisance.
- 11-0212. Habitually Barking, Crying or Howling Dog or Cat - Procedure for Complaint.
- 11-0213. Collection of Animal Solid Waste.
- 11-0214. Rabies Control.
- 11-0215. Penalty for Harboring a Habitually Barking, Crying or Howling Animal.
- 11-0216. Penalties.
- 11-0217. Enforcement.

11-0201. **DOGS OR CATS RUNNING AT LARGE DECLARED A NUISANCE.** All dogs or cats running at large within the limits of the City of Kindred contrary to the provisions of this chapter are hereby declared a nuisance.

11-0202. **DOGS OR CATS RUNNING AT LARGE PROHIBITED.** Any person who is the owner or has in his possession any dog or dogs or cat, male or female, shall not suffer the same to run at large, contrary to the provisions of this chapter, within the City of Kindred. No person having the custody or control of any animal will permit the same to be off the property limits of its owner or keeper, or on any street, public park, school grounds or public place in the City of Kindred without being effectively restrained by chain or leash not exceeding six (6) feet in length. This requirement does not apply if the animal is within the confines of a vehicle.

Source: Ord. 2018-71, Sec. 1

11-0203. **DEFINITIONS OF TERMS.** As used in this chapter, unless the context otherwise indicates, (a) "owner" means any person, firm, association or corporation owning, keeping, or harboring a dog or cat or both; (b) "running at large" means not on the premises of the owner, and not under the control of the owner or keeper, or a member of his immediate family, either by a leash, cord, or chain; and (c) "suffer" means without regard to the intent of the owner and is intended to create a strict liability offense.

11-0204. **IDENTIFICATION AND VACCINATION REQUIRED.**

1. All dogs and cats kept or maintained in the City must be vaccinated against rabies.
2. All dogs and cats kept or maintained in the City must have some identification on them that provides the animal's owner information. Identification includes, but is not limited to, valid microchips or any tag or collar with owner contact information, including a valid phone number for the owner.
3. No person, group, association, or corporation may keep or maintain more than five dogs or cats.
4. Failure to vaccinate and/or provide identification for a dog or cat, as required in this section, 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).

Source: Ord. 2012-39, Sec. 1 (2012); Ord. 2015-61, Sec. 4; Ord. 2018-71, Sec. 2; Ord. 2022-98, Sec. 1

11-0205. **RESERVED FOR FUTURE USE.** (Repealed by Ord. 2022-98, Sec. 1)

11-0206. **IMPOUNDING DOG OR CAT RUNNING AT LARGE.** If any dog or cat, male or female, shall be found running at large, said dog or cat shall be impounded.

Source: Ord. 2015-61, Sec. 5; Ord. 2022-98, Sec. 3

11-0207. **RESERVED FOR FUTURE USE.** (Repealed by Ordinance No. 2015-61)

11-0208. **RESERVED FOR FUTURE USE.** (Repealed by Ordinance No. 2015-61)

11-0209. **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 Kindred.

11-0210. DOGS AND CATS HAVING FIERCE, DANGEROUS OR VICIOUS PROPENSITIES. The owner of any dangerous, fierce, or vicious dog or cat which shall have bitten any person shall be guilty of an offense. If any dangerous, fierce, or vicious dog or cat shall be found running at large and cannot be safely taken up and impounded, such dog or cat may be slain by any policeman.

11-0211. 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, crying or howling for repeated intervals of at least three minutes with less than one minute of interruption. Such barking, crying or howling must be audible off of the owner or keeper's premises.

Source: Ord. 2012-39, Sec. 2 (2012)

11-0212. HABITUALLY BARKING, CRYING OR HOWLING DOG OR CAT - PROCEDURE FOR COMPLAINT. Any person desiring to sign a complaint against the owner of a habitually barking, crying or howling dog or cat must contact the City Auditor or other person designated by the City Council and state his or her name, address, and facts supporting the alleged nuisance. The City, 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. If the animal is not quieted within the above time period, and for the prescribed time period, a formal citation may be issued and served upon the owner.

Source: Ord. 2015-61, Sec. 6

11-0213. COLLECTION OF ANIMAL SOLID WASTE. Every person having custody or control of a dog or cat shall be equipped to, and collect said animal's solid waste when eliminated on property owned by the City of Kindred, the Park Board, the School District, or any private property. No person having custody or control of any dog or cat under this ordinance will allow the accumulation of excrement or other waste materials from said dog or cat which results in foul or noxious odors that are offensive to surrounding residents. Any person who wishes to make a complaint regarding violations of this section must report the violation to the City Auditor.

Source: Ord. 2005-3, Sec. 1 (2005); Ord. 2015-61, Sec. 7; Ord. 2018-71, Sec. 3

11-0214. **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 or the city pound 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 Kindred 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 to the local pound or local veterinarian, and there 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 to the pound 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 in the pound 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 peace 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 peace officer.

Source: Ord. 2022-98, Sec. 4

11-0215. PENALTY FOR HARBORING A HABITUALLY BARKING, CRYING OR HOWLING ANIMAL. In addition to being a nuisance, harboring a habitually barking, crying or howling animal shall be punishable as an infraction and shall carry a minimum penalty

of a fine of at least One Hundred and no/100 Dollars (\$100.00) or ten (10) hours of community service.

Source: Ord. 2012-39, Sec. 3 (2012)

11-0216. **PENALTIES.** In addition to being a nuisance, any violation of this ordinance will be an infraction, punishable by a fine of at least One Hundred and 00/100 Dollars (\$100.00). Each day the violation continues is a separate offense.

Source: Ord. 2018-71, Sec. 4

11-0217. **ENFORCEMENT.** Upon a complaint filed with the City Auditor related to a violation of section 11-0213 of this ordinance, the City Auditor will cause notice to be provided to the Owner. The notice, stating the violation and what action is required, will be delivered to the Owner and provide said Owner ten (10) days to comply. If compliance is not completed within ten (10) days, the City will have the authority to abate the nuisance. Costs related to said abatement will be the responsibility of the Owner and will be assessed to the property if not paid. An hourly rate, to be set by resolution of the City Council, will be charged for the abatement, along with any applicable clean-up costs and attorneys fees.

Source: Ord. 2018-71, Sec. 5