

Chapter 12 - ANIMALS AND FOWL

FOOTNOTE(S):

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State Law reference— General municipal authority regarding animal control, MCA 1972, § 21-19-9. [\(Back\)](#)

ARTICLE I. - IN GENERAL

Sec. 12-1. - Livestock at large prohibited.

It shall be unlawful for the owner of any cow, calf, bull, steer, oxen, heifer, horse, mule, colt, mare, hog, pig, goat, donkey or sheep to permit the same to run at large or be at large on any of the streets or elsewhere within the corporate limits of the city.

(Code 1973, § 7-1; Rev. Ords. of 1914, § 126)

Sec. 12-2. - Dangerous animals at large.

It shall be unlawful for any person to permit any dangerous or mischievous animal to run at large.

(Code 1973, § 7-2; Rev. Ords. of 1914, § 271)

Sec. 12-3. - Cruelty to animals.

It shall be unlawful for any person to cruelly beat, abuse, starve, torture or purposely injure any cow, other cattle, or horse, mule, sheep, hog, dog, mare, gelding, poultry or other livestock, or any other animal belonging to himself or another, or cause the same to be cruelly beaten, abused, starved, tortured or purposely injured, or to maliciously, either out of a spirit of revenge or wanton cruelty, mischievously kill, maim, wound or injure such animals.

(Code 1973, § 7-3; Rev. Ords. of 1914, § 278)

Secs. 12-4—12-24. - Reserved.

ARTICLE II. - REGULATION OF DOGS AND CATS

FOOTNOTE(S):

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State Law reference— General requirement concerning rabies inoculations, MCA 1972, § 41-53-41 et seq. [\(Back\)](#)

Sec. 12-25. - 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:

Animal means dog or cat.

Animal control authority means the person or persons designated to enforce this article.

Animal shelter means facility designated or recognized by the city for the purpose of impounding and caring for animals.

At large means a dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

Humane manner means care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.

Neutered means rendered permanently incapable of reproduction.

Nuisance means a dog or cat shall be considered a nuisance if it:

- (1) Damages, soils, defiles, or defecates on:
 - a. Private property other than the owner's; or
 - b. Public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner;
- (2) Causes unsanitary, dangerous, or offensive conditions;
- (3) Causes a disturbance by excessive barking or other noisemaking; or
- (4) Chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner means a person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

Restraint means a dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

Vicious animal means a dog or cat that constitutes a physical threat to humans or other domestic animals.

(Ord. of 5-13-1985, § 1)

Sec. 12-26. - Penalty.

Any person violating this article shall be deemed guilty of a misdemeanor and shall be subject to a fine of not more than \$500.00. Each day of violation shall be deemed a separate offense.

(Ord. of 5-13-1985, § 9)

Sec. 12-27. - Pit bull dogs prohibited.

- (a) It shall be unlawful for a pit bull dog to be within the corporate limits of the city.
- (b) The term "pit bull" dog, as used within this section, shall refer to any dog which exhibits those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers, or which substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers. The said standards are attached hereto and incorporated herein by reference as exhibit "A" to the ordinance from which this section is derived and shall remain on file with the city and the city police department.
- (c) Technical deficiencies in a dog's conformance to the standards described herein shall not be considered to indicate that the subject dog is not a pit bull dog pursuant to this article. Testimony by a veterinarian, animal behaviorist, or animal control officer that a particular dog exhibits distinguishing physical characteristics of a pit bull dog shall establish a reputable presumption that the dog is a pit bull.

(d) Any owner or custodian of a pit bull dog who allows such animal to be within the corporate limits of the city shall be guilty of a misdemeanor.

(e) Any pit bull dog found within the corporate limits of the city shall be confined and an appropriate notice given to its owners as required by state law and this section. If the animal has not been redeemed in the manner and within the time so required, then the animal shall be destroyed.

(Ord. of 7-9-1990, § 2; Ord. of 3-12-2007(01), § 2)

Sec. 12-28. - Rabies vaccination.

- (a) No person shall own, keep, or harbor any dog or cat over four months of age within the city unless such dog or cat is vaccinated. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.
- (b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the last "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- (c) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

(Ord. of 5-13-1985, § 2)

Sec. 12-29. - Rabies control.

- (a) Any animal which bites or scratches a person shall be immediately reported to the animal control authority and shall thereupon be securely quarantined at the direction of the animal control authority, for a period of ten days, and shall not be released from such quarantine except by written permission of the animal control authority or under its direction. At the discretion of the animal control authority, such quarantine may be on the premises of the owner, or at the owner's option and expense, in a veterinary hospital of its choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter or a veterinary hospital.
- (b) The owner upon demand by the animal control authority shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for the supervised quarantine, the expense of which shall be borne by the owner. The animal may be reclaimed by the owner if it is adjudged free of rabies upon payment of fees.

(Ord. of 5-13-1985, § 3)

Sec. 12-30. - Owner responsibility.

- (a) All dogs and cats shall be kept under restraint.
- (b) Every vicious dog or cat, as determined by the city shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (c) No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this article.

(Ord. of 5-13-1985, § 4)

Sec. 12-31. - Impoundment.

- (a) Any dog or cat found running at large shall be impounded by the city in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the city shall make reasonable efforts to notify the owner and inform such owner of the conditions whereby custody of the animal may be

regained. Dogs and cats not claimed by their owners within a period of five full days in which the shelter is open to the public shall become the property of the city.

- (b) When a dog or cat is found running at large or causing a nuisance and its ownership is verified by the city, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
- (c) Disposal of an animal by any method specified does not relieve the owner of liability for violations and any accrued charges.

(Ord. of 5-13-1985, § 5)

Sec. 12-32. - Redemption.

- (a) Any animal impounded may be redeemed by the owner thereof within five days upon payment of an impoundment fee in an amount as is established from time to time, provided that if any such animal has been previously impounded, the impoundment fee shall be in an amount as established from time to time, per day for each day of impoundment. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or veterinary fees.
- (b) Any animal confined for rabies quarantine, evidence or other purpose may be redeemed by the owner thereof upon payment of all expenses incurred by the city with respect thereto.
- (c) No animal required to be vaccinated under this article may be redeemed until provisions for such vaccination have been fulfilled.

(Ord. of 5-13-1985, § 6)

Sec. 12-33. - Adoption.

An adoption fee in an amount as established from time to time shall be assessed at the time of adoption. Vaccination fees and veterinary costs may be assessed above and beyond the adoption fee.

(Ord. of 5-13-1985, § 7)

Sec. 12-34. - Interference.

No person shall interfere with, hinder or molest any agent of the animal control authority in the performance of any duty as herein provided.

(Ord. of 5-13-1985, § 8)