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ARTICLE I.**LICENSING AND CONTROL OF DOGS**

5-101. DEFINITION OF TERMS. As used in this chapter, unless the context otherwise indicates, (a) "Dog" shall mean both male and female, (b) "Owner" shall mean any person or persons, firm, association or corporation owning, keeping, or harboring a dog. (c) "At large" shall mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

5-102. LICENSE AND REGISTRATION REQUIRED. All dogs kept, harbored or maintained by their owners in the City of Lisbon shall be licensed and registered if over six months of age on or before the first day of March in each calendar year. Dog licenses shall be issued by the City Auditor upon payment of a license tax of Three Dollars (\$3.00) for each male or spayed female and Five Dollars (\$5.00) for each unspayed female. The owner shall state at the time application is made for such license, and upon printed forms for such purpose his name and address and the breed, color and sex of the animal, date of rabies inoculation and whether or not the animal is spayed. No license shall be issued for any dog unless a certificate signed by a qualified veterinarian is filed with the application showing that the animal described in the application has been inoculated against rabies and the date thereof. At least two weeks must elapse between the date of the rabies inoculation and the issuance of the license. No license for a spayed female shall be issued unless satisfactory evidence of spaying shall be submitted. The provisions of this Section shall not be intended to apply to dogs whose owners are non-residents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place. If the above license fees are paid prior to February first or any year, then in that event the person paying shall be allowed a discount of one-half of the above stated sums as the case may be.

5-103. TERMS OF LICENSE; CANCELLATION; INOCULATED EVERY TWELVE MONTHS. The license herein provided for shall be in force from the date thereof until the first day of January thereafter. Each dog license shall be canceled at the appropriate time during the license year unless the records of the City Auditor contain written evidence that the animal concerned has been inoculated against rabies at least once every twelve months.

5-104. ANIMAL MUST HAVE COLLAR WITH RABIES TAG AND LICENSE TAG ATTACHED. Upon payment of the license fee the City Auditor shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Each owner shall be required to provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In case a tag is lost or destroyed a duplicate will be issued by the City Auditor upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a Fifty Cent (\$.50) fee for such duplicate. Tags shall not be transferable from one animal to another and no refunds shall be made on any license fee because of the death of the animal or the owner's leaving the City before expiration of the license period. The metal rabies inoculation tag shall also be kept affixed to the animal's collar at all times.

5-105. REGISTERED AND TAGGED DOGS, KEPT UNRESTRAINED, WHEN. It shall be lawful for the owner of any dog so registered and tagged as aforesaid to keep the same unrestrained on his private grounds, or at or in any other proper place within the City when such dog is actually in the company, care, custody, and control under the immediate supervision of such owner or keeper or any member of his family, or any other competent person, but not otherwise.

5-106. DOG: RUNNING AT LARGE DECLARED NUISANCE. It shall be unlawful 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 to run at large within the City Limits and all dogs running at large within the City Limits are hereby declared to be public nuisances.

5-107. KEEPING OF FEMALE DOGS IN SEASON PROHIBITED: EXCEPTION. It shall be unlawful for any person to keep any female dog within the limits of the City of Lisbon when in season unless such female dog is kept upon the premises of its owner, either by being tethered or kept within a building on said premises.

5-108. IMPOUNDING. It shall be the duty of every police officer or any other person designated by the City Council to apprehend any dog found running at large contrary to the provisions of this article, and to impound such dog in the City pound, if one is maintained, or other suitable place for the impounding of animals selected by the Chief of Police. The poundmaster, upon receiving any dog, shall make a complete registry entering the breed, color and sex of such dog and whether licensed for the current year. If licensed, he shall enter the name and address of the owner and the number of the license tag. Licensed animals shall be separated from unlicensed animals.

5-109. NOTICE TO OWNER AND REDEMPTION. Not later than two days after the impounding of any dog the owner shall be notified or if the owner is unknown, written notice shall be posted at three conspicuous places in the City of Lisbon describing the animal and place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of the license fee, if unpaid, and the sum of Five Dollars (\$5.00) per day to cover the costs and charges incurred by the City of Lisbon for impounding, maintenance and keeping of said dog and giving notice, together with all costs incurred for any needed rabies inoculation.

5-110. DISPOSITION OF UNCLAIMED OR INFECTED DOGS. It shall be the duty of the Chief of Police to keep all dogs so impounded for a period of six days. If at the expiration of six days from the date of notice to the owner or the posting of notice, such dog shall not have been redeemed, it may be destroyed. Any unlicensed dog required by law to be licensed or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed.

5-111. MUZZLING. Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Chief of Police, Poundmaster or City Health Officer, if any of them deem it necessary, shall request the Mayor of the City of Lisbon to issue a proclamation ordering every person owning or keeping a dog, cat, or other animal to confine it securely on his premises unless such dog, cat, or other animal shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog, or cat, running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs, or cats so noticeably infected with rabies and displaying vicious propensities shall be killed by the Police Department without notice to the owner. Dogs or cats impounded during the first two days of such proclamation shall, if claimed within six days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in Section 5-109. If unclaimed after that period, such dog or cat may be summarily destroyed.

5-112. RABIES - NOTICE. If a dog or cat is believed to have rabies or has been bitten by any animal suspected of having rabies, such dog or cat shall be placed under the observation of a veterinarian, at the expense of the owner, for a period of two weeks. The owner shall notify the Chief of Police of the fact that his dog or cat has been exposed to rabies and at his discretion, the Chief of Police is empowered to have such animal removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

5-112. RABIES NOTICE (continued)

It shall be unlawful for any person knowing or suspecting a dog or cat has rabies to allow such dog or cat to be taken off his premises or beyond the limits of the City without the written permission of the Chief of Police. Every owner, or other person, upon ascertaining a dog or cat is rabid shall immediately notify the Poundmaster or a policeman who shall either remove the animal to the pound or summarily destroy it.

5-113. PROCEEDS FROM IMPOUNDED DOGS TO BE PAID INTO GENERAL FUND OF CITY. It shall be the duty of all police officers and the poundmaster to enforce this article; and all money received from redemption and sale of any dog impounded shall be paid into the general fund of the City.

5-114. VICIOUS DOGS: FAILURE TO TURN OVER TO POLICE ON DEMAND. It is hereby declared unlawful for the owner or keeper of any vicious dog within the City to refuse to deliver the same up to any police officer, whenever requested, for the purpose of being killed and any owner or keeper of any dangerous or vicious dog, who, after demand by the police officer, shall refuse or neglect to surrender the same for the purpose of being killed shall, on conviction in the court of the City, be subject to the penalty as hereafter defined.

5-115. SAME: TO BE KILLED. Any dangerous or vicious dog, upon being delivered up to any police officer under this article shall be killed by said officer, or by any police officer of the City.

5-116. BARKING, ANNOYING DOGS, PROHIBITED. It is hereby made a misdemeanor, 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, horse, or other 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 night time, or which by its loud and prolonged barking, howling, whining, or other disagreeable noises by it or them during the daytime, shall disturb the people in the locality where owned, kept, or maintained, and upon conviction before the police 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.

5-117 PIT BULL DOGS. In order to protect the health, safety and welfare of the residents of the City of Lisbon, the City Council of the City of Lisbon does hereby enact the following provisions, being Sections 5-118 through 5-122 of this Article.

5-118 PIT BULL DOGS: KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the City of Lisbon, North Dakota,
(. . . continued on next page)

5-118 Continued

Any pit bull dog: provided that pit bull dogs registered with the City on or before the eighth day of June, 1988, may be kept within the City subject to the standards and requirements set forth in section 5-119 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 terrier, or a combination of any of these breeds.

5-119 KEEPING OF REGISTERED PIT BULLS. The provisions of Section 5-118 of this article are not applicable to owners, keepers or harborers of pit bull dogs registered with the City of Lisbon on or before the 8th day of June, 1988, 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, any 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 dog 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 this ordinance provide proof to the City Auditor of public liability insurance in a single incident amount of \$100,000.00 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 Lisbon 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 appropriate 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 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 moved from the City within six (6) weeks of the birth of such animal

- (10) Irrebuttable Presumptions. There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by Section 5-118 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 harbinger of a pit bull dog registered with the City of Lisbon 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.

5-120. VIOLATIONS AND PENALTIES. Any person violating or permitting the violation of any provision of this article shall upon conviction in the municipal court be fined a sum not to exceed \$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.

5-121. SEVERABILITY. If any section, sentence, clause or phrase of this ordinance is for any reason held 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 article.

5-122. EFFECTIVE DATE. Sections 5-177 - 5-122 shall take effect and be in full force from and after the 8th day of June 1988.

ARTICLE II.

ANIMALS, GENERAL: POUND REGULATIONS

5-201. UNLAWFUL TO KEEP VICIOUS ANIMAL. No person or persons in the City, being the owner of, or keeper of, any dangerous, vicious, mischievous, or unruly animal, and knowing said animal to be such, shall allow or permit the same to be or run at large.

5-202. RABBITS AND GUINEA PIGS. No rabbits or guinea pigs shall be kept within an enclosure within said City; at a distance less than three hundred (300) feet from any dwelling house without the written consent of the owner or tenant of said dwelling.

5-203. UNLAWFUL TO KEEP ANIMALS WITHIN THE CITY LIMITS; DECLARED PUBLIC NUISANCE; EXCEPTIONS. It shall be unlawful for the owner or owners of any farm animal mentioned in Section 5-213 to allow the same to be kept within the limits of the City of Lisbon or to run at large on the streets, avenues, alleys, parks, or public grounds of the City of Lisbon, or to be tethered or staked out on the streets, parks, or Public grounds of the City of Lisbon, or to be so tethered or staked in such a manner as to go upon any street, sidewalk, crosswalk, or public ground within the City of Lisbon, or to be kept, tethered, or staked for brief or temporary periods of time unattended within the limits of the City of Lisbon. Any such animals found within the corporate limits of the City are declared to be a public nuisance. This section shall not apply to 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.

5-204. WHEN ANIMALS IMPOUNDED. Any animal mentioned in Section 5-213 found within the City Limits shall be liable to being impounded according to law.

5-205. DUTIES OF POLICE. It shall be the duty of the Chief of Police or any police officer of the City of Lisbon to take any of the aforesaid animals so found within the City Limits or running at large or tethered or staked contrary to the provisions of this article and impound the same, in accordance with Section 5-108 or Article I of this chapter.

5-206. COMPLAINT TO MAGISTRATE. Upon the refusal or neglect of the owner of any of the animals mentioned in this article, for twenty-four (24) hours after the impounding of such animal or animals, to pay any fine, fees and charges provided for herein, the Chief of Police or policeman so impounding such animal shall make a complaint in writing to the Municipal Judge, giving a general description of the animal so impounded and the date when impounded and, if known, the name of the owner; and said Municipal Judge shall fix a day and hour for hearing said complaint and the trial of the matter. Such Municipal Judge shall issue notice of such hearing or trial as provided in Section 5-207.

5-207. NOTICE OF HEARING: HOW SERVED. Such notice may be served by the Chief of Police or any police officer of the City, which service shall be made upon the owner of such animal, if known, by giving such notice to said owner in hand, or by leaving a copy thereof at his usual place of abode with some member of the family over fourteen (14) years of age, informing such person of the contents thereof; and, if the owner be unknown, then he shall serve same by posting a copy of such notice in each of three (3) conspicuous places in the City of Lisbon, and, in addition thereto, shall cause a copy thereof to be published once in the official newspaper of the City. He shall make a return in writing of the manner in which such service is made, which return shall be sworn to by him and shall be prima facie evidence of the matter therein stated.

5-208. HEARING. If the notice shall be served or posted and published at least three (3) days before the day therein named for such hearing, then the said complaint shall be for trial at the time and place mentioned in said notice. The City of Lisbon shall be the plaintiff and the owner, or unknown owner of the animals impounded, the defendant in such case or trial. Either party shall be entitled to a trial under the same conditions and in the same manner as any other cases before said Court.

5-209. DEFAULT CASES TO BE TRIED, HOW. If the owner shall fail to appear at the time and place of hearing or trial his default shall be entered and a hearing may be had before the court as in other cases of default.

5-210. JUDGMENT, SALE TO SATISFY. If the owner, or unknown owner, of such animals be convicted of a violation of any of the provisions of this article, then judgment shall be rendered against him for the fine, fees, costs and charges provided herein, and the Court shall make an order directing the Chief of Police to forthwith proceed to sell such animals to pay such fine, fees, costs and charges.

5-211. NOTICE OF SALE, CONTENTS OF, HOW POSTED AND PUBLISHED. Immediately upon receipt of such order the Chief of Police shall proceed to sell such animals at public auction at the pound where they are impounded by first giving ten (10) days notice of said sale by posting the same at the door of the Police Department, which notice shall specify the time and place of such sale, a general description of the animals to be sold, and the date on which same were impounded; and he shall also cause such notice to be published once in the official newspaper of the City, at least five (5) days prior to the time of such sale.

5-212. SALES TO BE FOR CASH, ADJOURNMENT OF, DISPOSITION OF PROCEEDS. All sales made under the provisions of 5-210 shall be for cash in hand; and the sale may be adjourned, from day to day, for good cause. Out of the proceeds of the sale the Chief of Police shall pay all fees and charges as herein provided, and pay over the balance to the City Auditor with a statement of the amount for which such animal or animals were sold and the amount of charges and costs incurred. The amount so paid to the City Auditor shall be for the use of the owner of such animal or animals. The Chief of Police shall not purchase or be interested, directly or indirectly, in the purchase of any animal by virtue of the provisions hereof, under a penalty of ten dollars (\$10.00) and the forfeiture of his office.

5-213. NOTICE TO OWNER, HOW MADE, BY WHOM, REDEMPTION, HOW ACCOMPLISHED, FEES FOR. The Chief of Police shall immediately, upon the impounding of any animals mentioned herein, notify the owner of owners, if known to him, either verbally or by leaving a written notice at his place of residence. Any animal which has been restrained or impounded may be redeemed at any time, before the sale thereof by paying the Chief of Police or Poundmaster the following fees, and all other costs up to the time or redemption, viz:

For impounding animals of the horse kind	\$20.00
For impounding cattle	20.00
For impounding sheep	10.00
For impounding swine	10.00
Providing sustenance for horses, per day	10.00
Providing sustenance for cattle, per day	10.00
Providing sustenance for sheep, goats or swine, per day	10.00
For notifying owners of animals	1.00
For making of service of notice of time	2.00
For writing and posting notice of sale	5.00
Court fees for issuing notice	5.00
Court fees for taking proof and entering judgment	5.00
Court fees for making order of sale	5.00

which fees shall forthwith be turned over to the City Auditor by the said Chief of Police.

5-214. ANIMALS TRESPASSING ON PRIVATE PROPERTY TO BE IMPOUNDED, BY WHOM. Any and all animals hereinbefore mentioned, which shall be found at any time trespassing upon any private property within the limits of the City, shall be liable to be taken up and restrained by the owner or occupant of such property, his or their child, servant or agent.

5-215. UNLAWFUL TO LET OUT ANIMAL FROM PRIVATE ENCLOSURE. No person or persons shall open, let down, break down, tear down, or injure any gate, boards, fence, yard, shed, stable, barn, or other enclosure or building of any person whereby any animal or animals mentioned herein belonging to such person shall get out or escape from any building or enclosure.

5-216. SQUIRRELS, KILLING IN CITY PROHIBITED. It shall be unlawful for any person to kill or injure, or attempt to kill or injure, any squirrel within the corporate limits of the City of Lisbon.

5-217. CRUELTY TO ANIMALS, PROHIBITED. It shall be unlawful for any person, within the City of Lisbon, to inhumanely, unnecessarily, or cruelly beat, injure, or otherwise abuse any dumb animal, as more fully set forth in Section 4-501 of these ordinances.

ARTICLE III

BIRDS AND FOWL

5-301. RUNNING AT LARGE OF DOMESTIC FOWL PROHIBITED. It shall be unlawful for the owner, keeper, or custodian of chickens, ducks, geeses, turkeys, pigeons or other domestic fowl to permit or allow the same to run at large within the limits of the City of Lisbon.

5-302. DISTANCE FROM DWELLING DOMESTIC FOWL TO BE KEPT. No chickens, geese, ducks, turkeys, pigeons or other domestic fowl shall under any circumstances, be kept within an enclosure within said city at a distance less than one hundred (100) feet from any dwelling house without the written consent of the owner or tenants of said dwelling.

5-303. WHEN DOMESTIC FOWL PUBLIC NUISANCE. The keeping of any chickens, ducks, geese, turkeys, pigeons or other domestic fowl, which causes unpleasant odors, or the noise from which is an annoyance to persons in the vicinity, or which attract vermin or which are a hazard or danger to the health of persons living nearby, at a distance less than three hundred (300) feet from any dwelling house is declared to be a public nuisance.

5-304. ABATEMENT OF NUISANCE. Any person who owns or keeps, at any time, within the limits of the City of Lisbon any fowl of any kind declared to be a public nuisance, as set forth in Section 5-303 of this Article, who shall fail, neglect or refuse to abate said nuisance by destroying said fowl or removing said fowl from the City of Lisbon or by doing whatever shall be necessary to the abatement of such nuisance within ten days after notice thereof so to do shall be deemed guilty of maintaining a public nuisance.

5-305. UNLAWFUL TO KILL BIRDS OR TO DESTROY EGGS OR NESTS. It shall be unlawful for any person to kill or injure or attempt to kill or injure any wild bird within the corporate limits of the City of Lisbon, or to injure or destroy the eggs or nest of any such bird within said limits.

ARTICLE IV.

PENALTY

5-401. SAVING CLAUSE. Should any section, paragraph, sentence, clause, or phrase of this chapter be declared unconstitutional or invalid for any reason, the remainder of said chapter shall not be affected thereby.

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 Five Hundred Dollars (\$500.00) or imprisonment 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.