

CITY OF GWINNER
ORDINANCE NO.2025-2

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GWINNER, SARGENT COUNTY, NORTH DAKOTA:

5-101. DEFINITION OF TERMS

(a) Animal: For the purpose of this Chapter, animal shall mean every living animal except a member of the human race.

(b) At Large: An animal shall be deemed to be at large when off the property of the owner and not under restraint.

(c) Neutered: Rendered permanently incapable of reproduction.

(d) Nuisance: An animal shall be considered a nuisance if it damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noisemaking; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

(e) Owner: A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

(f) Restraint: An animal shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead under the control of a responsible person.

(g) Dangerous or Vicious Animal: "Dangerous or Vicious" is any animal that:

1. when unprovoked, inflicts bite(s) on any human or domestic animal either on private or public property;
2. has a documented history with the Gwinner police Department or other public agency of biting or attacking any human or domestic animal;
3. has a known propensity, tendency, or disposition to attack, to cause injury, or otherwise threaten or endanger the safety of humans or domestic animals; or
4. is not properly vaccinated.

Any person violating this section shall have committed a non-criminal violation and shall pay a fee as follows: \$50.00 for each violation.

5-106. DOG: RUNNING AT LARGE. It shall be an infraction for any person who is the owner, or who has in his possession, any dog of either sex of any kind, to suffer or permit such dog or cat to run at large within the City Limits, and all dogs or cats running at large within the City Limits are hereby declared to be public nuisances.

Any person violating this section shall have committed a non-criminal violation and shall pay a fee as follows:

First Offense:	\$100.00
Second Offense within one year:	\$200.00
Third & subsequent offenses within one year:	\$300.00

5-116. BARKING, ANNOYING DOGS, PROHIBITED. It is hereby made an infraction, for any person, owner, or keeper, to harbor or maintain at any place within the limits of the City, any dog or dogs which shall run out and bark at any person, or passing object upon or along any street, highway, or other public ground within the limits of said City, or which by its barking, howling, whining, or other disagreeable noises by it or them during the day, or which by its loud and prolonged barking, howling, whining, or other disagreeable noises by it or them, shall disturb the people in the locality where owned, kept, or maintained, and upon conviction before the Court of this City of being the owner, keeper, or person who maintains such dog or dogs above mentioned, shall be subject to the penalty as hereinafter defined.

Any person violating this section shall have committed a non-criminal violation and shall pay a fee as follows:

First Offense:	\$100.00
Second Offense within one year:	\$200.00
Third & subsequent offenses within one year:	\$300.00

8-1002. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Fifteen Hundred Dollars (\$1500.00), or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

5-402. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Fifteen Hundred Dollars (\$1500.00) or imprisonment and not to exceed thirty (30) days or by both fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

20-301. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Fifteen Hundred (\$1500.00) Dollars, or imprisonment not to exceed Thirty (30) days, or by both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

14-501. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter for which no specific penalty is provided, shall upon conviction be punished by a fine not to exceed Fifteen Hundred Dollars (\$1500.00), or imprisonment not to exceed Thirty (30) days, or both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof or make its order that the person shall correct the violation or permit said violation to continue. The application of this penalty shall not be held to prevent enforced removal or correction of prohibited conditions.

12-401. PENALTY. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished by a fine of not more than Fifteen Hundred Dollars (\$1500.00) or by imprisonment for not more than Thirty (30) days, or by both such fine and imprisonment at the discretion of the Court. Each and every violation of the provisions of this chapter shall constitute a separate offense.

11-601. PENALTY FOR VIOLATION OF CHAPTER. Any person firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished except where otherwise specifically provided herein, by a fine not to exceed Fifteen Hundred Dollars (\$1500.00), or imprisonment not to exceed thirty (30) days or by both such fine and imprisonment in the discretion of the Court, the Court to have power to suspend said sentence and to revoke the suspension thereof.

9-803. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Fifteen Hundred Dollars (\$1500.00), or imprisonment not to exceed Thirty (30) days, or by both such fine and imprisonment in the discretion of the court; the court to have power to suspend said sentence and to revoke the suspension thereof.

4-703. PENALTY FOR VIOLATION OF CHAPTER. Any person, firm, or corporation violating any of the terms or provisions of this chapter shall upon conviction be punished by a fine not to exceed Fifteen Hundred Dollars (\$1500.00), or imprisonment not to exceed thirty (30) days, or by both such fine and imprisonment in the discretion of the Court; the Court to have power to suspend said sentence and to revoke the suspension thereof.

7-101. PENALTY FOR VIOLATION OF ORDINANCES. Except where a penalty is otherwise specifically provided in these ordinances, the penalty for any violation of these Revised Ordinances shall be as follows:

Any person, firm, or corporation violating any of the terms or provisions of the Revised Ordinances of the City of Gwinner, North Dakota of 1996, shall upon conviction be punished by a fine, or by imprisonment or both such fine and imprisonment in the discretion of the Court as found in N.D.C.C. 12.1-32-01 for a Class B misdemeanor, the Court to have power to suspend such sentence and to revoke the suspension thereof. Each day any person, firm, association, or corporation shall violate any of the provisions of the ordinance shall constitute a separate offense.

7-102. PENALTY NOT EXCLUSIVE. The imposition of a penalty or penalties as hereinbefore provided shall not prevent the City Council from revoking any licenses,

franchises, or permits, or suspending the same, wherever by these ordinances such power of revocation or suspension has been reserved to the City Council.

OFFERED BY ALDERMAN Austin Kenny and placed on its first reading this 5th day of MAY, 2025.

2nd PLACED on its second and final reading, passed and approved and adopted this day of June, 2025.

Jamie Gavin
Jamie Gavin, Mayor

ATTEST:
Jessica Peterson
Jessica Peterson, City Auditor

Publication June 6, 2025