Animal Control Ordinance proposed changes:

**§ 5.2.1  DEFINITIONS.**

   For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

   ***ANIMAL CONTROL OFFICER****.*All peace officers, as that term is defined in state law, as well as all duly appointed Animal Control Officers ~~or dog wardens~~ appointed by the City and/or deputized by the Sheriff to carry out and enforce this section.

   ***AT LARGE****.*  An animal is off the premises of the owner, keeper or responsible custodian of the animal and not on a leash or confined within a kennel, cage or motor vehicle, or otherwise under the immediate control of a person physically capable of restraining the animal.

   ***CAT****.*  Both male and female animals of the feline species which are domesticated.

   ***DANGEROUS OR VICIOUS ANIMAL****.*  Any animal that attacks, bites or injures human beings, domestic animals or livestock without adequate provocation, or which because of its nature, temperament, training or other characteristics, would constitute an unreasonable danger to human life or property if not kept, maintained or confined in a safe and secure manner. Any animal that, without provocation, has aggressively bitten or caused any physical injury to any human being, domestic animal or livestock shall be prima facie presumed *VICIOUS OR DANGEROUS*.

   ***DOG****.*  Both male and female animals of the canine species, whether altered or not.

***DOMESTIC ANIMAL.*** *Any animal that is tame by nature and includes, but is not limited to, dogs, cats, rabbits and livestock.*

 ***EXOTIC ANIMAL.*** *Any wild or other animal which is not tame by nature and includes, but is not limited to, raccoon, fox, skunk, beaver, otter, wolf, wolf hybrid, bear, raptor, alligator, crocodile, poisonous snake, monkey, swine, member of the feline species other than domestic cat Felis domesticus, member of the canine species other than domestic dog Canis familiaris, or any other animal that would require a standard of care, and control greater than that required for customary household pets, sold by pet shops, or domestic farm animals. The term exotic animal does not include farm animals, rodents, domesticated ferret, and captive bred species of fish and common cage birds.*

 ***FERAL CAT.*** *An unsocialized outdoor cat which shuns or avoids human contact, does not allow handling by humans, and is not the property of any individual.*

   ***IMPOUND.***  The holding of an animal in the pound pending claim by its owner.

   ***LEASH****.*  A line, chain or lead of appropriate length to control or restrain an animal and does not include an electronic leash or shock collar.

   ***NUISANCE****.*

      (1)   Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property.

      (2)   The term ***NUISANCE*** shall include, but not be limited to:

         (a)   Any animal that is repeatedly (more than two separate occurrences) found running at large;

         (b)   Any dog in any section of a park or public recreation area which is not controlled by a leash or similar physical restraint, except in such parks or public areas designated exempt;

         (c)   Any animal that damages, soils, defiles or defecates on any property other than that of its owner, with the exception of service animals authorized under the Americans with Disabilities Act;

         (d)   Any animal that makes disturbing noises including, but not limited to, continued and repeated howling, barking, whining, crowing or other utterances causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

         (e)   Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

         (f)   Any animal, whether or not on the property of its owner, that without provocation, molests, attacks or otherwise interferes with the freedom of movement of persons in a public right-of- way;

         (g)   Any animal that chases motor vehicles in a public right-of-way;

         (h)   Any animal that attacks domestic animals;

         (i)   Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored; and

         (j)   Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

   ***OWNER****.*  Any person owning, keeping or harboring a dog or other animal.

   ***PREMISES OF THE OWNER****.*  The property of the owner, but does not include the public right-of-way, the sidewalk or other publicly traveled portion of the road, street or alley.

   ***POUND.***  The place provided by the City for the impounding of dogs or other animals.

 ***SERVICE ANIMAL.*** *Any animal recognized under Title II and III of the Americans with Disability Act and trained to work or perform tasks for a person with a disability. A* ***SERVICE ANIMAL*** *is not a companion animal or an emotional support animal.*

 ***STRAY DOG/CAT.*** *A dog or cat which may have been a domestic animal at one time but is presently without a collar or tags, is not in the presence of an owner or caregiver, and may be deemed “at large”.*

   ***VACCINATION****.*  The injection of an approved vaccine by a licensed veterinarian for the purpose of immunizing a dog against rabies or other communicable and harmful diseases.

   ***WITHOUT PROVOCATION****.*  An act which is not done intentionally for the purpose of aggravating or inciting another, acting in an aggressive manner or attacking without adequate reason; attacking another animal or human being which is not specifically threatening harm to an animal or owner. Mere presence on the premises of the owner does not amount to provocation.

 (Ord. 356, passed 12-7-2015)

**§ 5.2.2  VACCINATION REQUIRED; TAG.**

  *(A)*  All dogs or cats six months or older within the corporate limits of the City shall be vaccinated against rabies and other diseases which may be transmitted to human beings or which may pose a threat to public health. Dogs and cats shall be vaccinated thereafter according to a schedule established by the animal’s veterinarian. The vaccination required by this section shall be made by any veterinarian licensed to practice veterinary medicine in the State of Montana.

 *(B)* A tag showing proper vaccination shall be worn by every dog or cat when not confined and proof of vaccination shall be retained by every dog or cat owner.

 *(C)* The animal control officer or law enforcement officer shall have the right to impound any dog or cat at large within the City not wearing a collar or harness on which is displayed the license tag and the vaccination tag.

(Ord. 356, passed 12-7-2015)

**§ 5.2.3  LICENSE AND REGISTRATION**.

   (A)   Every person owning, keeping or harboring any dog over five months of age or any cat over six months of age within the City limits shall cause such dog or cat to be registered annually *on or before July 1 of each year*.

   (B)   Licenses shall be issued by the City Clerk, or by a duly appointed license agent, upon proof that the dog or cat has been vaccinated and upon payment of an animal license fee in an amount to be established by resolution of the City Council.

   (C)   Any owner claiming the animal has been spayed or neutered must show to the satisfaction of ~~the licensing~~ the City Clerk or license agent proof of such operation being performed *by a licensed veterinarian*.

   (D)   Said owner shall keep on the neck or harness of a *registered* dog or cat ~~so registered,~~ a suitable collar, with a metallic check or tag to be furnished by the City, and the number and the year of registry shall be distinctly marked thereon. In case a tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a fee as set by resolution. Any dog or cat found running at large without the license tag shall be deemed unlicensed.

   (E)   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 town before expiration of the license period.

   (F)   The provisions of this section shall not apply to nonresidents having dogs or cats under leash within the City less than 15 days or to such animals brought into the City for exhibitions provided the animal is properly vaccinated or otherwise exempt.

   (G)   Licenses for “~~guide dogs~~ *service animals*” shall be furnished without charge upon proof of vaccination, as herein provided *and proof of qualification in accordance the ADA and Montana law*.

   (H)   Licenses shall not be issued to any person under the age of 18 years unless a parent or guardian signs the application as a co-owner.

(Ord. 356, passed 12-7-2015)

**§ 5.2.4  NUISANCE ANIMALS PROHIBITED**.

   It is unlawful for any person to own, harbor, keep or maintain any animal which meets the definition of “nuisance” as defined in § 5.2.1, and it shall be the duty of the Animal Control Officer and all law enforcement officers to file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may file a complaint with the Animal Control Officer or with law enforcement. Where the offense is not committed in the presence of the Animal Control Officer or law enforcement, the Animal Control Officer shall investigate and issue an appropriate criminal or civil citation, or request prosecution for the violation through the City Attorney. Violation of this provision is a misdemeanor and shall be punishable as provided in § 1.4.1.

 (Ord. 356, passed 12-7-2015)

**§ 5.2.5  DOGS RUNNING AT LARGE ON SCHOOL GROUNDS**.

   (A)   Every person who owns, keeps or harbors any dog and who allows such dog to run at large on any school grounds within the City is guilty of maintaining a nuisance animal and is therefore guilty of a misdemeanor and shall be punishable as provided in § 1.4.1.

   (B)   Any officer or employee of the City, and any officer or employee of any school, or law enforcement officer within the City, is hereby authorized to take, chase or drive any dog*, except service animals or other companion or emotional support animals as allowed by the school district,* from any such school grounds using any reasonable means therefor, and the Animal Control Officer shall impound any dog found running at large on any such school grounds, as provided in § 5.2.6.

   (C)   Guidelines for fines for violating this section shall be as set forth in § 5.2.6(H).

(Ord. 356, passed 12-7-2015)

**§ 5.2.6  AT LARGE**.

   (A)   It is unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the City.

   (B)   Any dog, while on a street, sidewalk, public way or in a park or other public space, or upon any private property without the consent of the property owner, shall be secured by a leash or chain of sufficient tensile strength and appropriate length to restrain the particular dog. However, while actually participating in instructional obedience training, dogs may be temporarily restrained by a leash or greater length.

   (C)   No owner or custodian of any animal shall leave such animal unattended while on a street, sidewalk, public way or in a park or other public space, or fail to exercise proper care and control of such animal to prevent the same from becoming a nuisance.

   (D)   Every female dog or cat, while in heat, shall be kept in a secure enclosed shelter or area within the real property limits of the owner’s premises in such a manner so as not to come in contact with another animal except for planned breeding.

   (E)   Every dangerous or vicious animal shall be confined by its owner, or authorized agent of its owner, within a building or secure enclosure, and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length or caged. Every person harboring a dangerous or vicious animal is charged with an affirmative duty to confine the animal in such a way that no other person has access to such animal.

   (F)   Every dog or cat, unlicensed or licensed, found running at large in the streets, avenues, alleys or other public places within the City, or on private property belonging to persons other than the owners or persons in control of such ~~dogs~~ *animal*, is hereby declared to be a public nuisance and may be taken and impounded in the City pound or elsewhere by the Animal Control Officer, any Sheriff, or their deputy, or other persons designated by the Mayor from time to time for such purposes. If a dog or cat running at large has previously bitten a human being, domestic animal or livestock, whether or not the bite took place on the owner’s private property, then upon impoundment that dog or cat shall be destroyed in a humane manner under the supervision of the Animal Control Officer or the Sheriff.

   (G)   Every owner or other person in control of any dog or cat who allows such dog or cat to be at large, as defined in § 5.2.1, is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor and shall be punishable as provided in § 1.4.1.

   (H)   Guidelines for fines for violating this section shall be up to $50 for the first offense, up to $100 for a second offense and up to $500 for a third or subsequent offense. Any owner who fails to pay all fines within the period prescribed after imposition thereof by the City Judge and any fees for impoundment of the animal pursuant to § 5.2.8 shall cause the animal to be deemed abandoned, disposition of which shall be provided in § 5.2.9.

(Ord. 356, passed 12-7-2015)

**§ 5.2.7  IMPOUNDED ~~DOGS~~ *ANIMALS*; RECORDS**.

   *(A)* Immediately upon impounding any ~~dog or other~~ animal, the Animal Control Officer or law enforcement officer shall record ~~in a book to be provided by the City and kept for that purpose,~~ *the following:*

 *1.* a *description as to how the animal came to be impounded,*

 *2. the location where the animal was discovered,*

 *3. the name and address of the person reporting the animal or bringing the animal into impound or to law enforcement, and*

 *4. a* description of such animal~~.~~~~Such record shall state~~ *to include:*  the sex, color, breed (if known), estimated age, distinguishing marks, if any, *photographs,* and

 *5.* the date and hour of impounding*.*

 ~~and upon final disposition of such animal, the record shall show such disposition.~~

 *(B) Upon release, an impounded animal’s record shall be updated to indicate whether it was released to an owner, or whether it was fostered or adopted out. The name and address and any other contact information obtained from the owner or foster/adoptive person shall be recorded.*

 *(C) When an animal is impounded due to the arrest of the owner and no other competent individual is available to care for the animal, or in the event the impound is due to allegations of cruelty to animals as provided in state law, the animal or animals so impounded remain the responsibility of the owner and all costs associated with care and feeding, including necessary veterinary expenses for assessment of the animal and treatment of the animal, shall be the responsibility of the owner unless or until the animal or animals are surrendered by the owner to allow for adoption and the animal is, in fact, adopted. This includes the impound fees, which are a daily expense.*

(Ord. 356, passed 12-7-2015)

**§ 5.2.8  NOTICE AND REDEMPTION**.

   (A)   It is hereby declared the duty of every owner of any dog or other animal to know its whereabouts at all times. In the event that any dog or other animal is impounded, the owner shall redeem the same within 72 hours, or it shall be subject to disposal by the Animal Control Officer, as hereinafter provided.

   (B)   In the event that any animal is reclaimed, on the first offense the owner shall pay a releasing fee to be set by resolution for food and shelter and all reasonable transportation costs when the animal is sheltered outside the City limits; the releasing fee shall double on the second offense and triple on the third and all other offenses occurring within one year of the first offense or within one year of any subsequent offense. If the owner is a resident within the City limits, they shall be required to obtain a license for the animal, if it does not already have one, at the time of the release.

   (C)   It shall be the duty of the Animal Control Officer to remit immediately all sums of money collected under this section to the City Treasurer.

(Ord. 356, passed 12-7-2015)

**§ 5.2.9  DISPOSITION**.

   Every animal impounded shall be held for a period of 72 hours after such impounding, and if not claimed by the owner, or by some person acting in the owner’s behalf who pays the license and impounding fees, as provided in this chapter, the animal shall be *fostered or adopted out, transferred to an animal shelter with space, or as a last resort, shall be* put to death under the supervision of the Animal Control Officer in a medically approved and humane manner. Any dog or other animal suffering from an infectious disease shall not be released, but must be put to death unless the County Health Officer or a licensed veterinarian shall otherwise request.

(Ord. 356, passed 12-7-2015)

**§ 5.2.10  FEMALE DOGS**.

   (A)   Every person having under their control any female dog or cat in heat (i.e., in the estrous period) shall confine such dog or cat in a house, garage or other building, and in such manner as to eliminate the congregation of other dogs or cats in the immediate vicinity of the female. Any such female dog or cat not so confined is a public nuisance, and the owner or other person in control of such dog or cat is guilty of maintaining a public nuisance and is therefore guilty of a misdemeanor and shall be punishable as provided in § 1.4.1.

   (B)   The Animal Control Officer or any law enforcement officer shall immediately abate every such nuisance by impounding any such dog or cat as provided in §§ 5.2.7 and 5.2.8.

(Ord. 356, passed 12-7-2015)

**§ 5.2.11  CONFINEMENT OR DESTRUCTION OF CERTAIN DOGS**.

   (A)   Any dog which has bitten or which is suspected of having bitten a human being, domestic animal or livestock or which is believed to have rabies or other diseases which may pose a threat to public health, or to have been exposed to the same, shall be confined upon order of the Animal Control Officer, any law enforcement officer, or the County Health Officer or their agent.

   (B)   Any dog which has threatened or caused reasonable apprehension or bodily injury or bitten a person or a domestic animal or livestock while the owner or other responsible person was present and the animal was connected to the owner or other person by a leash or otherwise on other than the owner’s private property, unless the bite was in response to an immediate threat of physical harm to the owner or their family, shall be destroyed in a humane manner under the supervision of the Animal Control Officer or the Sheriff.

   (C)   The cost of confinement, as provided for in this section, shall be charged to the owner of said dog.

(Ord. 356, passed 12-7-2015)

**§ 5.2.12  RELEASING IMPOUNDED DOGS PROHIBITED**.

   (A)   It is unlawful and a misdemeanor for any person other than the Animal Control Officer or Sheriff or designee to release or remove any impounded dog or other impounded animal from the City pound, or to either break open or in any way injure the pound, or either directly or indirectly aid or assist any other person in doing so.

   (B)   Persons convicted of a violation of this section shall be guilty of a misdemeanor and shall be punishable as provided in § 1.4.1.

(Ord. 356, passed 12-7-2015)

**§ 5.2.13  INTERFERENCE WITH ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT OFFICER**.

   (A)   It is unlawful for any person to interfere with, molest, hinder or obstruct the Animal Control Officer or law enforcement officer in the discharge of their official duties under §§ 5.2.1 through 5.2.12.

   (B)   Persons convicted of violation of this section shall be guilty of a misdemeanor and shall be punishable as provided in § 1.4.1.

**§ 5.2.14  DANGEROUS DOGS; INSURANCE**.

   (A)   The owner of any dog which is known, at any time, to have been aggressive toward or bitten a human being, domestic animal or livestock without provocation, whether a citation was issued or not, shall be required to have liability insurance in the amount of at least $500,000 to cover any damage or injury which may be caused by such dog.

   (B)   Proof of insurance shall be required at the time of licensing and may be requested at any time by the Animal Control Officer, City Clerk, member of the City Council or any law enforcement officer. Failure to provide proof of such liability insurance shall result in immediate impoundment of the animal.

   (C)   If the owner of the animal does not provide proof of insurance to the Animal Control Officer or other person with authority to request such proof within three business days of impoundment, the animal shall be euthanized under the supervision of the Animal Control Officer in a medically approved and human manner.

   (D)   If the animal has never been aggressive toward or bitten a human being, domestic animal or livestock, the owner may be allowed to remove the animal from the City limits, after which the animal shall be permanently banished from ever being within the City limits.

   (E)   The owner of any dog impounded under this chapter shall be required to pay all costs of impoundment which shall be as set by the Council by resolution.

(Ord. 356, passed 12-7-2015; Ord. 2022-379, passed - -2022)

**§ 5.2.15  ANIMALS IN PARKS AND CLEANING UP AFTER ANIMALS**.

   (A)   Any person owning, keeping, possessing or harboring any dog, cat or other animal within the City limits, shall promptly remove and properly dispose of all feces left by the dog, cat or animal on any public sidewalk or in any public park or ball field and on any private property not owned or lawfully occupied by such person.

   (B)   Violation of this section shall be punishable by fine of up to $50 for the first offense, up to $100 for the second offense and up to $500 for a third or subsequent offense.

      (1)   Any animal owner, who fails to pay all fines within three days after imposition thereof by the City Judge, may result in impoundment of the animal, and the cost of impoundment assessed to the owner thereof.

      (2)   Any animal impounded under this section may be destroyed after three days, if the fines and cost of the impoundment imposed hereunder remain unpaid.

(Ord. 356, passed 12-7-2015)

***§5.2.16 ANIMAL REMOVAL***

 *(A) Any person or business engaged in trapping animals within the city limits must have the appropriate business licenses and permits from the City and the state of Montana.*

 *(B) Any person or business engaged in animal removal within the city limits, to include vertebrate pest management, must have the appropriate business licenses and permits from the City and the state of Montana.*

 *(C) Authorized trapping or vertebrate pest management practices within the city limits does not include “trap and release” practices for feral or stray cats or other animals, or inhumane practices which violate §45-8-211 M.C.A. or related provisions under Titles 80 and 87 of the Montana Code Annotated. This includes practices whereby the animal is trapped within the city limits but released outside the city limits unless the animal has been vaccinated, neutered, and released with the permission of the landowner after capture on private property with the permission of the landowner.*

 *(D) Any trapping which results in the confining and subsequent release of an animal owned by another without exercising due diligence to identify the owner shall be a violation of this chapter and punished as provided by § 1.4.1. Due diligence in this part includes but is not limited to: examining the animal for a collar or tags, having the animal examined for a tattoo or microchip indicating ownership, contacting the Animal Control Officer to verify the animal has not been reported missing, placing a photo of the animal in locations where members of the public frequently congregate (such as the Post Office) or on public message boards like Facebook or at the City Hall, County Courthouse, or Public Library, and not taking extraordinary actions such as releasing the animal or euthanizing the animal before the expiration of a seven (7) day holding period.*