

Chapter 14 - ANIMALS<sup>[1]</sup>

Footnotes:

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**Cross reference**— Animals and pets in mobile home parks, § 46-32.

**State Law reference**— Municipal suppression, regulation of hog pens, slaughterhouses and stockyards, MCA 1972, § 21-19-1; animals at large, city pounds, cooperative agreements, MCA 1972, § 21-19-9; rabies control, MCA 1972, § 41-53-1 et seq.; protection of certain wild birds, MCA 1972, § 49-5-7; cruelty to animals, MCA 1972, § 97-41-1 et seq.

## ARTICLE I. - IN GENERAL

## Sec. 14-1. - Definitions.

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

Animal control officer means the person designated by the city to represent and act for the city in the impoundment of animals, controlling of animals running at large and as otherwise required in this chapter.

Animal shelter means any publicly owned and/or nonprofit establishment operated for the purpose of housing, maintaining, and/or boarding any lost, abandoned or abused animals.

At large means any animal, dog, cat or fowl when not on a leash, behind a fence or enclosure, or under the control of a competent person.

Feral dog means a dog that has escaped from domestication and has become wild, dangerous or untamed.

Health officer means a licensed physician or veterinarian appointed by the mayor and board of aldermen to have charge and control of the work of protecting and preserving the public health.

Inhumane treatment means any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal, such as overloading, overworking, tormenting, beating, mutilating, teasing, or poisoning or other abnormal treatments as may be determined by:

- (1) A licensed health officer;
- (2) An authorized law enforcement officer; or
- (3) An animal control officer.

Kennel means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats or other animals.

Large canine breeds means dogs equivalent to or greater than an average size cocker spaniel, or 30 pounds.

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

Owner means any person owning, keeping, or harboring any animal or fowl.

Vaccination means an injection of United States Department of Agriculture approved rabies vaccine administered every 12 calendar months by a licensed veterinarian.

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

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

(Code 1982, § 7-1; Ord. of 10-15-92(3), § 7-1)

**Cross reference**— Definitions generally, § 1-2.

Sec. 14-2. - Penalty for violation.

Any person who violates any of the provisions of this chapter shall be punished as provided in section 1-12.

(Ord. of 10-15-92(3), § 7-19(a))

Sec. 14-3. - Animal control officers—Training and certification.

Animal control officers shall be required to be familiar with the provisions of this Code pertaining to animals and fowl, and applicable federal and state statutes pertaining thereto.

(Ord. of 10-15-92(3), § 7-13)

**Cross reference**— Officers and employees, § 2-56 et seq.

Sec. 14-4. - Same—Police powers and enforcement responsibility.

- (a) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provision of this chapter, including without limitation, humane wire box traps; and the animal control officers may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.
- (b) Any animal control officer appointed by the city shall be authorized to issue tickets, summons or other process in the same manner as other police officers of the city but in the furtherance of the compliance with this chapter only.

(Code 1982, § 7-2; Ord. of 10-15-92(3), § 7-14)

Sec. 14-5. - Control and protection of animals generally.

- (a) It shall be unlawful for any person to:
  - (1) Permit any animal to run at large within the corporate limits of the city.
  - (2) Carry out or inflict any inhumane treatment against any animal.
  - (3) Interfere with, attack or molest a dog used by the police department in the performance of the function or duties of such department.
  - (4) Permit or allow more than four domesticated animals, over the age of six months, in any one yard or open premises of a residence of the owner of such animals or premises, at any one time, and such animals shall at all times be leashed or enclosed in a fence and shall not be permitted to run at large in violation of other provisions of this chapter.
  - (5) Keep or harbor any animal which, by loud, frequent, or habitual barking, howling, yelping, or other noise or action disturbs any person or neighborhood within the corporate limits of the city.
  - (6) Keep or maintain on their premises any pens, enclosures, etc. for keeping of animals or fowls 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 of the pen, enclosure, etc.

- (7) Keep and maintain animals for breeding/show purposes within the corporate limits of the city, except in those areas zoned commercial or industrial, except as provided in division 2 of article II of this chapter.
  - (8) Keep or harbor any animal or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to any person residing in the vicinity thereof.
  - (9) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
  - (10) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to such animal. If the owner of such vehicle is not available and cannot be found or refuses to prevent such harm or reasonably potential harm from continuing, the animal control officer or the police department shall be authorized to remove such animal from such vehicle and to utilize any reasonable method to effect such removal.
  - (11) Expose any known poisonous substance, whether mixed with food or not, purposely intended to harm or cause harm to animals, in such a manner as to be ingested by any animal to purposely harm such animal.
- (b) The duly sworn and authorized animal control officer or police officer of the city may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (a) of this section and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five days, and if reasonable corrections are not made by the owner of the animal so that the owner is no longer in violation of subsection (a) of this section, the animal shall be released to the Mississippi Animal Rescue League. The animal control officer shall designate to the owner what corrections are necessary to bring such owner into compliance with subsection (a) of this section.

(Code 1982, §§ 7-5, 7-7, 7-19; Ord. of 10-15-92(3), § 7-2)

**State Law reference**— Cruelty to animals, MCA 1972, § 97-4-1 et seq.

Sec. 14-6. - 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 or the local humane society within a reasonable time.

(Code 1982, § 7-8; Ord. of 10-15-92(3), § 7-15)

**Cross reference**— Traffic and vehicles, ch. 78.

Sec. 14-7. - Vicious or diseased animals.

- (a) Vicious animals or feral dogs. When an animal is determined by the animal control officer to be a vicious animal or a feral dog, that animal may be destroyed by the animal control officer or his designee under the supervision of an officer of the police department, providing each of the following requirements are met:
  - (1) The animal is running at large;
  - (2) There is no vaccination tag around the animal's neck;
  - (3) Attempts to peacefully capture the animal have been made and proved unsuccessful.

- (b) Incurably injured or diseased animals, etc. It shall be the duty of the police department to discharge a firearm in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard, including but not limited to pigeons, rabbits, squirrels, snakes and feral dogs.

(Ord. of 10-15-92(3), § 7-16)

Sec. 14-8. - Humane euthanization.

An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately, under the supervision of an officer of the police department.

(Ord. of 10-15-92(3), § 7-17)

Sec. 14-9. - Performing animal exhibits or circuses; regulations.

- (a) No performing animal exhibit or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemicals, mechanical, electrical, or manual devices in a manner which is likely to cause physical suffering or injury to the animals.
- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers, and caretakers of animals used as performing animals shall provide them with good and sufficient food and water, and shelter from extremes of weather and shall at no time hobble, tether, tie or stake them alongside city streets, state highways, public rights-of-way, or any thoroughfare within the corporate limits of the city.
- (d) The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any given time to determine compliance with this section.

(Ord. of 10-15-92(3), § 7-8)

**Cross reference**— Amusements, ch. 10.

Sec. 14-10. - Pet shops, aviaries, kennels; investigation of complaints.

The animal control officer is hereby authorized at any reasonable time upon written request or demand of any citizen of the city to inspect any store or business which buys, sells, gives away, or trades live animals, birds, or operates kennels.

(Ord. of 10-15-92(3), § 7-9)

Sec. 14-11. - Impoundment and recovery of animals.

Any dog, animal or fowl caught, picked up or impounded by the animal control officer of the city shall be forthwith turned over to a designated animal shelter. Any impounded animal may be reclaimed within five days of impoundment upon the payment of such fees as shall be established by the mayor and board of aldermen from time to time, and upon showing proof of current vaccination.

(Ord. of 10-15-92(3), § 7-10)

Secs. 14-12—14-35. - Reserved.

ARTICLE II. - KEEPING REGULATIONS

DIVISION 1. - GENERALLY

Sec. 14-36. - Keeping of livestock.

- (a) No person shall keep livestock closer than 150 feet to any property line adjoining that on which the livestock is kept; provided that each livestock animal shall be kept on a lot or tract of three acres or greater. For purposes of this section, the term "keep" refers to the barn or other structure where the livestock is housed and not the pasture where they roam and the term "kept" refers to the property on which the livestock is located.
- (b) At the request of the animal control officer each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate limits. Such owner shall further furnish his name, address, and telephone number to the animal control authority and to the police department at the request of either.

(Code 1982, § 7-9; Ord. of 10-15-92(3), § 7-4; Ord. of 5-2-07, § 1)

Sec. 14-37. - Keeping fowl regulated.

- (a) No person shall keep more than two fowl, such as chickens, ducks, turkeys, geese, pigeons or guineas, except when enclosed 150 feet from any property line adjoining that on which the fowl are kept, or except by special permit issued by the city or designated agency of the city.
- (b) It shall be unlawful for the owner of such fowl to allow such fowl to roam outside the property of such owner, except carrier pigeons on training or racing flights.

(Ord. of 10-15-92(3), § 7-5)

Sec. 14-38. - Ferocious, vicious or dangerous animals prohibited.

- (a) It shall be unlawful for any person to keep or maintain within the city any vicious, ferocious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.
- (b) The violation of this section shall constitute a misdemeanor.

(Code 1982, § 7-10; Ord. of 10-15-92(3), § 7-6)

Sec. 14-39. - Keeping wild animals and reptiles prohibited.

- (a) No person shall keep any wild animal or reptile within the corporate limits of the city.
- (b) No person shall keep or cause to be kept on his premises or in any roadside zoo or pet store, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.
- (c) The animal control officer is hereby granted the authority to seize any wild animal or reptile kept in violation of this section, federal law, or state statutes, upon conviction of the owner for such offenses, and, if seized, shall deliver such wild animal or reptile to the department of wildlife conservation or equivalent state agency. In his discretion, the animal control officer may grant the owner of such animals 24 hours to remove them from the boundaries of the city to a lawful place if the public safety and welfare will not be jeopardized thereby.

(Code 1982, § 7-10; Ord. of 10-15-92(3), § 7-7)

Secs. 14-40—14-55. - Reserved.

DIVISION 2. - PERMIT FOR SHOW ANIMALS

Sec. 14-56. - Authorized.

The animal control officer, or his designee, shall have the authority to issue permits, to be renewed annually, to persons within the city to house and maintain animals in their residence for show competition purposes.

(Ord. of 10-15-92(3), § 7-18(a))

Sec. 14-57. - Number permitted.

Any person shall be allowed to keep as many domesticated animals housed upon their residential premises as desired, subject to the conditions of this division.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b))

Sec. 14-58. - Number permitted in yard.

No more than four of any domesticated animals, over the age of six months, shall be allowed in the yard or open premises of the residence of the owner of such animals at a time, and such animals shall, at all times, be leashed or enclosed in a fence and not allowed to run at large in violation of other provisions of this chapter.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(1))

Sec. 14-59. - Inspection of premises.

The animal control officer, or his designee, shall have the right to inspect, at all reasonable times, the premises of any animal owner issued a permit for housing and maintaining such animals under the provisions of this division. If it is determined that any violations of this division are occurring, the animal control officer shall have authority to revoke the permit of the owner immediately.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(2))

Sec. 14-60. - Consent of neighbors.

Any person seeking a permit under the provisions of this division shall, as a part of the application therefor, submit written verification from all residents and property owners within a radius of 100 feet of their residence that all neighboring property owners do not object to the issuance of such permit. If there are such objections, then the permit may be denied.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(3))

Sec. 14-61. - Issuance restricted.

Each permit required by this division shall be issued only after application is made through the animal control officer, and then approved by the board of aldermen.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(4))

Sec. 14-62. - Breeding animals restricted.

An owner shall not be allowed to breed animals kept under a permit issued under this division for profit and sale purposes. Any such owner found in violation of this section shall be guilty of a misdemeanor, and in addition to having his permit revoked shall be penalized as provided in section 1-12.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(5))

Sec. 14-63. - Fees.

The application fee and first-year permit, and renewal fees, shall be as established by the mayor and board of aldermen from time to time. All such fees shall be paid into the general fund of the city.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(6))

Sec. 14-64. - Revocation.

Any permit issued pursuant to the provisions of this division may be revoked if it is determined that any provision of this chapter is being violated, other than those conditional exceptions allowed in this division. In such case, the animal control officer shall notify the owner of such revocation, and the owner shall, within five days of such notice, remove all animals from his premises. Failure to comply shall constitute a misdemeanor.

(Code 1982, § 7-21; Ord. of 10-15-92(3), § 7-18(b)(7))

Secs. 14-65—14-70. - Reserved.

### DIVISION 3. - PROHIBITION OF KEEPING OF PIT BULL BREED DOGS AND VARIANCE PROCESS FOR THE KEEPING OF THE SAME

Sec. 14-71. - Keeping of pit bull breed dogs prohibited and variance process for the keeping of pit bull breed dogs.

(a) No person shall keep any pit bull breed dog (pure-bred or any amount), within the City of Brandon. For purposes of this article, a pit bull breed dog shall include any American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog displaying the majority of physical traits of any one or more of the above breeds, or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(b) Variance procedure for keeping pit bull breed dogs (pure-bred or any amount) identified in subsection (a).

(1) a. A variance from the prohibition in subsection (a) may be sought by submitting a written request to the city clerk on the form approved by the city for this purpose. When seeking a variance, in addition to the written request, the applicant must have in place an approved pen/enclosure for each dog approved by the Chief of Police or his designee, and which pen/enclosure shall secure an area of not less than 100 square feet, and shall have (i) a concrete floor covering the entire enclosed area, (ii) a chain link fence, a minimum six feet in height, around the entire pen/enclosure, and (iii) a roof and/or cover over the entire pen/enclosure capable of preventing the dog from escaping. The approved pen/enclosure shall be located within a fenced in back yard. The applicant must also submit, at the time of the filing of the variance request, (1) proof of an effective homeowner's liability policy (including the declaration pages of such insurance policy) insuring the property where the dog(s) are kept and insuring the dog(s) which are the subject of the variance, with minimum liability coverage of \$100,000.00, and (2) an original letter from the homeowner's insurance company addressed to the City of Brandon indicating (i) knowledge of the insurance company of the presence of the dog(s) at the insured address, by name or other identification method, and that the insurance is in force and effect, (ii) that the insurance provides liability coverage for injuries to persons or property caused by the dog(s), and (iii) that in the event the insurance is canceled, nonrenewed or otherwise terminated for any reason that the City of Brandon will be provided notice thereof in writing before the cancellation, nonrenewal or termination thereof.

- b. Owners in possession any prohibited dog as of the time of the adoption of this article, shall be permitted 60 days from adoption to apply for and obtain a variance to keep such prohibited dog(s).
- (2) Upon receipt of the variance request, the City of Brandon shall consider the same and may approve the same, if all of the conditions precedent have been accomplished by the applicant, and it is determined that the granting of the same will not otherwise create a nuisance or negatively affect the quiet use and enjoyment of others in the community.
- (3) The granting of a variance shall not relieve the owner of the dog(s) or those otherwise in possession and/or control of the dog(s) from any and all liability resulting from the conduct of the dog(s), and/or the action or inaction the owner, or possessor of the dog(s).
- (4) Any variance granted hereunder shall be specific to each dog which shall be specifically identified, and is nontransferrable.
- (5) The owner of any dog(s) receiving a variance shall immediately and without delay, notify the city clerk of any change in the conditions precedent to the granting of the variance and until such time as such conditions precedent are reinstated and restored in all respects, the variance shall terminated in all respects and the dog(s) shall be impounded at the owner's expense or shall be removed by the owner from the city. At such time as the conditions precedent to the granting of the variance are reinstated, the City of Brandon shall consider the same and determine whether and to what extent to reinstate the variance.
- (6) Because of the nature of the dog(s) which are subject to the prohibition in subsection (a), at all times necessary, the owner of the dog(s) grants the police chief, or his designee, access to the property where the dog(s) are kept to inspect the condition of the required pen/enclosure. If it is determined that the required pen/enclosure requires repairs and/or maintenance to comply with the provisions hereof, the chief of police, or his designee, is authorized to require the same to occur within a reasonable time and if necessary to require the owner to remove the dog(s) from the city, or impound the dog(s), at the expense of the owner, until such necessary repairs and/or maintenance are performed, if it is determined in the discretion of the chief of police, or his designee, that temporary immediate on-site repairs and/or maintenance can be made while permanent repair and/or maintenance is performed and that such temporary repairs and/or maintenance will prevent the dog(s) from escaping during the pendency of the permanent repairs and/or maintenance. If in the opinion of the chief of police, or his designee, the required pen/enclosure is in such a state of disrepair to exhibit willful neglect by the owner, the chief of police, or his designee, shall impound the dog(s) and shall declare the condition precedent to the granting of the variance breached. At such time, in order for the owner to keep the dog(s) in the city, the owner will be required to seek reinstatement of the variance.
- (7) At all times relevant, all dog(s) which are allowed to be kept by the owner by a variance granted under the provisions hereof, shall be kept in the approved pen/enclosure and when not being kept in the required pen/enclosure, the dog(s) must be kept on a secure leash personally controlled by the owner or his/her designee who is able to control the dog(s) so as to not constitute a threat to the public. At no time while the dog(s) are not in the required pen/enclosure, shall the dog(s) be allowed to be off a secure leash and unattended by the owner or his/her designee who is able to control the dog(s) so as to not constitute a threat to the public. Any violation of this provision shall constitute a violation of the terms of the variance and will cause the variance to immediately terminate.
- (8) Nothing herein shall relieve the owner of the dog(s) of any other provision of the city's animal control ordinance, chapter 14 section 14-1 et seq. Any conviction of a violation of the conditions and requirements of [the] city's animal control ordinance, with respect to the dog(s) which are the subject of a variance under this section, shall constitute a violation of the terms and conditions of the variance and the variance is terminated accordingly and the dog(s) shall be removed by the owner from the City of Brandon.

(9) Any violation of the conditions of the variance shall constitute sufficient grounds to deny the reinstatement of the variance for the dog(s) which are the subject of the original variance and to deny a variance to the owner for any other prohibited dog(s).

(c) Any violation of section 14-71 shall constitute a misdemeanor and in addition to the remedies provided in section 14-1 et seq., the owner of the dog(s) shall be subject to a fine of up to \$1,000.00 and/or punishment of up to 90 days in jail, or both. Each day a violation is determined to occur shall constitute a separate offense.

(Ord. of 7-19-10(2), § 1)

**Editor's note**— Section 1 of an ordinance adopted July 19, 2010, amended the Code by adding provisions designated as div. 3, § 14-60. Inasmuch as there were already provisions so designated, in order to avoid duplication and at the editor's discretion, the provisions have been redesignated as div. 3, § 14-71.

Secs. 14-72—14-80. - Reserved.

### ARTICLE III. - RABIES CONTROL<sup>[2]</sup>

Footnotes:

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**State Law reference**— Rabies generally, MCA 1972, § 41-53-1 et seq.

Sec. 14-81. - Vaccination of domesticated animals.

- (a) Each year every owner or keeper of a domesticated animal, three months old or older in the city shall cause such domesticated animal to be vaccinated against rabies by a veterinarian licensed to practice in the state.
- (b) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the domesticated animal which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the domesticated animal.

(Code 1982, § 7-14; Ord. of 10-15-92(3), § 7-3)

Sec. 14-82. - Confinement of biting animals.

- (a) The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals, shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the animal control officer immediately or otherwise arrange for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten days after the biting of such person or other animal.
- (b) During such confinement period it shall be determined by the city health officer or designated official whether such animal is suffering from any disease. If no disease is found, the city health official or other designated official shall signify to the animal control officer that such animal may be released to the owner.

- (c) The animal control officer may authorize the keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that the animal has been vaccinated for rabies not longer than 12 months previous thereto or other vaccination period recognized by the United States Department of Agriculture.
- (d) The animal control officer may authorize any such animal to be retained for a period of not less than ten days after biting such person or animal in quarters supervised by a veterinarian; provided further, that the animal control officer, or other designated official, may authorize certain animals be confined on the owner's premises because of veterinary medical reasons, such as:
  - (1) Small rodents, ferrets, monkeys or other animals difficult to maintain or susceptible to diseases which might occur with changes of environment; or
  - (2) Female dogs with pups;

provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer or other designated official.

(Ord. of 10-15-92(3), § 7-11(a))

Sec. 14-83. - Confinement of animals suspected of being diseased.

Any animal suspected of having disease shall be subject to the confinement and observation provisions set out in section 14-81.

(Ord. of 10-15-92(3), § 7-11(b))

Sec. 14-84. - Destruction of diseased animals.

Any animal found to be infected with rabies shall be forthwith destroyed by the animal control officer or an officer of the police department. The animal suspected to be infected with rabies shall not be destroyed in such a manner that damages the head, which will be needed for laboratory analysis.

(Ord. of 10-15-92(3), § 7-11(c))

Sec. 14-85. - Authorization for quarantine.

- (a) If a potential outbreak of rabies in the city is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the city health officer or other designated official is hereby authorized, and it shall be their duty, to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it for such time as may be specified in such quarantine proclamation.
- (b) Under the publication of such proclamation by the health officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as prescribed in the definition for at large, except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled.
- (c) All dogs, cats or other animals found at large during the time specified by the city health officer in a quarantine proclamation, without being properly confined or muzzled if under the control of an adult person, may be destroyed by any other officer of the city if such officer is unable, with reasonable effort, to apprehend the animal for impoundment.

(Ord. of 10-15-92(3), § 7-12)

Secs. 14-86—14-110. - Reserved.

ARTICLE IV. - BIRD SANCTUARY<sup>131</sup>

Footnotes:

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**State Law reference**— Bird sanctuaries, MCA 1972, § 49-5-1 et seq.

Sec. 14-111. - Protection of birds.

It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests.

(Code 1982, § 9-1)

Sec. 14-112. - Nuisance situation; abatement.

- (a) If starlings or similar birds are found to be congregating in such numbers in a particular locality so as to constitute a nuisance or a menace to health or property in the opinion of the proper health authorities of the city, the health authorities shall meet with representatives of the Audubon Society, Bird Club, Garden Club or Humane Society, or as many of such clubs as are found to exist in the city after having given at least three days actual notice of the time and place of such meeting to the representatives of such clubs.
- (b) If as a result of the meeting provided for in subsection (a) of this section no satisfactory alternative is found to abate such nuisance, such birds may be destroyed in such numbers and in such manner as is deemed advisable by the health authorities under the supervision of the local law officers of the city.

(Code 1982, § 9-1)

**Cross reference**— Nuisances generally, § 34-21 et seq.

Sec. 14-113. - Penalty for violation.

Anyone violating the provisions of this article shall be punishable as provided in section 1-12.

(Code 1982, § 9-2)

Secs. 14-114—14-120. - Reserved.

ARTICLE V. - FEEDING OF WILD ANIMALS AND WATER FOWL<sup>41</sup>

Footnotes:

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**Editor's note**—Section 1 of an ordinance adopted Dec. 6, 2010, amended the Code by adding provisions designated as §§ 14-60—14-66. Inasmuch as there were already provisions so designated, in order to avoid duplication and at the editor's discretion, the provisions have been redesignated as art. V, §§ 14-121—14-127.

Sec. 14-121. - Prohibiting the feeding of wild animals and waterfowl.

It has been well established that the feeding of wild animals and waterfowl is both detrimental to the animals and causes a public health nuisance and safety hazard that is detrimental to the health and general welfare of the public.

(Ord. of 12-6-2010(1), § 1)

Sec. 14-122. - Definitions.

As used in sections 14-121 through 14-127, the following terms shall have the meanings indicated:

Waterfowl means any bird that frequents the water, or lives about rivers, lakes, etc., or on or near the sea; an aquatic fowl including, but not limited to, ducks, geese, swans, heron, and egrets.

Wild animal shall include any animal, which is not normally domesticated in this state including, but not limited to, bears, coyotes, deer, feral cats, foxes, groundhogs, opossums, raccoons, skunks, and waterfowl.

(Ord. of 12-6-2010(1), § 1)

Sec. 14-123. - Feeding of wild animals and waterfowl prohibited.

- (a) No person shall purposely or knowingly, feed, bait, or in any manner provide access to food to any wild animal or waterfowl in the city, on lands except those designated as feeding areas in publicly owned property. This section shall not apply to the feeding of farm animals.
- (b) No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, forage product or supplement, salt, seed or birdseed, fruit, grain in a manner that would constitute an attractant to any wild animal or waterfowl.
- (c) No person shall fail to take remedial action to avoid contact or conflict with wild animals, which may include the securing or removal of outdoor trash, cooking grills, pet food, bird feeders or any other similar food source or attractant after being advised by the City of Brandon to undertake such remedial action. Further, after an initial contact or conflict with a wild animal, no person shall continue to provide, or otherwise fail to secure or remove, any likely food sources or attractants, including, but not limited to, outdoor trash, grills, pet food or bird feeders.

(Ord. of 12-6-2010(1), § 1)

Sec. 14-124. - Feeding of other songbirds and other backyard birds permitted.

Feeding of other songbirds and other backyard birds shall be permitted outdoors at such times and in such numbers that:

- (1) Such feeding does not create an unreasonable disturbance that affects the rights of surrounding property owners and renders other persons insecure in the use of their property; and
- (2) Does not create an accumulation of droppings on the property and surrounding properties; and
- (3) Does not become an attractant for rodents or other wild animals; and
- (4) Bird feeders are placed at least five feet above the ground.

(Ord. of 12-6-2010(1), § 1)

Sec. 14-125. - Enforcement.

- (a) Each property owner shall have the duty to remove any above named materials or device placed on the owner's property in violation of this article.
- (b) Failure to remove such materials or device or to make such modifications within 24 hours after notice from the city shall constitute a separate violation of this article.
- (c) Animal control officers and all police officers of the City of Brandon are hereby given full power and authority to enforce this article.
- (d) No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

(Ord. of 12-6-2010(1), § 1)

Sec. 14-126. - Penalties.

Any person violating any provision of this section [article] shall be liable to a fine not less than \$50.00 or more than \$500.00 for each offense, together with the costs of prosecution. A separate offense shall be deemed committed on each day or part of each day during which a violation occurs or continues.

(Ord. of 12-6-2010(1), § 1)

Sec. 14-127. - Severability.

Every section of this ordinance or subdivision or separate part thereof shall be considered a separate provision to the intent that if any portion shall be declared unconstitutional it shall not affect the remaining parts of this article.

(Ord. of 12-6-2010(1), § 1)