

Title 6

ANIMALS

Chapters:

- 6.04 General Provisions**
- 6.08 Dogs**
- 6.12 Impoundment**
- 6.16 Miscellaneous Animal Regulations**

Chapter 6.04

GENERAL PROVISIONS

Sections:

- 6.04.010 Definitions.**
- 6.04.020 Authority to investigate complaints.**
- 6.04.030 Unlawful to interfere with an enforcement officer.**
- 6.04.040 Animal waste.**
- 6.04.050 Notice to appear.**
- 6.04.060 Dumping animals.**

6.04.010 Definitions.

When used in this title, the following words and phrases shall have the meanings:

"Animal" includes livestock and domestic pets, male or female, regardless of species.

"At large" refers to any animal off the premises of the owner and not under the direct control of the owner or any other person either by leash, cord, chain or other similar device.

"Bite" means any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Commercial kennel" means a place where dogs or cats other than those owned by the kennel owner are kept and boarded for any period in excess of twenty-four hours. Female dogs or cats bred for the sole purpose of the sale of puppies or kittens for profit and female dogs or cats numbering more than two constitute a commercial kennel.

"Dangerous animal" means a specific animal that in the absence of intentional provocation:

(1) Inflicts serious bodily injury to a person or other domestic animal on public or private property; or

(2) Is previously found to be a potentially dangerous animal; or

(3) Is involved in a continuous sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of injury or defensive action required; or

(4) Is previously found to be a nuisance animal and while on or off the owner's and/or keeper's property chases or approaches a person in a menacing fashion or apparent attitude of attack by charging, growling, snapping, raising hackles, harassing, chasing, attempting to bite or stalking; or inflicts bodily injury to a person or small animal; or

(5) Is brought into the city and has been previously determined to constitute a dangerous animal by any court of competent jurisdiction. The person owning, keeping or harboring such animal shall be ordered to appear in city court to show just cause why euthanasia should not be ordered. The city court judge, after making a determination that the animal constitutes a dangerous animal has the authority to order the euthanasia of the animal.

(6) These definitions do not apply to animals used in military or law enforcement work while performing in that capacity.

"Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by a person who maintains a household or by two or more persons who maintain a common household. Dwelling unit, in the case of a person who rents space in a mobile home park and rents or owns the mobile home, means the mobile home itself.

"Enforcement officer" means any employee, agent or officer of the city authorized to enforce city ordinances.

"Foster home" means a home or facility where a recognized tax exempt agency or organization, for the purpose of re-homing

animals, may place an animal(s) temporarily for the purpose of finding a new permanent home. A foster home shall be operated under the LMC for kennels commercial, operated for charity and private.

"Impound" means to sequester an animal at a place provided by the city for the impounding of dogs or other animals.

"Keeper" means any person/organization that enters into a verbal or written agreement with the animal's owner and is responsible for the keeping, feeding or harboring of an animal(s).

"Noncommercial kennel" means a kennel at, in, or adjoining a private residence where hunting dogs or other dogs or cats are kept for the hobby of the householder in using them in shows or field or obedience trials or for the guarding or protecting the householder's property. The occasional raising of a litter of puppies or kittens at the kennel should not change the character of residential property (no more than one litter of puppies or kittens shall be allowed in a calendar year). In residential districts each household shall not possess more than two adult dogs and two adult cats (an adult dog or cat is herein defined as any dog or cat over the age of twelve months).

"Nuisance animal" means an animal that:

(1) While off the owner's and/or keeper's property, chases or approaches a person(s) in a menacing fashion or apparent attitude of attack by charging, growling, snapping, raising hackles, harassing, chasing, attempting to bite, stalking a person or small animal.

(2) Unreasonably annoys or disturbs any person by persistent continuous habitual barking, howling, yelping, whining, or other annoying or disturbing noise. This section does not apply to an animal that is owned, kept or harbored as part of the

business of a licensed veterinarian, animal hoarding facility, or agricultural or livestock operation.

"Owner" means any person owning, keeping or harboring a dog or other animal.

"Potentially dangerous animal" means any animal that in the absence of intentional provocation inflicts bodily injury to a person or other domestic animal on public or private property.

"Small animal" means any dog, cat, rabbit, chicken, or domesticated small animal, both male and female.

"Serious bodily injury" means bodily injury that:

(1) Creates a substantial risk of death;
 (2) Causes serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ; or

(3) At the time of injury, can reasonably be expected to result in serious permanent disfigurement or protracted loss or impairment of the function or process of a bodily member or organ.

"Vaccinate" means the inoculation of a dog or other animal with an antirabies vaccine by any licensed veterinarian. (Ord. 942, 1988; prior code § 7.04.010) (Ord. No. O13-03, 11-19-2013)

6.04.020 Authority to investigate complaints.

A. For the purposes of enforcing the provisions of this title any enforcement officer is empowered to demand from the occupants of any premises, upon or in which any such dog or other animal is kept or harbored, the exhibition of such dog or other animal, and the license or tag for the animal.

B. Whenever complaint has been made that an animal is kept in a reportedly cruel or inhumane manner, an enforcement offi-

cer may examine such animal and take possession of the same when, in his/her opinion, it requires humane treatment. (Prior code § 7.04.120)
(Ord. No. O13-03, 11-19-2013)

6.04.030 Unlawful to interfere with an enforcement officer.

It is unlawful for any person to prevent, hinder or interfere with an enforcement officer in the performance of any duty or power imposed on such officer by this title, or to release or attempt to release any animal in the city's custody. (Prior code § 7.04.130)
(Ord. No. O13-03, 11-19-2013)

6.04.040 Animal waste.

A. The owner or custodian of every animal shall immediately retrieve and remove all excreta deposited by his or her animal on public streets, boulevards, walkways, recreation areas, city parks, or the private property of another.

B. The city council may grant permits for the inclusion of animals in parades on public ways, when such parades are sponsored by recognized public, civic, or service associations or organizations. Applicants shall make a request for such permit to the city council, in writing, containing such information as the council may hereafter require. No fee shall be charged for the permit. Permits must be issued in advance of the event. Applicants must appear in person before the city council at the time the council considers the application. The permit shall be limited to the specific date, time, locations and route set forth in the application, unless altered by the council in its discretion. The council may require that proper arrangements be made by the applicant for cleanup and disposal of animal excreta prior to issuing the permit.

C. Any person who shall violate any of the provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding five hundred dollars. (Ord. 02-22, 2002; Ord. 988, 1991; Ord. 985, 1991)
(Ord. No. O13-03, 11-19-2013)

6.04.050 Notice to appear.

A. Whenever there is a violation of this title, in addition to any other remedy provided by law and instead of arresting the owner or other person in control of a small animal, or impounding the small animal, an enforcement officer may, in his/ her discretion, release the owner or person in control of the small animal upon issuance of a notice to appear in city court. The notice shall be in duplicate on forms provided by the city court, and contain the name and address of the owner or controller of the small animal, a description of the small animal, the small animal license number, if known, the date and location of the violation, the offense alleged. The notice to appear shall require the person to appear in city court as specified on the notice to appear. If any dispute exists as to the ownership of a small animal, for the purpose of this section, the person who has signed the application for the small animal's license shall be deemed the owner.

B. The city court may enter a default judgment against a person who fails to appear in accordance with the notice to appear. The city may enforce the judgment by any lawful method.

C. A person who contests the allegations is entitled to a trial before the city court judge.
(Ord. No. O13-03, 11-19-2013)

6.04.060 Dumping animals

No person shall dump, release, or cause to escape from confinement against the wishes of an owner, keeper, or person in

6.04.060

custody, or in any otherwise unauthorized manner release any dog, cat or other small animal from or onto any property or public way within the city. A person found to have committed a violation of this section shall be subject to a fine of up to five hundred dollars.

(Ord. No. O13-03, 11-19-2013)

Chapter 6.08

DOGS

Sections:

- 6.08.010** Licensing requirements.
- 6.08.020** License fee.
- 6.08.030** Rabies vaccination required.
- 6.08.040** Licenses to be metal.
- 6.08.050** Dog registry.
- 6.08.060** Kennel license required.
- 6.08.070** Dog leash required.
- 6.08.080** Violation—Penalty.

6.08.010 Licensing requirements.

A. No person shall keep, own or have in his/her possession within the city limits, any two dogs, either male or female, without first having obtained a license for the same as provided in this chapter.

B. Licenses for dogs shall be issued by the city clerk-treasurer upon application for the same as provided in this chapter and payment of the license fee provided in Section 6.08.020.

C. No license shall be issued unless the applicant first sets forth on the application the age, breed, sex, color and other descriptive markings of the dog or dogs to be licensed, and the name and address of the owner or possessor.

D. Dogs shall be licensed on or before December 31st of each year Owners or possessors of newly acquired dogs or dogs brought into the city shall obtain a license within thirty days. (Ord. 02-23, 2002; Ord. 97-2 § 4 (part), 1997; prior code § 7.04.030) (Ord. 02-23, 2002; Ord. 97-2 § 4 (part), 1997; prior code § 7.04.030) (Ord. No. O13-03, 11-19-2013)

6.08.020 License fee.

A. A license fee for each neutered male dog and spayed female dog and a license fee

for each unspayed female dog and unneutered male dog shall be established annually by city council resolution after a public hearing.

B. Whenever any dog owner fails to obtain a license prior to April 1st of each year the license fee shall double. (Ord. 06-04 (part), 2006; Ord. 1004, 1991: prior code § 7.04.040) (Ord. No. O13-03, 11-19-2013)

6.08.030 Rabies vaccination required.

A. No license shall issue unless the application required in this chapter is accompanied with a certificate of a duly qualified person that the dog or dogs have been vaccinated and/or inoculated against rabies, and that the vaccination or inoculation will be reasonably effective for the period of the license to be issued, according to the usual standards of veterinary medicine.

B. All dogs that are within the city limits for a period of twenty-four continuous hours, shall have been vaccinated and/or inoculated against rabies. Any dog owner shall be able to produce upon request by any enforcement officer a certificate of a duly qualified person that the dog has been vaccinated and/or inoculated against rabies, and that the vaccination or inoculation will be reasonably effective for the period of time the animal will be within the city limits.

C. Failure of any dog owner to produce such certificate as required above, shall subject the animal to be impounded according to the terms of impoundment as set forth in Chapter 6.12. (Ord. 95-3, 1995: prior code § 7.04.050) (Ord. No. O13-03, 11-19-2013)

6.08.040 Licenses to be metal.

Licenses shall be of a metallic type, capable of being worn on the collar of a dog, and shall be worn on the collar of each

licensed dog. (Prior code § 7.04.060)
(Ord. No. O13-03, 11-19-2013)

hundred dollars per offense. (Prior code
§ 7.04.150(A))
(Ord. No. O13-03, 11-19-2013)

6.08.050 Dog registry.

The city clerk-treasurer shall keep the dog registry. (Ord. 97-2 § 4 (part), 1997; prior code § 7.04.070)
(Ord. No. O13-03, 11-19-2013)

6.08.060 Kennel license required.

Any person maintaining a commercial or non-commercial kennel as defined in Section 6.04.010 shall pay an annual license fee established annually by city council resolution after a public hearing for maintaining such kennel. No license shall be issued until the premises to be used for the kennel has been inspected and approved by a city enforcement officer. (Ord. 06-04 (part), 2006; prior code § 7.04.080)
(Ord. No. O13-03, 11-19-2013)

6.08.070 Dog leash required.

A. At large dogs are prohibited within city limits.

B. At large dogs do not include dogs that are actively participating in an event that is permitted by the city such as obedience training, field trial, dog show or other competition. However, owners may not allow dogs at large outside of the designated or approved event area.

C. Dogs present in an established and dedicated dog park are not at large so long as the owner or person in control of the dog is in compliance with the posted rules and/or regulations.

D. This section does not apply to dogs used in military, law enforcement, or other service dogs while actually performing in such capacity. (Prior code § 7.04.110)
(Ord. No. O13-03, 11-19-2013)

6.08.080 Violation—Penalty.

A person who violates Section 6.08.070 shall be punished by a fine not to exceed five

Chapter 6.12

IMPOUNDMENT

Sections:

- 6.12.010 Seizure and impoundment when.**
- 6.12.020 Impoundment notice and terms.**
- 6.12.030 Disposition of impounded animals when.**
- 6.12.040 Alternative to disposition.**
- 6.12.050 Rabies quarantine.**

6.12.010 Seizure and impoundment when.

A. Any at large dog may be seized and impounded by an enforcement officer.

B. Any nuisance animal may be impounded by an enforcement officer.

C. All dogs or other animals impounded under this section shall be quarantined at the designated city shelter or at a veterinarian hospital for the period and under the same conditions as animals exposed to rabies. (Prior code § 7.08.010)
(Ord. No. O13-03, 11-19-2013)

6.12.020 Impoundment notice and terms.

A. The city shall give notice of impoundment of any animal by causing personal service on the owner, or some responsible person at the owner's residence or place of business. If such person cannot be found, notice shall be maintained and/or posted at the city police department.

B. The owner must redeem the impounded animal within 72 hours after notice, or it shall be subject to disposal by the enforcement officer, as provided in Section 6.12.030. The owner of any impounded dog or other animal may not regain possession of the animal until he/she has paid the impounding fee and boarding charge as estab-

lished annually by city council resolution after a public hearing, for boarding the dog for each twenty-four hour period, or part thereof, that it is impounded.

C. Any enforcement officer may issue a notice to appear in court to the person redeeming any dog or other animal impounded for violation of any provision of this title. (Ord. 06-04 (part), 2006; prior code § 7.08.020)
(Ord. No. O13-03, 11-19-2013)

6.12.030 Disposition of impounded animals when.

The refusal or failure of the owner of any such impounded animal to pay the fee and charges within 72 hours of notification constitutes his/her implied abandonment of the animal. An enforcement officer may offer the animal for sale. The sale and certificate of sale shall confer title and ownership to the dog or other animal, free of all claims and interest in the previous owner. In the event that any impounded dog or other animal is not redeemed by the owner or purchased, it may be disposed of by the city in a humane manner. Any impounded dog or other animal suffering from an infectious disease shall not be released, but must be put to death, unless otherwise ordered by the city court. (Prior code § 7.08.030)
(Ord. No. O13-03, 11-19-2013)

6.12.040 Alternative to disposition.

If an animal is to be put to death under this chapter, except for infection with rabies, the owner or other person may apply to the city court for an order granting permission to remove the animal permanently from the city. (Prior code § 7.08.040)
(Ord. No. O13-03, 11-19-2013)

6.12.050 Rabies quarantine.

A. Every dog or other animal which has been bitten by, or exposed to, an animal

suspected to have been infected with rabies shall be seized and taken up by an enforcement officer and securely and separately impounded in a city designated animal shelter. Such animal shall be quarantined for a period of fourteen days. If after observation for such period, any such animal is adjudged free of rabies, the owner may reclaim the animal upon the payment of all costs incurred by the city. In the event that any animal under quarantine or other confinement is diagnosed as being rabid, it shall be disposed of only under the orders and directions of an enforcement officer.

B. No person shall delay or obstruct any enforcement officer in the enforcement of this section.

C. The owner shall pay all confinement fees. If owner fails to pay such fees, the enforcement officer shall dispose of the animal.

D. Upon the discretion and advice of an enforcement officer any animal currently vaccinated for rabies that bites a person may be isolated in strict confinement at the owner's home provided the following conditions are available and met:

(1) The animal must be kept away from all animals and people except immediate household.

(2) The animal must be kept inside an enclosed structure such as a house, garage or if outside, the animal must be in a covered pen from which it cannot escape or come into contact with another animal or person. If confinement is authorized under this section, the person responsible for the animal shall further assure that the animal shall only be allowed outside the above-described pen or other suitable place approved by an enforcement officer if the animal is on a leash which is held by a person that is capable of and is in fact controlling the animal.

(3) The animal cannot be sold, given away, destroyed or moved from the premises until notified by an enforcement officer that the quarantine period is over.

(4) An animal under quarantine is not to receive any vaccinations without the authorization of veterinarian and the animal control officer.

(5) If the animal becomes lost, sick, acts strangely in any way, or dies during quarantine it must be reported immediately to an enforcement officer.

(6) An enforcement officer must be allowed reasonable access to the place of quarantine between the hours of 7:00 a.m. - 10:00 p.m. for inspections.

E. Any animal owner who fails to cooperate with an enforcement officer in satisfactory quarantine of his/her dog or cat (or any other warm-blooded animal, if pertinent) who has bitten a person is guilty of a violation of this section and subject to a fine of up to five hundred dollars.

F. A dog or cat (or other warm-blooded animal) manifesting characteristics of rabies (hydrophobia) may be euthanized and destroyed at the discretion of an enforcement officer so that the head may be examined to make a confirmatory search for Negri bodies. All animals definitely known to have been bitten by the infected animal should be destroyed. If, however, the animal is only suspected of having the disease a quarantine approved by the state veterinarian office or an enforcement officer may be allowed.

G. Quarantine procedures do not apply to animals used in military or law enforcement work and service animals for the disabled. These animals will be required to be under current veterinarian care and subject to inspections by an enforcement officer. Service animals will be required to wear a muzzle while off the owner/s property

during the required quarantine period.
(Prior code § 7.12.010)
(Ord. No. O13-03, 11-19-2013)

Chapter 6.16

MISCELLANEOUS ANIMAL REGULATIONS

Sections:

6.16.010 Keeping certain animals prohibited.

6.04.015 Keeping of wild/exotic animals.

6.16.020 Confinement while in heat required.

6.16.030 Public nuisance.

6.16.040 Cruelty to animals prohibited.

6.16.050 Dangerous animals.

6.16.010 Keeping certain animals prohibited.

A. No person shall keep swine, chickens, ducks, geese, turkeys, goats, horses, sheep, cows, mules, or chinchillas within the limits of the city except when transferring such animals to market or where otherwise allowed within this code.

B. No person shall keep upon his/her premises more than two cats.

C. No person shall keep or maintain more than three pairs or total of six pigeons. Persons keeping pigeons shall not allow any barn, shed, cage, yard or other place wherein such pigeons are kept or housed to become filthy or offensive to neighbors or passersby, or injurious to the health of any neighborhood or tend to contaminate the atmosphere in any place in the city, nor shall the persons suffer or permit such pigeons to make any loud or continuous noises tending to annoy or disturb any neighbors or neighborhood. Violations of this subsection are deemed to constitute a public nuisance under Section 6.16.030 of this code and shall be punishable as provided in Sections 6.16.030 and 6.08.080 of this code.

D. No person shall keep or maintain more than six rabbits. Persons keeping rabbits shall not allow any barn, shed, yard or other place wherein such rabbits are kept or housed to become filthy or offensive to neighbors or passersby, or injurious to the health of any neighborhood or tend to contaminate the atmosphere in any place in the city. The rabbits shall be confined to a pen, cage or fenced yard at all times. Violations of this subsection are deemed to constitute a public nuisance under Section 6.16.030 of this code and shall be punishable as provided in Sections 6.16.030 and 6.08.080 of this code. (Ord. 1008, 1992; Ord. 955, 1989; Ord. 930, 1988; prior code § 7.04.020) (Ord. No. O13-03, 11-19-2013)

6.16.015 Keeping of wild/exotic animals.

A. For the purposes of this section, a "wild/exotic animal" means a skunk, fox, raccoon, buffalo, bat, or any wildlife species that is not native to Montana.

B. No person shall keep or permit to be kept on his or her premises any wild/exotic or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks or their programs, performing animal exhibits, or circuses.

C. No persons shall keep or permit to be kept any wild/exotic animal as a pet.

D. Any person who violates any of the provisions of this chapter shall be fined up to five hundred dollars per occurrence and ordered to remove the wild/exotic animal out of city limits. (Ord. 1048, 1992) (Ord. No. O13-03, 11-19-2013)

6.16.020 Confinement while in heat required.

The owner of a female dog or cat in heat shall keep such dog or cat confined in

an enclosed building. (Prior code § 7.04.140)
(Ord. No. O13-03, 11-19-2013)

6.16.030 Public nuisance.

A. It is declared a public nuisance for any person to maintain a nuisance animal within the city limits.

B. It is unlawful for any owner of an animal to negligently, intentionally or purposefully permit or maintain a public nuisance.

C. Any person aggrieved by a public nuisance may file a complaint with an enforcement officer, charging the owner with a violation of this section. A complainant reporting a nuisance animal must identify him/her self by name, address and telephone number.

D. A person convicted of his/her first public nuisance charge shall be fined not less than \$100.00. A second conviction shall be fined not less than \$300.00. Upon a third conviction under this section, the person shall be fined not less than \$500.00 and the nuisance animal may be seized by an enforcement officer and humanely euthanized. (Ord. 1036, 1992; prior code § 7.04.100)
(Ord. No. O13-03, 11-19-2013)

6.16.040 Cruelty to animals prohibited.

It is unlawful for any person to knowingly or purposely inflict pain upon or injure any animal within city limits. A person who violates this section shall be fined an amount not to exceed five hundred dollars per occurrence and upon the discretion of the city court, be ordered to forfeit the animal at issue. (Prior code § 7.04.090)
(Ord. No. O13-03, 11-19-2013)

6.16.050 Dangerous animals.

A. Owning, keeping, maintaining, and/or harboring a dangerous animal is prohibited within city limits.

B. Any owner or person who knowingly or purposely violates this section shall be fined as follows:

(1) First offense: A fine of not less than \$100 and forfeiture of the dangerous animal.

(2) Second offense: A fine of not less than \$300 and forfeiture of the dangerous animal.

(3) Third offense: A fine of not less than \$500 and forfeiture of the dangerous animal.

(4) Fourth and subsequent offenses: A fine of not less than \$500, forfeiture of the dangerous animal, and forfeiture of owner's privilege of owning any animals within city limits for one calendar year.

(5) Anyone convicted under this section shall reimburse the city for all costs incurred in the prosecution and conviction under this section.

(Ord. No. O13-03, 11-19-2013)