

CHAPTER 3-03

LICENSING AND CONTROL OF DOGS AND CATS

3-03-01. License Required. It is unlawful for any person within the city to keep, maintain or have in custody or under control any dog or cat over the age of six months which is not licensed and inoculated against rabies.  
(Ord. 4159, 6-23-87)

3-03-02. License Application, Fee and Renewal.

1. Any person desiring to keep, maintain or have in custody or control any dog or cat over the age of six months shall make application to the city or designee for a license. The application must be in writing stating the name, sex, color and breed or other distinguishing characteristics of the animal and the name and address of the applicant. The license must be renewed for so long as the animal is kept within the city by payment of the fee as set by the city commission. All of the fees relating to the keeping of pets are as determined from time to time by the city commission and on file in the office of the city administrator.

2. Before any license may be issued the applicant shall furnish a certificate of vaccination issued by a licensed veterinarian evidencing that the dog or cat for which the license is desired has been vaccinated against rabies. A license issued under this chapter may not exceed the duration of the rabies vaccination.

3. A license fee as set by the city commission must be paid at the time any dog or cat is first licensed. The license is valid for the duration of the rabies vaccination under which it is obtained. Licenses must be renewed for so long as the animal is kept within the City of Bismarck. The license fee for any period of less than one year shall be prorated by the month.

4. A refund may not be made on any license fees because of the death of an animal or because the owner of the animal leaves the city before expiration of the license period. A license is not transferable. If an animal is sold or given to another, the new owner must obtain a new license for the animal.

5. In addition to the initial and ongoing license fee there is a fee as set by the city commission for any unaltered dog or cat. An applicant who wishes to avoid payment of the additional fee for an unaltered dog or cat

shall upon application for a license furnish a certificate signed by a veterinarian or the owner evidencing that the animal for which the license is desired has been spayed or neutered. The certification is valid for the life of the animal.

6. A license issued under this chapter shall expire at the date when the last rabies vaccination for the animal expires.

7. The City shall design the license certificate and suitable license tag and shall issue same to licensed veterinarians. The license tags shall designate the name of the city and the year, in addition to any other wording or identification as, from time to time, may be deemed practical or appropriate.

8. If the license is issued by the designee, who is not an employee of the city, who the city has deputized to issue licenses, they may keep as compensation one dollar and fifty cents (\$1.50) for the work involved in issuing the license.

9. The total number of dogs and/or cats permitted per location shall be governed by Chapter 14 (Zoning Ordinance).

10. In addition to the number of dogs and/or cats allowed in residentially-zoned areas by City Ordinance 14-03-06, the City may grant a special license to an applicant granting the authority to keep additional dogs or cats in a residential area subject to the following:

a. The applicant must file an application with the Bismarck Public Health Department, Environmental Health Division which states specifically the number of dogs and cats to be kept, a description of each and the address of the location where they will be kept. A non-refundable fee as set by the city commission must accompany each application.

b. No resident may keep more than three unaltered dogs or cats at any one residential location.

c. The special license shall state the number of dogs or cats allowed at the location. In reaching this decision, the Public Health Department, Environmental Health Division may consider:

i. The size, age, breed and dispositions of the applicant's dogs and cats.

ii. The location, size, facilities and proximity to neighbors of the applicant's residence.

iii. The general health, welfare and safety of the citizens of Bismarck and the impact of the applicant's request.

d. After a license is granted, it may be revoked by the Director of Public Health upon 10 days' notice for any of the following reasons:

i. Dog(s) and/or cat(s) kept at the premises are habitually at large.

ii. Offspring from the breeding of dogs and/or cats kept at the premises are habitually at large.

iii. Noise or odors from premises are offensive or a nuisance.

iv. Unsanitary or unhealthy conditions exist at the premises.

v. The dog(s) and/or cat(s) kept at the premises are unlicensed.

vi. There are more than three unaltered dogs and/or cats at the premises.

vii. The applicant has failed to redeem an impounded dog or cat kept under the special license.

viii. The applicant has committed cruelty to animals as defined by Section 3-01-04.

e. A special license granted under this section shall be valid only for the specific location listed on the license, and for the number of dog(s) and/or cat(s) allowed. A special license shall not be granted to any kennel, dog or cat boarder or any other commercial dog or cat facility. A person granted a special license has 10 days from the granting of the license in which to license the dogs and cats listed in the special license.

f. A licensee under this section may replace a dog or cat that has died or has been relocated, within the restrictions of the license. A licensee must

inform the Public Health Department, Environmental Health Division of any change in the animals covered by the license. An applicant wishing to increase the number of dogs and/or cats must reapply under section a.

g. Denial or revocation of a special dog and/or cat license is subject to appeal to the Board of City Commissioners upon written notice of appeal filed with City Administration within 10 days of denial. If no appeal is filed within the time specified, the action of Director of Fire and Inspections shall be final.

h. Upon receipt of a notice of appeal, the Board shall set a date for a hearing within 15 days of receipt of the notice of the appeal. Notice of the time and place for the hearing must be served upon the applicant by mailing notice to the address contained in the application at least five days before the hearing. The board shall hear such testimony and other evidence as it deems necessary and expedient and thereupon make its findings and decision, which shall be final.

*(Ord. 4743, 12-12-95; Ord. 4867, 09-09-97; Ord. 5239, 04-08-03; Ord. 5559, 11-14-06; Ord. 6156, 10-13-15)*