

Chapter 18 - ANIMALS

ARTICLE I. - IN GENERAL

Sec. 18-1. - Protection of wild birds, game.

It shall be unlawful for any person to hunt with a gun or slingshot, or to shoot, or kill in any manner or by any means any wild birds or game, except such birds or game as are unprotected by state law.

(Code 1970, § 7-1; Code 1983, § 6-1)

State law reference— Wildlife refuges, MCA 1972, § 49-5-1 et seq.; protected birds, MCA 1972, § 49-5-7.

Sec. 18-2. - Removal, disposal of dead animals.

- (a) If any animal owned by, or under the control of, a person is found dead within the city, it shall be the duty of every person to remove such animal to some place outside the limits thereof within 12 hours after the death of such animal. In the event such owner fails to so remove such dead animal, the owner or occupant of the premises or property upon which such dead animal was found shall so remove such dead animal within 12 hours.
- (b) In the event the owner of the animal or occupant of the premises shall fail to so remove such dead animal, the chief of police is authorized to cause the removal of the same and charge the costs thereof against such owner or such occupant.

(Code 1970, § 7-2; Code 1983, § 6-2)

State law reference— Burning, burying dead diseased animals, MCA 1972, § 97-27-3; sale of flesh of diseased or unclean animals, MCA 1972, §§ 97-27-15, 97-27-19.

Sec. 18-3. - Staking of animals.

It shall be unlawful for any person to stake out or tie any animal on any vacant lot or other place where it may go upon the sidewalk or street adjacent to said lot or place.

(Code 1970, § 7-5; Code 1983, § 6-3)

Sec. 18-4. - Cruelty to animals.

It shall be unlawful for any person to inhumanely, unnecessarily or cruelly beat, injure or otherwise abuse any animal, or to deprive any animal of necessary sustenance, food or drink.

(Code 1970, § 7-6; Code 1983, § 6-4)

State law reference— Cruelty to animals generally, MCA 1972, § 97-41-1 et seq.

Sec. 18-5. - Penalties.

The failure or refusal of any owner or harbinger to comply with any of the provisions of this chapter shall constitute a misdemeanor, and the offender shall, on conviction thereof, be fined for the first offense in a sum not to exceed \$50.00, and for the second offense in a sum not to exceed \$100.00, and for the third or subsequent offense a sum not to exceed \$150.00, together with all costs.

(Code 1970, § 7-53; Code 1983, § 6-42; Ord. of 5-11-1982, § 1; Ord. of 5-31-1982, § 2; Ord. No. 08:09/02, § I, 9-24-2002)

Secs. 18-6—18-26. - Reserved.

ARTICLE II. - LIVESTOCK AND FOWL

Sec. 18-27. - Running at large—Livestock.

It shall be unlawful for any person to allow or permit any cow, hog, horse, goat, mule or other livestock owned or controlled by such person to run at large upon the public streets or ways or upon unenclosed lots at any time.

(Code 1970, § 7-4; Code 1983, § 6-20)

State law reference— General Stock Law, MCA 1972, § 69-13-1 et seq.

Sec. 18-28. - Same—Fowl.

It shall be unlawful for the owner or person in charge of any chicken, goose, duck, turkey or other fowl to allow or permit the same to run at large upon the public streets or ways or to allow the same to go upon, and trespass on the yard, lawns, property, or premises of others.

(Code 1970, § 7-3; Code 1983, § 6-21)

Sec. 18-29. - Pasture required for keeping livestock.

- (a) No person shall keep, store, lodge or maintain any cattle, horses, mules, donkeys, goats, hogs, or other livestock within the city on any lot other than a lot designated pasture.
- (b) For the purpose of this section, designated pasture shall mean any lot having no dwelling located thereon, which lot is used only for the purpose of pasturing the above-stated animals. To be designated pasture, said lot shall have an area of one acre or more per animal to be pastured.
- (c) No lot shall be designated pasture, unless prior written approval is obtained from all property owners within 1,000 feet of the land to be designated pasture.

(Code 1983, § 6-22; Ord. of 11-25-1980, § 1—3; Ord. of 11-24-1981, §§ 1, 2)

Sec. 18-30. - Location of hog pens, flooring required, cleanliness.

All hog pens in the city shall be erected not less than 50 feet from any residence, not less than 20 feet from any street or other public way, and not less than three feet from any partition fence. Such hog pens shall be floored, and the flooring shall be not less than 18 inches from the ground, and shall be at all times kept in a clean and sanitary condition.

(Code 1970, § 7-7; Code 1983, § 6-23)

Sec. 18-31. - Impounding—Authorized.

Any livestock or fowl found in the city in violation of any provision of this article shall be taken up by any authorized officer or employee of the city and impounded and dealt with as provided herein.

(Code 1970, § 7-18; Code 1983, § 6-24)

State law reference— Municipal authority to provide for impoundment, MCA 1972, § 21-19-9.

Sec. 18-32. - Same—Notice, sale.

(a) Whenever any livestock or fowl shall be impounded, it shall be the duty of the poundkeeper to at once, or as soon as practicable, advertise the same for sale by posting written notices thereof at the front door of the city hall for at least five days before said sale, stating in said notice the time and place of the sale and describing the property to be sold.

(b) The livestock or fowl shall be sold at the pound by the poundkeeper on the day named in the notice, within legal hours, unless the same is redeemed or replevied prior thereto.

(Code 1970, § 7-19; Code 1983, § 6-25)

Sec. 18-33. - Same—Redemption.

The owner of any impounded livestock or fowl may redeem the same at any time before the sale thereof by paying the pound fees which have accrued. If the owner shall not redeem or replevy such impounded livestock or fowl, the same shall be sold on the day named in the advertisement or notice.

(Code 1970, § 7-20; Code 1983, § 6-26)

Sec. 18-34. - Same—Fees.

A fee of \$10.00 and the actual costs of caring for and feeding any livestock or fowl impounded under the provisions of this article shall be levied.

(Code 1970, § 7-21; Code 1983, § 6-27)

Sec. 18-35. - Same—Proceeds of sale.

(a) The poundkeeper shall keep a record of all fees collected for impounding, feeding, and the sale of any animal impounded under the provisions of this article, and shall pay to the city clerk such fees when collected and shall at the same time file with the city clerk a report as to the fees collected, from whom the same were collected and the amounts of the same.

(b) The proceeds of all sales of impounded livestock or fowl over and above the costs and expenses shall be paid into the city treasury, and shall be paid to the owner by the governing body when satisfactory proof has been furnished that the claimant is entitled to such proceeds.

(Code 1970, §§ 7-22, 7-23; Code 1983, § 6-28)

Secs. 18-36—18-59. - Reserved.

ARTICLE III. - DOGS AND CATS

FOOTNOTE(S):

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State Law reference— Dogs generally, MCA 1972, § 41-53-1 et seq. [\(Back\)](#)

Sec. 18-60. - Definition.

For the purpose of this article, dogs running "at large" shall mean not confined to a limited area on the premises or vehicle of its owner by physical structure sufficient to contain the dog.

(Code 1970, § 7-34; Code 1983, § 6-40; Ord. of 5-11-1982, § 1)

Sec. 18-61. - Officer's right of entry restricted.

No person or officer shall be authorized to invade the premises of the owner or harbinger of a dog for purpose of seizure of any dog under this article unless an affidavit has been duly sworn, or unless said officer witnessed a vicious act by said dog and in course of pursuit entered said premises for the purpose of seizure under authority hereof. However, this shall not limit the right of any authorized person to enter such premises for the purpose of inspecting a dog for proper licensing and vaccination.

(Code 1970, § 7-49; Code 1983, § 6-41; Ord. of 5-11-1982, § 1)

Sec. 18-62. - Running at large restricted; rabies vaccination tag.

No dogs shall be allowed to run at large within the city except in compliance with this article and the following provisions:

- (1) All dogs at large within the city shall be licensed and tagged in accordance with this article.
- (2) All dogs and cats within the city of the age of three months or over shall be vaccinated for rabies and subsequently thereafter at least once each 12 months and shall wear a metal tag provided by the city indicating such vaccination at all times any dog or cat is allowed at large or unconfined.
- (3) Dogs found to be vicious or dangerous under the provisions described in section 18-68 shall be muzzled, kept confined, or restrained at all times.
- (4) Female dogs while in heat shall not be allowed to run at large either on the premises of its owner or harbinger, or elsewhere.

(Code 1970, § 7-35; Code 1983, § 6-43; Ord. of 5-11-1982, § 1)

Sec. 18-63. - License tag—Required.

On or before July 1 of each year, each owner or harbinger of a dog within the city shall secure an annual dog license tag for each dog owned or kept by such person.

(Code 1970, § 7-36; Code 1983, § 6-44; Ord. of 5-11-1982, § 1)

Sec. 18-64. - Same—Fees.

On or before July 1 of each year, each owner or harbinger of a dog shall pay a license fee to the city clerk as follows:

- (1) Males and spayed females: \$3.50.
- (2) Unspayed females: \$5.00.

(Code 1970, § 7-37; Code 1983, § 6-45; Ord. of 5-11-1982, § 1; Ord. of 5-31-1982, § 1)

Sec. 18-65. - Same—Issuance.

Upon payment of the required dog license fee, and upon proof of vaccination of the dog, the city clerk shall issue to the owner or keeper of a dog being licensed under this article a numbered and dated metal tag.

(Code 1970, § 7-38; Code 1983, § 6-46; Ord. of 5-11-1982, § 1)

Sec. 18-66. - Same—To be worn by dog.

The metal license tag issued under this article shall be worn by the dog for which the same was issued at all times that such dog is allowed at large or unconfined.

(Code 1970, § 7-39; Code 1983, § 6-47; Ord. of 5-11-1982, § 1)

Sec. 18-67. - Same—Duration.

Every dog license tag issued under this article shall be valid for a period of one year, expiring at the end of the calendar year.

(Code 1970, § 7-40; Code 1983, § 6-48; Ord. of 5-11-1982, § 1)

Sec. 18-68. - Vicious or dangerous dogs.

Should any dog bite or otherwise harm or attempt to bite or otherwise harm any person, or any animal lawfully on the owner's or harborer's premises or elsewhere, such person or any member of the general public may make affidavit before the municipal judge to that effect. Upon receipt of such affidavit, a hearing shall be held, and if such dog be adjudged vicious or dangerous, it shall be kept muzzled, confined or restrained so as to prevent any person or animal lawfully on the owner's or harborer's premises, or elsewhere, from being bitten or otherwise harmed, and refusal to do so shall be a violation of this article, and punishable by not less than \$50.00 fine. The municipal judge may in such judge's discretion, in any case, order that the dog be destroyed.

(Code 1970, § 7-41; Code 1983, § 6-49; Ord. of 5-11-1982, § 1)

Sec. 18-69. - Maintenance of dog pens, kennels.

All dog pens, kennels, or other enclosures, as permitted by law, shall be kept reasonably clean and sanitary. Any owner of a dog pen, kennel, or other enclosure not kept in such manner shall be deemed guilty of a misdemeanor.

(Code 1970, § 7-42; Code 1983, § 6-50; Ord. of 5-11-1982, § 1)

Sec. 18-70. - Impoundment of dogs—Destruction when necessary.

All dogs found running at large in violation of this article, as well as any dog not on the premises of its owner or harborer and the actions or behavior of which reasonably indicates a danger to members of the general public, shall be caught by any police officer and delivered to any licensed and approved veterinary clinic or city animal shelter. If they cannot be readily caught, they shall be destroyed.

(Code 1970, § 7-48; Code 1983, § 6-51; Ord. of 5-11-1982, § 1)

Sec. 18-71. - Same—Retention of dog; advertisement; cases of waiver of ownership.

All impounded dogs held under the provisions of this article shall be advertised for six days by posting a written notice thereof at the city hall, and by publishing notice once in the local newspaper, which notice shall include a description of the dog and the approximate location within the city where such dog was caught; provided, this waiting period may be waived if the owner or harborer of any dog so held signs a waiver permitting said dog to be destroyed; or, if the dog is suspected of rabies, the usual procedure for observance in such cases shall prevail.

(Code 1970, § 7-50; Code 1983, § 6-52; Ord. of 5-11-1982, § 1)

Sec. 18-72. - Same—Redemption.

- (a) The owner or keeper of any dog impounded under the provisions of this article may reclaim the same at any time within the six day period by paying a fee equal to the rate normally charged by veterinarians in the area for each 24 hour period said dog has been confined, plus any costs that may have accrued during such confinement.
- (b) After said dog has been advertised as provided herein and if not reclaimed by the owner or harborer within six days it may be claimed by any person upon payment of the aforesaid fees and costs.

(c) However, no dog which has not been vaccinated for rabies and/or is not properly licensed under this article shall be reclaimed by owner or harbinger, or claimed by any other person, without first having the same licensed and vaccinated.

(Code 1970, § 7-51; Code 1983, § 6-53; Ord. of 5-11-1982, § 1)

Sec. 18-73. - Same—Disposition of unre-deemed dogs.

Dogs impounded under this article and not redeemed after proper advertisement within the six day period shall be sold or destroyed by the city.

(Code 1970, § 7-52; Code 1983, § 6-54; Ord. of 5-11-1982, § 1)

Sec. 18-74. - Adoption; fees.

The fee for adoption of animals from the city animal shelter shall be as set forth in the table below:

Animal Adoption List	Inside City Limits (city tags included)	Outside City Limits
Male dogs (over the age of 3 months) ¹	\$33.50 (\$3.50 over the tag fee)	\$30.00 (no tag fee)
Female	\$35.00 (\$5.00 over the tag fee)	\$30.00 (no tag fee)

dogs ¹	female tag fee)	tag fee)
Puppies (under the age of 3 months)	\$10.00 (no shots)	\$10.00 (no shots)
Cats (over the age of 3 months) ¹	\$30.00	\$30.00
Kittens (under the age of 3 months)	\$10.00	\$10.00

Includes shots (fees associate with shots).

(Code 1983, § 6-61; Ord. No. 04:03/88, § I, 3-8-1988)