

Chapter 18 - ANIMALS AND FOWL¹

Footnotes:

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State Law reference— General municipal authority regarding animal control, MCA 1972, § 21-19-9.

ARTICLE I. - IN GENERAL

Sec. 18-1. - Definitions.

The following words, whenever used in this chapter, shall have the meanings ascribed to them in this section unless a different meaning clearly appears from the context:

Animal control officer means the person or organization designated by the board of aldermen to represent and act for the city in the impoundment of animals, controlling of animals running at large, and in enforcing all aspects of this chapter and the state law concerning animals. The animal control officer is not a law enforcement officer. For actions under this chapter or under state law which must be performed by a law enforcement officer, the animal control officer shall accompany the law enforcement officer.

At large means any animal that is not on a leash, behind a fence or enclosure, on the property of the animal's keeper or owner, within a public area specifically designated by the city for use by persons with unrestrained animals, or otherwise under the direct, physical control of the animal's keeper or owner.

Feral means a domesticated animal that has escaped from domestication or been abandoned and has become wild, dangerous, or untamed.

Inhumane treatment means treatment of any animal that deprives the animal of necessary sustenance, including food, water, and protection from the weather, or ill treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing, or poisoning, or other abnormal treatment as may be determined by the animal control officer.

Livestock means all domesticated animals, including but not limited to horses, cows, mules, goats, sheep, and pigs.

Owner means any person, firm, or corporation owning, keeping, or harboring any animal or fowl. Additionally, any individual who provides sustenance to a stray animal for a period of two or more consecutive weeks may be deemed to be the owner of the animal for the purpose of releasing the animal to the city animal shelter. Such a person shall have the authority to transfer ownership of the animal to the city animal shelter, at which time the shelter may immediately dispose of the animal at the discretion of the shelter. However, even after an animal becomes the property of the city animal shelter, an individual presenting himself as the owner of the animal may redeem the animal from the shelter by following the requirements of section 18-47.

Oxford animal shelter means any animal shelter either operated by the city or designated by the city as the shelter for the city and any humane organization responsible for managing such a shelter.

Person means any individual, firm, association, syndicate, partnership, or corporation.

Rabies vaccination means an injection of antirabies vaccine as required by MCA 1972, § 41-53-1.

Vicious animal means any animal that constitutes a physical threat to humans or to other animals.

Wild animals means all undomesticated animals, including but not limited to lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons, and opossums.

(Code 1968, § 6-1; Ord. No. 2002-4, 3-19-2002; Ord. No. 2010-17, § I, 12-21-2010)

Sec. 18-2. - Animal neglect and cruelty.

(a) Unlawful. It shall be unlawful for any person to:

- (1) Willfully or maliciously kill, maim, disfigure, torture, beat with a stick, chain, club, or other object; mutilate, burn, or scald with any substance, or otherwise cruelly set upon any animal.
- (2) Knowingly, intentionally, or recklessly cause any animal to endure unreasonable or unjustifiable pain, suffering, or injury.
- (3) Fail, refuse, or neglect to provide his animal with proper food, drink, shade, shelter, or veterinary care as may be necessary for diseased or injured animals. Any animal habitually kept outside or repeatedly left unattended outside when no adult persons are present on the property shall be provided with a structurally sound, moisture-proof, and wind-proof shelter large enough to accommodate and keep the animal reasonably clean, dry, and comfortable.
- (4) Proper food, drink, shade, shelter and care shall require:
 - a. That each animal, at suitable intervals, and at least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;
 - b. That each animal, at suitable intervals, and at least once every 24 hours, receive an adequate supply of clean, fresh, potable water for the species' physical condition and age, and such water shall be provided either free-flowing or in a receptacle. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;
 - c. That each animal, have convenient access to shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around, and lie down in a natural manner. Any shelter that does not protect the animal from temperature extremes or precipitation, or that does not provide adequate ventilation or drainage, shall not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be maintained in a manner that minimizes the risk of the animal contracting disease, being injured, or becoming infested with parasites;
 - d. That each animal, receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;
 - e. That the living area for each animal being kept confined or restrained, have adequate drainage such that the animal shall be free to walk or lie down without coming into contact with standing water;
 - f. That if any animal is restrained by a chain, leash, wire cable, or similar restraint, such restraint, be designed and placed to prevent choking, strangulation, or entanglement with other objects. Such restraint, not be less than ten feet in length;
 - g. That if any animal is kept in an enclosure, the enclosure be constructed of material, and in a manner to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition.

- (5) Confine, or cause to be confined, in any stable, lot, or other place, any living creature, without supplying the same during such confinement with a sufficient quantity of good, wholesome food and water.
 - (6) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to the animal. In the event that the owner of the vehicle is not available and cannot be found or refuses to prevent said harm or reasonably potential harm from continuing, the city police department along with the animal control officer shall be authorized to remove said animal from such vehicle and to utilize any reasonable method to effect said removal.
 - (7) Expose any known poisonous substance, whether mixed with food or not, in such a manner as to be ingested by any domesticated animal with the intent to harm such an animal.
 - (8) Keep or maintain on their premises any pens, enclosures, or other structures for keeping of animals or fowl so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity.
 - (9) Sell chickens, ducklings, or rabbits younger than eight weeks of age in quantities of fewer than 25 to a single purchaser.
 - (10) Give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition; as an inducement to enter a place of amusement; or as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
 - (11) Sell, raffle, offer or give as a prize, premium, or advertising device, or display in any store, shop, carnival or other public place, an animal or fowl that has been dyed or otherwise colored artificially.
 - (12) Violate any section of state law with regard to animals.
- (b) Lawful seizure of animals. All courts in the state may order the seizure of an animal by a law enforcement agency, for its care and protection upon a finding of probable cause to believe said animal is being cruelly treated, neglected or abandoned. Such probable cause may be established upon sworn testimony of any person who has witnessed the condition of said animal.
 - (c) Appointment of temporary custody of seized animals. The court may appoint the city animal shelter, a veterinarian, or other person as temporary custodian for the animal, pending final disposition of the animal pursuant to this section. Such temporary custodian shall directly contract and be responsible for any care rendered to such animal, and may make arrangements for such care as may be necessary.
 - (d) Serving notice upon the owner of a seized animal. Upon seizure of an animal, the law enforcement agency responsible for removal of the animal shall serve notice upon the owner of the animal, if possible, and shall also post prominently a notice to the owner or custodian to inform such person that the animal has been seized.
 - (e) Seizure notice content. Such process and notice shall contain a description of the animal seized, the date seized, the name of the law enforcement agency seizing the animal, the name of the temporary custodian, if known at the time, and shall be signed by the court issuing the order.
 - (f) Request for appeal of seizure and return of custody. Within five days of seizure of an animal, the owner of the animal may request a hearing in the court ordering the animal to be seized to determine whether the owner is able to provide adequately for the animal and is fit to have custody of the animal.
 - (1) The court shall hold such hearing within 14 days of receiving such request.
 - (2) The hearing shall be concluded and the court order entered thereon within 21 days after the hearing is commenced.

- (3) Upon requesting a hearing, the owner shall have three business days to post a bond or security with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs sufficient to provide for the animal's care.
 - (4) Failure to post such bond within three days shall result in forfeiture of the animal to the court. If the temporary custodian has custody of the animal upon the expiration of the bond or security, the animal shall be forfeited to the court unless the court orders otherwise.
 - (5) In determining the owner's fitness to have custody of an animal, the court may consider, among other matters:
 - a. Testimony from law enforcement officers, animal control officers, animal protection officials, and other witnesses as to the condition the animal was kept in by its owner or custodian.
 - b. Testimony and evidence as to the type and amount of care provided to the animal by its owner or custodian.
 - c. Expert testimony as to the proper and reasonable care of the same type of animal.
 - d. Testimony from any witnesses as to prior treatment or condition of this or other animals in the same custody.
 - e. Violations of laws relating to animal cruelty that the owner or custodian has been convicted of prior to the hearing.
 - f. Any other evidence the court considers to be material or relevant.
 - (6) Upon proof of costs incurred as a result of the animal's seizure, including, but not limited to, animal medical and boarding costs, the court may order that the animal's owner reimburse the temporary custodian for such costs. A lien for authorized expenses is hereby created upon all animals seized under this section, and shall have priority to any other lien on such animal.
 - (7) If the court finds the owner of the animal is unable or unfit to adequately provide for the animal, or that the animal is severely injured, diseased, or suffering, and therefore, not likely to recover, the court may order that the animal be permanently forfeited and released to city animal shelter, or other appropriate entity to be euthanized or the court may order that such animal be sold at public sale in the manner now provided for judicial sales; any proceeds from such sale shall go first toward the payment of expenses and costs relating to the care and treatment of such animal, and any excess amount shall be paid to the owner of the animal.
 - (8) Upon notice and hearing as provided in this section, or as a part of any proceeding conducted under the terms of this section, the court may order that other animals in the custody of the owner that were not seized be surrendered and further enjoin the owner from having custody of other animals in the future.
 - (9) If the court determines that the owner is able to provide adequately for, and have custody of, the animal, the court shall order the animal be claimed and removed by the owner within seven days after the date of the order.
 - (10) Nothing in this section shall be construed to prevent or otherwise interfere with a law enforcement officer's authority to seize an animal as evidence or require court action for the taking into custody and making proper disposition of animals as authorized in MCA 1972, §§ 21-19-9 and 41-53-11.
- (g) Cost and expenses incurred. Any person or persons violating any provision of this section, shall bear full costs and expenses incurred by the city animal shelter, the animal control officer, or the city police department in the care, medical treatment, impoundment cost, and disposal of said animals, including removal from a vehicle or structure.
- (h) Definition for purpose of this section. For the purposes of this section, the term "animal" or "animals" means any feline, exotic animal, canine, horse, mule, jack or jennet.

(Code 1968, § 6-3; Ord. No. 2002-4, 3-19-2002)

Sec. 18-3. - Removal and disposal of dead animals.

- (a) It shall be unlawful for any person to place or leave any carcass of any dead animal or fowl of any kind on any street, alley, sewer, or ditch in the city or upon any public places or upon his own premises or the premises or land of any other person within the city.
- (b) The owner of any cow, hog, goat, sheep, mule, horse, or other large animal shall, upon the death of the same, immediately contact the city sanitation department for directions on appropriate disposal of said animal.
- (c) The carcasses of other animals and fowl shall, upon their death, either be buried to a depth of not less than two feet by their owner, or disposed of by direction of the city sanitation department.

(Code 1968, § 6-5; Ord. No. 2002-4, 3-19-2002)

Sec. 18-4. - Keeping of hogs and wild animals prohibited.

It shall be unlawful for any person to keep or harbor any hog or other swine within the city limits. It shall be unlawful for any person to keep or harbor any wild animal within the city limits. A law enforcement officer, accompanied by the animal control officer, shall immediately impound any hog, swine, or wild animal found inside the city limits and any person found to be in violation of this section shall be liable for a fine of \$100.00 and the costs of impounding the animal. The owner shall have five days to make adequate provision for housing the animal outside city limits. If the owner has not made adequate provision for housing the animal outside of the city limits within five days, the animal shall become the property of the city animal shelter and may be disposed of at the discretion of the city animal shelter.

(Code 1968, § 6-7; Ord. No. 2002-4, 3-19-2002)

Sec. 18-5. - Stealing animal prohibited.

It shall be a misdemeanor for any person within the city, without the consent of the owner or his agent, to take and carry away any domesticated animal where such taking and carrying away does not amount to larceny. Any animal found at large shall be surrendered to the city animal shelter within 48 hours of being found so that the owner may have an opportunity to reclaim the animal. If the owner does not reclaim the animal within five days, the animal shall become the property of the city animal shelter and may be adopted to a new home or may be euthanized. Disposition of the animal shall be at the discretion of the city animal shelter.

(Code 1968, § 6-9; Ord. No. 2002-4, 3-19-2002)

Sec. 18-6. - Animals, fowl not to run at large.

- (a) It shall be unlawful for the owner or keeper of any wild or domestic animal or fowl, except cats, to permit the same to run at large within the corporate city limits or stray from the premises of the owner or keeper or to go upon the premises of any other person or upon any public property unless such animal is attached to a leash or otherwise under the direct, physical control of such keeper or owner. This subsection shall not apply to public areas specifically designated by the city for use by persons with unrestrained animals. This section is expressly subject to and does not affect any restrictions imposed, or limit any rights conferred, by any contract, covenant, or other binding agreement or instrument in place with regard to any multi-family or multi-unit residential property.
- (b) Cats may run at large; however, all cats must be vaccinated against rabies pursuant to MCA 1972, § 41-53-1. Failure to vaccinate any cat shall be a misdemeanor and shall be punishable by a fine of \$100.00. Persons administering the vaccine in accordance with this chapter shall maintain records of each animal vaccinated, indicating the owner of each animal vaccinated, the type of animal vaccinated, the breed of each animal vaccinated, the sex of each animal vaccinated, and the markings and serial

number of the tag furnished to the owner of each. Any cat found running at large in circumstances suggesting that said animal is feral, has been abandoned, or is otherwise ownerless, may be impounded in the city animal shelter. The owner shall be required to provide proof of rabies vaccination in order to reclaim the cat. If no owner claims the animal within five days, the animal shall become the property of the city animal shelter and may be adopted to a new home or euthanized. Disposition of the animal shall be at the discretion of the city animal shelter.

(Code 1968, § 6-11; Ord. No. 2002-4, 3-19-2002; Ord. No. 2010-17, § I, 12-21-2010)

State Law reference— Municipal authority to control animals running large, MCA 1972, § 21-19-9.

Sec. 18-7. - Destruction of feral or diseased dogs or animals.

- (a) Any sheriff, constable, policeman, or agent of a society for the prevention of cruelty to animals may kill, or cause to be killed, any animal found neglected or abandoned, if in the opinion of three respectable citizens it be injured or diseased past recovery, or by age has become useless.
- (b) If an animal is determined by the animal control officer to be a vicious animal or feral dog, that animal may be destroyed by the animal control officer or his designee; providing that all of the following requirements are met:
 - (1) The animal is running at large;
 - (2) The animal is not wearing a vaccination tag; and
 - (3) Attempts to capture the animal have been made and were unsuccessful.
- (c) If an animal running at large without a vaccination tag is determined by the animal control officer to be diseased, that animal should be delivered, alive or dead, to a licensed veterinarian for observation and/or rabies testing. If the animal control officer determines it is necessary to kill a diseased animal, the animal control officer shall attempt to avoid destruction of the animal's head so that the brain tissue may be removed by a licensed veterinarian and tested for rabies.

(Code 1968, § 6-13; Ord. No. 2002-4, 3-19-2002)

State Law reference— Killing of injured or useless animals, MCA 1972, § 97-41-3.

Sec. 18-8. - Quarantine and treatment of dogs, animals suspected of being rabid.

- (a) When the owner of a dog or cat has been notified, or has knowledge, that the dog or cat has bitten or attacked a person or other animal, the owner shall immediately place the animal under the care and observation of a licensed veterinarian at the city animal shelter or a licensed veterinarian in private practice.
- (b) If the owner does not immediately submit the animal to a veterinarian for care and observation, the animal control officer shall impound the animal for care and observation by a licensed veterinarian at the city animal shelter. The expenses of such care and observation shall be the responsibility of the owner.
- (c) The city animal shelter or the licensed veterinarian shall impound the animal for care and observation for a period of at least ten days. Any illness in the animal shall be reported immediately to the local health department.
 - (1) If signs suggestive of rabies develop, the animal shall be euthanized, its head removed, and the head shipped under refrigeration to the state department of health laboratory for examination.
 - (2) If the animal is a stray, or if the owner requests, the animal may be euthanized immediately, and the head submitted as described above for rabies examination.

- (3) If the animal proves not to be infected with rabies, the owner may reclaim the animal only:
- a. If he can demonstrate that the animal will be housed in a manner that will provide for the safety of those exposed to the animal (the sufficiency of such housing to be determined by the animal control officer); and
 - b. After paying appropriate boarding charges, vaccinating the animal, and licensing it if required.
- (d) If a dog or cat is bitten by or otherwise exposed to a rabid or suspected rabid animal, an animal that is currently vaccinated, shall be revaccinated immediately and confined by a licensed veterinarian at the expense of the owner and observed for 45 days.
- (e) Unvaccinated dogs or cats bitten by a rabid or suspected rabid animal shall be destroyed immediately. If the owner is unwilling to have this done, the unvaccinated animal shall be placed in strict isolation for six months at the owner's expense, in a manner acceptable to the local health officer or his designee, and be vaccinated one month before being released.
- (f) It shall be unlawful for the owner of any dog involved in a bite or bodily injury to another person or animal to fail to immediately prevent further bites or injury, and to immediately furnish to the other person or persons involved, or, in the case of a juvenile, the parents or guardians of said juvenile, the owner's name and address and the rabies tag number or license tag number of the dog.
- (g) Because the period of rabies virus spreading in infected wild or exotic animals (including ferrets) is unknown, confinement and observation of such animals that bite humans is not recommended. Wild, carnivorous animals kept as pets and exotic animals (including ferrets) which bite or otherwise expose humans shall be euthanized immediately and the head removed and submitted as described above for examination. Bats and wild, carnivorous mammals that bite people shall be euthanized and sent to the state department of health laboratory for examination for rabies.
- (h) The subject of rabies in animals is addressed in the state department of health rules and regulations governing reportable diseases and conditions. Any questions regarding rabies in animals or humans should be directed to the state department of health.

(Code 1968, § 6-15; Ord. No. 2002-4, 3-19-2002)

State Law reference— General requirement concerning rabies inoculations, MCA 1972, § 41-53-41 et seq.

Sec. 18-9. - Diseased or injured animals.

- (a) Unlawful to withhold treatment. It shall be unlawful for any person to knowingly keep:
- (1) An injured animal without providing proper treatment for such injury; or
 - (2) Any animal infected with a disease that may contaminate other animals or humans or that may be a health hazard.

A person acts "knowingly" when he is aware that such circumstances exist.

- (b) Misdemeanor violation. Violation of this section shall constitute a misdemeanor. Any such animal may be seized in accordance with the provisions of section 18-2(b). In addition to the usual penalties, a person convicted of violating this provision may, in the court's discretion, be required to surrender his animals to the city animal shelter and may be banned from owning animals for a period of time to be determined by the court.
- (c) Impoundment of untreated animals. Any such untreated injured or diseased animal, once seized, may be impounded at the city animal shelter and immediately treated by a licensed veterinarian. However, if, in the opinion of three respectable citizens, the animal is injured or diseased beyond recovery, the animal may be destroyed to prevent unwarranted suffering.

- (d) Reimbursement by owner for treatment of seized animals. An owner who reclaims or redeems an animal that has been treated under the provisions of this section shall, prior to the release of the animal to the owner, reimburse the city animal shelter or the treating veterinarian for any expenses incurred in such treatment. If the owner makes direct payment to the veterinarian for such treatment, the owner must provide the city animal shelter with a receipt of such payment before the animal is released to the owner. The payment for the expense incurred in the treatment of such animal is in addition to the redemption fees and/or licensing fees assessed under sections 18-47, 18-48, 18-72 and 18-74.

(Code 1968, § 6-17; Ord. No. 2002-4, 3-19-2002)

Sec. 18-10. - Animal control officer.

- (a) The civil and criminal provisions of this article shall be enforced by those persons or agencies designated by the board of aldermen. It shall be a violation of this article to interfere with an animal control officer in the performance of his duty. Any designated animal control officer may utilize any equipment reasonable and necessary to enforce the provisions of this article, including but not limited to humane wire box traps, chemical capture weapons, and other animal control equipment.
- (b) When authorized by a court of competent jurisdiction, a law enforcement officer, accompanied by the animal control officer, may enter private premises to enforce local animal control chapters or state animal control statutes. When entering private property, the animal control officer's enforcement activity shall be limited to the activity specified by the authorizing court.
- (c) It shall be unlawful for the owner of any animal to make a false or misleading statement or representation regarding the ownership or control of the animal, or regarding the licensing of a dog, or regarding the ownership of an animal claimed from, surrendered to, or impounded by the city animal shelter or the animal control officer.

(Code 1968, § 6-19; Ord. No. 2002-4, 3-19-2002)

Sec. 18-11. - Reporting vehicle accident involving animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and/or the animal control officer and to the city animal shelter within a reasonable time.

(Code 1968, § 6-21; Ord. No. 2002-4, 3-19-2002)

Sec. 18-12. - Animals temporarily located within city limits, including performing animals in exhibits or circuses.

Any animals temporarily located inside city limits shall be afforded the full protection of this article. Owners of animals located in the city limits may be found liable under the provisions of this article, even though the animals and/or the owners are found in the city only temporarily.

(Code 1968, § 6-23; Ord. No. 2002-4, 3-19-2002)

Sec. 18-13. - Animals in pet shops, aviaries, kennels, and other commercial establishments.

Any animals temporarily located in pet shops, aviaries, kennels, and other commercial establishments shall be afforded the full protections of this article. Owners of animals located in these commercial establishments may be found liable under the provisions of this article. However, this article shall not apply to any kennel or other commercial establishment which is already regulated by the state board of veterinary medical examiners and the state Veterinary Practice Act.

(Code 1968, § 6-25; Ord. No. 2002-4, 3-19-2002)

Secs. 18-14—18-44. - Reserved.

ARTICLE II. - CITY ANIMAL SHELTER

Sec. 18-45. - Operation of city shelter.

The city shall have the authority to enter into a contract for the purpose of managing the city's animal shelter.

(Code 1968, § 6-27; Ord. No. 2002-4, 3-19-2002)

Sec. 18-46. - Impoundment—Authorized.

Any animal seized in accordance with this article may be impounded in the city animal shelter. It shall be unlawful for any person to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any vehicle used for the purpose of collecting or conveying animals to the animal shelter.

(Code 1968, § 6-29; Ord. No. 2002-4, 3-19-2002)

Sec. 18-47. - Same—Holding period and redemption.

- (a) The city animal shelter shall notify the owner of any animal impounded, regardless of the reason for impounding the animal, if such owner's identity and address can be ascertained upon reasonable investigation, within 24 hours after such animal is impounded under any of the provisions of this article. The notice shall inform the owner that the animal has been impounded, the purpose or reason for the impounding, and the procedure for redeeming the animal.
- (b) Whenever an animal or fowl shall be impounded or shall be surrendered to the city animal shelter as a stray or is surrendered by the owner, it shall be the duty of the city animal shelter to hold such animal for five days, unless such animal meets the criteria of MCA 1972, § 97-41-3. All animals being surrendered must be brought to the city animal shelter. In cases of extreme hardship, as determined by the animal control officer, an animal may be picked up at the home of the owner, if requested by the owner. The owner of any impounded or stray animal may redeem the animal within five days by presenting the following:
 - (1) Proof of ownership of the animal;
 - (2) In the case of a dog, a license for the current year;
 - (3) In the case of a cat or dog, proof of current rabies vaccination; and
 - (4) Payment of the appropriate impoundment fee and daily boarding charge.
- (c) If the owner fails to redeem the animal within five days, the animal shall become the property of the city animal shelter and may be adopted to a new home or euthanized at the discretion of the city animal shelter.

(Code 1968, § 6-31; Ord. No. 2002-4, 3-19-2002; Ord. No. 2012-12, 10-16-2012)

Sec. 18-48. - Same—Fees.

For animals other than dogs, a fee of \$25.00 and the actual costs of caring for and feeding any animal or fowl, other than cats, impounded under the provisions of this article shall be charged against the owner of an impounded animal. The actual costs of caring for and feeding the animal shall be determined by the city animal shelter, and may be set as a per day boarding charge not to exceed 90 percent of the average

boarding charge for a similar animal at local veterinary clinics or boarding kennels. If a cat is impounded under the provisions of this article for being stray from its home, or appearing to be abandoned or feral, the owner shall be assessed a fee of \$20.00 to cover the cost of impounding and boarding the animal.

(Code 1968, § 6-33; Ord. No. 2002-4, 3-19-2002)

Sec. 18-49. - Release of unsterilized animals.

- (a) It shall be unlawful for the city animal shelter or any animal control shelter or any animal humane organization within the city to release any unaltered dog or cat to a new owner unless a written agreement to spay or neuter such animal has been signed by the person acquiring the animal and an officer/agent for the animal control shelter or humane organization.
- (b) The sterilization shall be performed by the date stipulated, but if an extension of time is necessary for a valid reason, the owner shall request and must receive approval for such extension. In the event an extension is granted, a written extension agreement must be signed by the owner and an officer/agent of the animal control shelter or the animal humane organization. The maximum extension that may be granted is 30 days. The signed written agreement shall be binding and failure to comply is unlawful. Upon failure to comply:
 - (1) The animal shall be returned by the owner to the animal control shelter or animal humane organization that released the animal;
 - (2) Ownership of the animal reverts to the agency that released the animal;
 - (3) No claim may be made by the owner to recover expenses incurred for maintenance of the animal, including the initial procurement cost.
- (c) This section does not prevent any animal control shelter or animal humane organization from establishing clinics for the purpose of sterilization of shelter-owned animals.

(Code 1968, § 6-35; Ord. No. 2002-4, 3-19-2002)

Secs. 18-50—18-70. - Reserved.

ARTICLE III. - DOGS

Sec. 18-71. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large means any dog that is not on a leash, behind a fence or enclosure, on the property of the animal's keeper or owner, within a public area specifically designated by the city for use by persons with unrestrained animals, or otherwise under the direct, physical control of the animal's keeper or owner. This section is expressly subject to and does not affect any restrictions imposed, or limit any rights conferred, by any contract, covenant, or other binding agreement or instrument in place with regard to any multi-family or multi-unit residential property.

Dog includes canines of both the male and female sex.

Intact animal means an animal that has not been surgically sterilized.

Owner means any person owning, keeping, or harboring a dog, or any person providing sustenance to a stray dog for a period of two consecutive weeks or longer.

Spaying and neutering mean the surgical sterilization of an animal by a licensed veterinarian.

(Code 1968, § 6-37; Ord. No. 2002-4, 3-19-2002; Ord. No. 2010-17, § I, 12-21-2010)

Sec. 18-72. - Licenses—Required; exception.

- (a) All dogs whose owners reside within the city limits shall be licensed and registered by the city as hereinafter provided, except dogs belonging to nonresidents who are residing in the city for less than 60 days.
- (b) Certified Seeing Eye Dogs, hearing dogs, other certified dogs that are trained to assist the physically handicapped, and governmental police dogs shall be required to obtain a city dog license, but no license fee shall be required. Proof of certification and training shall be required to obtain a license free of charge.

(Code 1968, § 6-39; Ord. No. 2002-4, 3-19-2002)

Sec. 18-73. - Same—Time for application.

All city residents must license all dogs over the age of three months. All residents moving into the city must apply to license their dog within 30 days of moving into the city. Licenses shall be renewed yearly. The city animal shelter shall arrange for the application and issuing of dog licenses, and may contract with local veterinary clinics for the issuance of such licenses. Pursuant to this contract, a veterinary clinic may charge a \$1.00 handling charge for collecting the annual license fee.

(Code 1968, § 6-41; Ord. No. 2002-4, 3-19-2002)

Sec. 18-74. - Same—Issuance; fees.

- (a) Dog licenses, as required by section 18-72, shall be issued by the city animal shelter or their designated agent upon all requirements of this article being met and upon the payment of the following amounts:

Male dog, neutered	\$5.00 per year
Female dog, spayed	\$5.00 per year
Male dog,	\$15.00 per

inta ct	yea r
Fe mal e dog , inta ct	\$15 .00 per yea r

- (b) There shall be no refund because of removal from the city or the death of the dog prior to the expiration of the license.

(Code 1968, § 6-43; Ord. No. 2002-4, 3-19-2002; Ord. No. 2002-11, 12-17-2002)

Sec. 18-75. - Same—Tag; vaccination; proof; duplicate tag; penalties for violation.

- (a) Before a city license is issued, the owner must present to the city animal shelter or their designated agent satisfactory proof that the dog has been vaccinated against rabies by a licensed veterinarian pursuant to MCA 1972, § 41-53-1. Failure to vaccinate any dog over the age of three months against rabies as required by MCA 1972, § 41-53-1 shall be punishable by a fine of \$100.00. Persons administering vaccine in accordance with this article shall maintain records of each animal vaccinated, indicating the owner of each animal vaccinated, the type of animal vaccinated, the breed of each animal vaccinated, the sex of each animal vaccinated, and the markings and serial number of the tag furnished to the owner of each animal.
- (b) Upon proof of vaccination and payment of the applicable license fee, the city animal shelter or their designated agent shall issue to the owner a license certificate and tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license must be affixed and see that the collar is worn by the dog at all times. In case the tag is lost or destroyed, a duplicate will be issued by the city animal shelter or their designated agent upon the owner of the dog presenting the license certificate or other proof of licensing and the payment of the additional sum of \$1.00. Licenses shall not be transferable from one dog to another. It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, license tag, or rabies vaccination tag from any dog.
- (c) All license fees collected by the city animal shelter or its designated agents shall be retained by the city animal shelter and applied to the cost of running the shelter, except for the \$1.00 handling charge allowed by section 18-73.
- (d) Any person who shall fail to purchase a license for their dog pursuant to this article shall be fined the sum of \$25.00 for the first offense; \$50.00 for a second offense; and \$100.00 for a third and subsequent offenses. Such fines shall be in addition to any penalties charged under other sections of this chapter.

(Code 1968, § 6-45; Ord. No. 2002-4, 3-19-2002)

Sec. 18-76. - Running at large prohibited; penalties for violations.

- (a) No dog shall be allowed to run at large, and it shall be unlawful for any person who shall own, keep, or harbor any dog to allow or permit such dog to run or be at large at any time within the city.

- (b) In addition, no dog shall be permitted on the premises of the city cemetery at any time, whether or not they are under the control of their owner or the agent of their owner.
- (c) Any person who violates the provisions of this section shall be fined the sum of \$50.00, plus all lawful costs for the first offense. Any person who violates the provisions of this section shall be fined the sum of \$75.00, plus all lawful costs for the second offense. Any person who violates the provisions of this section shall be fined the sum of \$100.00, plus all lawful costs for the third and subsequent offenses. In addition, in the discretion of the court, the owner of the animal may be required to:
 - (1) Confine the animal in a prescribed manner;
 - (2) Provide the animal with training;
 - (3) Spay or neuter the animal;
 - (4) Make any other reasonable effort to resolve the problem; or
 - (5) Surrender custody of the animal to the city animal shelter. If the owner is required to surrender custody of the animal, the court may prohibit the owner from owning another dog for a period of time specified by the court.

(Code 1968, § 6-47; Ord. No. 2002-4, 3-19-2002)

Sec. 18-77. - Impounding—Registration.

Any dog not vaccinated or licensed as herein required or found running at large contrary to this chapter, whether vaccinated or not, shall be impounded at the city animal shelter. However, if a stray dog with a valid city license is found running at large, reasonable efforts shall be made to contact the owner of the dog so that the dog may be returned directly to the owner without being impounded, although a warning or citation may still be issued because the animal was running at large. If the owner of the dog cannot be reached, the dog may be impounded. The city animal shelter shall keep records of all dogs so impounded.

(Code 1968, § 6-49; Ord. No. 2002-4, 3-19-2002; Ord. No. 2002-11, 12-17-2002)

Sec. 18-78. - Same—Notice; redemption.

The city animal shelter shall, pursuant to section 18-47, notify the owner of any dog that has been impounded, if the identity of said owner can be reasonably determined. Pursuant to section 18-47, the owner of the impounded animal may redeem the animal by providing proof of ownership, vaccination, and licensing, and payment of the following amounts:

- (1) For impounding the dog, the sum of \$10.00;
- (2) For keeping the dog, a daily boarding charge not to exceed 90 percent of the average charge for boarding a dog at a local veterinary clinic or boarding kennel.

(Code 1968, § 6-51; Ord. No. 2002-4, 3-19-2002)

Sec. 18-79. - Disposition of unclaimed dogs.

All impounded dogs, or dogs surrendered to the city animal shelter as strays, shall be kept in the city animal shelter for five days. If such dog is not claimed by the owner and all fines, license fees, vaccination fees, and accrued boarding charges paid within three days, the dog shall become the property of the city animal shelter and may be adopted to a new home or may be euthanized. The disposition of the animal shall be at the discretion of the city animal shelter. The city animal shelter shall not release any impounded dog whose owner resides in the city limits until said owner shall have obtained a license as provided by this article.

(Code 1968, § 6-53; Ord. No. 2002-4, 3-19-2002)

Sec. 18-80. - Removal of wastes; penalties for violations.

- (a) It shall be the duty of each dog owner or person having custody, care, or control of a dog to promptly remove any feces deposited by his dog on any sidewalk, gutter, street, or other public walkway within the city limits.
- (b) Any person who violates the provisions of this section shall be fined the sum of \$50.00, plus all lawful costs for the first offense.
- (c) Any person who violates the provisions of this section shall be fined the sum of \$100.00, plus all lawful costs for the second and all subsequent offenses.

(Code 1968, § 6-55; Ord. No. 2002-4, 3-19-2002)

Sec. 18-81. - Penalties, disposition of fines charged under this chapter.

- (a) Any person convicted of violating a provision of this chapter that does not include a specific penalty shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be punished by imprisonment for a period not to exceeds six months, or a fine not to exceed \$500.00, or both, and all lawful costs, except that any person so convicted shall be fined a sum of not less than \$25.00 for the first offense, not less than \$50.00 for a second offense, and not less than \$100.00 for the third offense and all subsequent offenses. In addition, the court may require up to 100 hours of community service. However, if state law provides penalties for a particular offense that exceeds the penalties listed herein, the court may choose to apply the penalty allowed by state law.
- (b) All fines charged for any violation of any section of this chapter shall be remitted to the city general fund.

(Code 1968, § 6-57; Ord. No. 2002-4, 3-19-2002)