

TITLE 5

ANIMALS

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CHAPTER 1  
ANIMAL REGULATIONS

5-1-01 DEFINITIONS. Whin used in this title, the following words and phrases have the meanings ascribed to them in this section:

(a) "Owner" means any person keeping an animal.

(b) "Keeping" means owning, maintaining, sheltering, harboring, or otherwise retaining control over, or possession of animal.

(c) "AT large" refers to an animal off the premises of the owner and not under the control of the owner or any other person by leash or chain.

5-1-10 SWINE. The keeping of swine within the limits of the town is prohibited.

5-1-20 SMALL ANIMALS. The keeping of ducks, geese, guineas, peafowl, cats, rabbits, and other small animals and rodents within the limits of the town is permitted provided that the aggregate number of such animal kept within on e household or any on premise does not exceed three animals. The keeping of more than three animals as such is prohibited, except that when a natural increase of the number of such animals occurs, the owner shall have forty-five days (45) to dispose of the number of animals in excess of three (3).

5-1-30 STANDARDS. Keeping of horses, sheep, or cattle shall be allowed unless less than one-half acre of pasture is provided for each horse, sheep, or cattle. No keeping of chickens shall be allowed unless the chickens are kept penned at all times, and the number of chickens maintained is not so great as to cause undue noise or commotion in the neighborhood.

5-1-40 MINIMUM STANDARDS GENERALLY. The town marshall, with approval of the town council, is authorized to establish minimum standards governing the manner of keeping, or raising any animals not prohibited by law on any premise located within the limits of the town. The standards shall be recorded and be available for public inspection at the office of the town marshall.

5-1-50 CRUELTY TO ANIMALS. It is prohibited for any person to willfully or cruelly inflict pain upon, or injure, any animals.

5-1-60 PENALTY. For the first offense from and after the date of this Ordinance, the fine shall be \$25.00 for the first offense. For the second offense within two years the fine shall be \$50.00 and for the third offense within two years the fine shall be \$75.00. The fine shall be applied against the head of household keeping or maintaining a dog running at large in violation of the Ordinances of the Town of Fromberg. On the fourth offense the owner will be asked to remove the animal from the Town of Fromberg.

## CHAPTER 2

### DOG LICENSES AND REGULATIONS

5-2-10 LICENSING. Dog licenses shall be obtained at the office of the Town Marshall. The owner of the dog shall pay the license fee as set forth in the table of fees, and shall present a certificate from a licensed veterinarian showing that the dog has received a rabies vaccination which will remain viable for the period of one year. The license shall be purchased before May 1 of each year. Proof of a spayed female may be required and a certificate from a licensed veterinarian shall be sufficient for proof. No proof shall be required in subsequent years, when adequate proof has been once given the female being spayed.

5-2-20 LICENSE TAGS. Upon licensing or renewal, the town marshall shall deliver to the dog's owner a tag of metal or other permanent substance, to be fastened to the dog's collar. The tag shall state the year of the license and shall bear a unique serial number. The serial number of the tag and the owner's name and address shall be recorded together in the registry of dogs, to be maintained by the Town Marshall.

5-2-30 DOGS CREATING A NUISANCE. It is unlawful to keep or permit to run a dog at large which:

- (a) causes injury to other persons or property.
- (b) chases persons or vehicles not trespassing on the owner's property.
- (c) unreasonably disturbs the peace of the town by undue howling and barking.
- (d) is off the premises of the owner, harborer or possessor, and not then and there restrained by leash, cord, chain, or otherwise.

It is no defense to a charge under this Section that the owner, harborer or possessor of such animal was unaware the animal was at large, or that such animal was released from the owner's premises by overt act, error or omission on the part of any person. It is declared to be the public policy of the governing body of the town that no dog be off the premises of its owner, harborer or possessor at any time, unless leashed or otherwise restrained, and that the owner, harborer or possessor shall be held strictly liable therefor, regardless of the circumstances which may contribute to, or result in the violation.

5-2-40 VICIOUS DOGS. It is unlawful to keep a dog of a vicious nature within the Town of Fromberg. The owner of any dog found to be vicious by the town police court shall either remove said dog from the town limits or have the dog destroyed. Failure to remove the dog from the town limits or have the dog destroyed shall result in the town destroying the dog. For purposes of this section, a "vicious dog" is defined as one which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term

"animal" includes all livestock and any domestic pet.

Any dog charged with being vicious shall be either impounded or properly secured until said matter is heard before the Town Police Court.

Any dog found to be vicious and which was removed from the town limits shall be destroyed if it returns to the town limits.

5-2-50 FEMALE DOGS IN HEAT. It is unlawful to permit a female dog in heat to run at large.

5-2-60 MAYOR MAY REQUIRE DOGS CONFINED OR MUZZLED. Whenever danger to the public safety is imminent, the mayor may require that all dogs be confined on the premises of their owner, or that they be securely muzzled.

5-2-70 LIMITED NUMBER OF DOGS. No person, partnership, corporation, or other person or family living in one household shall have more than two (2) female dogs and one (1) male dog, or two (2) male dogs and one (1) female dog within the limits of the Town of Fromberg.

## CHAPTER 3

### IMPOUNDING OF ANIMALS

5-3-01 SEIZURE AND IMPOUNDING. Any animal kept or allowed to run at large in violation of the provisions of this title may be seized and impounded by any law enforcement officer.

5-3-10 NOTICE OF IMPOUNDMENT. The impounding official shall give notice of the impoundment of any animal by causing personal service on the owner, or on some responsible person at the owner's residence or place of business. If such person cannot be found, notice shall be given by detention of the animal and by posting the information of impoundment in two separate places in the town.

5-3-20 DISPOSITION OF UNREDEEMED ANIMALS. The refusal or failure of the owner to redeem the animal and pay the impounding fees shall be held to be an abandonment of the animal by the owner. The town marshall may offer the animal for sale. The sale and certificate of sale shall confer title and ownership to the animal free of all claims and interest of the previous owner. In the event that the animal is not purchased or redeemed, it may be disposed of in a humane manner by any law enforcement officer.

5-3-40 ALTERNATIVE TO DEATH OF ANIMAL. Whenever an animal is to be disposed of under this chapter, any person may apply to the police court for permission to remove the animal permanently from the municipality. Upon such person's filing with the court his written agreement to remove the animal from the municipality and be responsible for its remaining out permanently, the police judge may, in his discretion, make an order allowing the animal to be removed from the municipality instead of being put to death.

5-3-50 RECORD OF DISPOSITION. The town marshall shall maintain a record of the disposition of all impounded animals, including date of impoundment, notice given, redemption of disposition, and date of redemption or disposition.