

Chapter 14 - ANIMALS

FOOTNOTE(S):

--- (1) ---

Editor's note—Section 2 of Ord. No. 200993, adopted March 17, 2009, amended arts I—V in their entirety to read as herein set out. Former arts I—V, §§ 14-1—14-14, 14-46—14-54, 14-86—14-89, 14-121—14-124, and 14-156—14-160 pertained to similar subject matter, and derived from Ord. No. 910004, adopted March 19, 1991.

Cross reference— Environment, ch. 46.

State Law reference— Hog pens, slaughterhouses, stockyards, stables, MCA 1972, § 21-19-1; animals at large, pounds, cooperative agreements, MCA 1972, § 21-19-9; purchasing dogs for use of police department, MCA 1972, § 21-21-5; dogs and rabies control, MCA 1972, § 41-53-1 et seq.; hunting and fishing, MCA 1972, § 49-7-1 et seq.; livestock, MCA 1972, § 69-11-1 et seq.; veterinarians, MCA 1972, § 73-39-1 et seq.; 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 means a live, vertebrate creature, domestic or wild.

Animal control officer means a person designated by the city as a law enforcement officer or the animal control officer, who is qualified to perform such duties under the state law.

Animal shelter means a facility operated by an animal rescue league or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

Dangerous dog means any dog:

- (1) When unprovoked, approaches, in a dangerous or terrorizing manner, any person in an apparent attitude of attack, upon the streets, sidewalks or any public grounds or places within the city;
- (2) With a known propensity, tendency or disposition to attack, when unprovoked, to cause injury or otherwise endanger the safety of human beings or domestic animals;
- (3) Which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal, without provocation, on public or private property; or
- (4) Owned or harbored primarily or in part for the purpose of a dog fight, or any dog trained for dog fighting.

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

Harbored, when applied to an animal, means fed or sheltered.

Kennel means a premises where a person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs or cats, or where there are regularly kept four or more adult dogs or cats, or any combination thereof.

Livestock means domesticated farm animals.

Menacing means the display by a dog of a disposition, determination or intent to attack or inflict injury or harm to human beings or another domestic animal.

Owner means a person, partnership or corporation owning, keeping or harboring one or more animals.

Performing-animal exhibition means a spectacle, display, act or event, other than a circus, in which performing animals are used.

Pet means an animal kept for pleasure rather than utility.

Public nuisance means an animal which:

- (1) Molests passersby or passing vehicles;
- (2) Attacks other animals;
- (3) Trespasses on schoolgrounds or in city parks;
- (4) Is repeatedly at large;
- (5) Damages private or public property;
- (6) Barks, whines or howls in an excessive, continuous or untimely fashion;
- (7) Is allowed by its owner to become a nuisance to people or other animals; or
- (8) Is kept under conditions which are malodorous.

Restraint means when an animal is secured by a leash or lead of less than six feet, within the fenced real property limits of its owner, or tethered in such a way that the animal is within the real property limits of its owner.

Running at large means an animal not under restraint.

Secure enclosure means a fenced enclosure or building located no closer than ten feet from the boundary lines of the owner's property which is covered and constructed in such a manner to prevent a dog or animal from escaping, including adequate provisions to prevent dogs from digging out or escaping under the fence.

Severe injury means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple procedures or corrective or cosmetic surgery.

Unprovoked means that a dog was not hit, kicked or struck by a person with an object or part of a person's body, nor was any part of the dog's body pulled, pinched or squeezed by a person.

Veterinary hospital means an establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

Vicious animal means an animal that constitutes a physical threat to human beings or other animals.

Wild animal means a live monkey (nonhuman primate), raccoon, bear, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx or any other warm-blooded animal which can normally be found in the wild state and is not ordinarily domesticated by man, whether raised in captivity or in the wild.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Cross reference— Definitions generally, § 1-2.

State Law reference— Definitions, MCA 1972, §§ 49-8-3, 75-45-153; veterinarians, MCA 1972, § 73-39-1 et seq.

Sec. 14-2. - Exemptions.

Except where otherwise provided in this chapter, the provisions of this chapter shall not apply to any federal, state or city law enforcement agency.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-3. - Enforcement; interference.

- (a) Authorized officers of the police department, veterinarians, the animal control officer and any person designated by the mayor shall be empowered to enforce the provisions of this chapter or any rule or regulation promulgated under this chapter.
- (b) It shall be a violation of this chapter to interfere with the animal control officer in the performance of his duties.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-4. - Construction.

The provisions of this chapter shall not be construed to prohibit the American Society for the Prevention of Cruelty to Animals or any law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-5. - Cruelty to animals.

It shall be unlawful for any person to overload, overwork, torture, torment, unjustifiably injure, deprive of necessary sustenance, food or drink, or cruelly beat or ill-treat or needlessly mutilate or otherwise abuse any animal within the corporate limits of the city, or to cause or permit such abuse to be done, or to cause, instigate or permit any fight or other combat between animals or between animals and humans.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Wagering or betting, MCA 1972, § 97-33-1; cruelty to animals, MCA 1972, § 97-41-1 et seq.

Sec. 14-6. - Exposing to poisons.

No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his own property, common pest control poison mixed only with vegetable substances.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Poisoning animals, MCA 1972, § 97-41-17.

Sec. 14-7. - Leaving unattended inside motor vehicle; authority to remove from vehicle.

It shall be unlawful for any person to leave an animal unattended inside a motor vehicle within the city when such action is reasonably potentially harmful to the animal. A police officer or animal control officer shall have the authority to remove an animal from such unattended vehicle.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Cross reference— Traffic and vehicles, ch. 110.

Sec. 14-8. - Operator of vehicle striking animal to report accident.

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

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-9. - Giving away as prizes, inducements to trade.

No person within the city shall give away live animals, fish, reptiles or birds as a prize for, or as an inducement to enter, any contest, game or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-10. - Selling or dyeing chickens or ducklings less than eight weeks of age.

Chickens or ducklings younger than eight weeks of age shall not be sold in quantities of less than ten to a single purchaser within the city, nor shall any such animals be dyed.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-11. - Pet stores.

Stores that deal in live pets shall be subject to inspection at reasonable times, on demand, by the animal control officer.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-12. - Performing animal exhibitions or circuses.

- (a) No performing animal exhibition or circus shall be permitted within the city in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering to the animal.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition. The animal control officer shall be authorized to inspect the premises at any reasonable time, on demand.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Municipal regulation of circuses and other similar things, MCA 1972, § 21-19-33.

Sec. 14-13. - Elimination of animals.

- (a) Vicious animals, dangerous or feral dogs. When an animal is determined by the animal control officer to be a vicious animal, dangerous or feral dog, such animal may be destroyed by the animal control officer or his designee, provided each of the following requirements is 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 proven to be unsuccessful.
- (b) Incurably injured or diseased animals. It shall be the duty of the police 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. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-14. - Certification of personnel authorized to discharge firearms.

Personnel empowered by this chapter to discharge firearms within the city limits shall qualify with the police range officer once every three months, and may not discharge any firearms within the scope of their employment unless and until the police range officer has issued or renewed the appropriate certification. Such certification shall be issued based on the following considerations:

- (1) Thorough instruction in operation of the type of firearms issued to the division of animal control.
- (2) Thorough knowledge of all appropriate safety procedures.
- (3) Competent performance on the firing range.
- (4) Such other tests or qualifications as the police range officer, in his discretion, deems appropriate.

In issuing the required certification, the police range officer shall take into consideration all of the requirements in keeping with good police practice, and shall at all times bear in mind the safety of the citizens of the city, and shall require the same degree of competence from personnel authorized under this section as is required of police officers discharging firearms within the city limits.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Secs. 14-15—14-45. - Reserved.

ARTICLE II. - KEEPING ANIMALS

Sec. 14-46. - Livestock.

- (a) No person within the city shall keep livestock closer than 150 feet to any property line adjoining the property line on which the livestock is kept, provided that each animal defined in section 14-1 as livestock shall be kept within a fenced area which is 4,500 square feet or greater.
- (b) A special revocable permit to keep livestock within the city shall be granted without regard to the provision set forth in subsection (a) of this section if the owner or occupant of a premises shall affirmatively establish the following:
 - (1) The livestock will be kept in a manner so that a health hazard will not be created.
 - (2) There is no occupied residence within 300 feet of the area where the livestock is kept, or that the owners of each occupied residence within 300 feet of the area where the livestock is kept have given written consent to the keeping of such livestock.

Any such permit shall be revoked on a showing that conditions have developed which would constitute a health hazard.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-47. - Pigeons.

The keeping, raising or housing of pigeons at large within the city shall be prohibited. Any pigeons found to be uncaged, or not penned, shall be presumed to be at large, and may be seized by any reasonable and humane method by a police officer, the animal control officer or any person designated by the chief of police.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-48. - Wild animals.

- (a) No person within the city shall keep or permit to be kept on his premises, or in any roadside zoo or pet store, any wild animal for display or exhibition purposes, whether gratuitously or for a fee. This subsection shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.
- (b) No person within the city shall keep or permit to be kept any wild animal as a pet.
- (c) The animal control officer shall have the power to release or seize any wild animal being kept in violation of this chapter, federal law or state statute.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Importation, sale and possession of inherently dangerous wild animals, MCA 1972, § 49-8-1 et seq.

Sec. 14-49. - Vicious animals.

- (a) Confining, muzzling required. Every vicious animal, as determined by the animal control officer, shall be confined by the owner of such animal within a building or secure enclosure, and such animal shall be securely muzzled or caged whenever it is off the premises of its owner.
- (b) Displaying or exhibiting. No person shall keep or permit to be kept on his premises, or in any roadside zoo or pet store, any vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-50. - Breeding.

It shall be unlawful to keep and maintain animals for breeding purposes within the incorporated limits of the city in violation of chapter 126.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-51. - Responsibility of owner.

No owner of an animal within the city shall fail to exercise proper care and control of his animal in order to prevent such animals from becoming a public nuisance.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-52. - Care and treatment.

No owner of an animal within the city shall fail to provide his animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Similar provisions, MCA 1972, §§ 97-41-7, 97-41-9.

Sec. 14-53. - Removal of wastes.

The owner of an animal shall be responsible for the removal of any excreta deposited by such animal on the public walks, recreation areas or private property within the city. It shall be unlawful for the owner of

any property to allow unsanitary, unsightly or malodorous conditions to develop on his property due to the keeping, maintaining, owning or harboring of animals.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-54. - Abandonment.

No owner of an animal within the city shall abandon such animal.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Animal placed in custody of veterinarian and abandoned, MCA 1972, § 73-39-37.

Secs. 14-55—14-85. - Reserved.

ARTICLE III. - DOGS

Sec. 14-86. - Number permissible.

- (a) No more than three dogs above the age of six weeks shall be kept at a residential dwelling or lot in any residential area within the city, except upon permit to do so issued by the mayor and board of aldermen upon a showing that the keeping of such dogs is possible without creating a health problem or nuisance within the neighborhood. The owner of the lot, head of the household or owner of the dogs shall be presumed to be the person in violation of this provision when more than three dogs above the age of six weeks are found to be kept at a residential dwelling or lot in any residential area within the city. No banned breed of dog or dangerous dog may be kept at a residential dwelling, unless all requirements of this chapter are met.
- (b) All pens or structures designed or used for the purpose of housing or enclosing dogs shall be constructed and placed at least ten feet from the property line of a lot in any residential area of the city.
- (c) It shall be the duty of the animal control officer, or such other person as may be designated by the mayor and board of aldermen, to enforce the provisions of this section upon receipt by such person of a complaint from the animal control officer's observation. Such person has the authority to enter upon the premises and to inform any adult occupant of the premises of the complaint and to visually examine the premises for the purpose of determining the number of dogs above the age of six weeks kept on such premises, and of determining the setback distances of pens and structures designed or used for the purpose of housing or enclosing dogs.
- (d) Any person desiring to keep more than three dogs above the age of six weeks on a lot in a residential area within the city may petition the mayor and board in writing for a permit to do so; and the mayor and board may grant such permit upon a showing by such person that adequate provision can and will be made, and will continue in existence to prevent the creation of any situation which will result in a health hazard, offensive odors or nuisance in the form of excessive noise or otherwise. The mayor and board of alderman may impose additional requirements and restrictions it finds necessary to insure the health and safety of adjacent property owners.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-87. - Cropping dogs' ears, other surgical procedures.

No person within the city, except a licensed veterinarian, shall crop a dog's ears, or perform any other major or minor surgical procedures upon a dog.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Veterinarians, MCA 1972, § 73-39-1 et seq.

Sec. 14-88. - Dangerous dogs.

(a) Acquisition.

(1) No person within the city shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging such dog to attack human beings or domestic animals when unprovoked.

(2) No person shall sell, offer for sale, breed, buy or attempt to buy any dangerous dog within the city.

(b) Humane destruction. The animal control officer may order the humane destruction of any dog that kills or causes severe injury to a human being.

(c) Determination of a dangerous dog. The animal control officer shall have the authority to make a determination that a dog is dangerous, as defined in this chapter upon the written complaint of any person, in a form approved by the animal control officer. The animal control officer shall make such determination after a hearing, written notice of which shall be given to the complainant and the owner of the dog, where the owner's address can be reasonably ascertained by the animal control officer. The hearing shall be held not less than ten days, nor more than 20 days, after such notice is mailed to the owner of the dog. At such hearing, all interested persons shall have the opportunity to present evidence on the issue of the dog's dangerousness. If the dog in question has caused severe injury to any person, the animal control officer may impound the dog, at the owner's expense, pending the hearing and determination of the complaint. If, after the hearing, the animal control officer determines that the dog is dangerous, he shall order the owner of such dog to comply with the following requirements:

(1) Registration. The animal control officer shall order the owner of a dangerous dog to register such dog with the police department. The application for such registration shall contain the name and address of the owner, the breed, age, sex, color and any other identifying marks of the dog, the location where the dog is to be kept, two color photographs of the dog from different angles and any other information which the animal control officer may require. The application for registration pursuant to this subsection shall be accompanied by a registration fee of \$100.00 for each dog. The application shall also include proof that an appropriate identification chip has been emplaced in the dog's ear and what information is included on the chip. Each dog registered pursuant to this subsection shall be assigned an official registration number by the police department. Such registration number shall be inscribed on a metal tag which shall be attached to the dog's collar at all times. The tag and a certificate of registration shall be of such form and design, and shall contain such information, as the animal control officer shall prescribe, and shall be issued to the owner upon payment of the registration fee and the presentment of sufficient evidence that the owner has complied with all of the orders of the animal control officer or this chapter.

(2) Confinement. The animal control officer shall order the owner of a dangerous dog to confine the dog at all times indoors, or in a proper secure enclosure, which shall consist of a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, or any part of their bodies or other foreign objects, and designed to prevent the animal from escaping, and shall also provide the dog with protection from the elements. The owner of such dog shall conspicuously display on the pen or structure, and on or near each entrance to the residence where the dog is kept, a sign designed with a warning symbol approved by the animal control officer which indicates to both children and adults the presence of a dangerous dog. At any time that the dog is not confined as required in this subsection, the dog shall be muzzled in a manner that prevents the dog from biting or injuring any person, and such dog shall be kept on a leash which is no longer than six feet, with the owner or some other responsible person attending such dog.

(3) Liability insurance. The animal control officer shall order the owner of a dangerous dog to maintain, in full force and effect, a liability insurance policy of \$500,000.00 for personal injury or

death of any person resulting from an attack of such dangerous dog. If the owner or keeper of the dangerous dog is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by such dangerous dog.

(d) Confiscation and/or confinement.

- (1) If the owner of a dangerous dog violates any order of the animal control officer as prescribed at the determination hearing, such owners dog shall be confiscated and impounded by the proper authorities upon the order of the animal control officer. In addition, any dog determined to be dangerous shall be immediately confiscated by the proper authorities if the dog bites or attacks a human being and causes injury, or if the dog, at the sufferance of its owner, is engaged in or apparently engaged in a dog fight contest or is proximately near the area in which such a contest is being conducted.
 - (2) The owner of a dog determined to be dangerous by the animal control officer, which has been confiscated pursuant to subsection (d)(1) of this section, may request the animal control officer to conduct a hearing to determine if the dog should be returned to the owner. Upon such request, the animal control officer shall provide for a hearing within five days.
- (e) Excused behavior. No dog shall be declared dangerous pursuant to subsection (c) of this section if the threat, injury or damage caused by such dog was sustained by a person who, at the time of such threat, injury or damage, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or was committing or attempting to commit a crime. Nor shall any dog be declared dangerous if such dog was responding to pain or injury, or was protecting itself, its kennels or its offspring.
- (f) Regulations. The animal control officer, with the advice of the chief of police, shall promulgate such regulations as are necessary to further carry out the provisions of this section, and to promote the health, safety and well-being of the public.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-89. - Violations; penalties.

- (a) Any person who violates any provision of section 14-88, or any of the regulations promulgated thereunder, shall be guilty of a misdemeanor punishable as provided in section 1-13.
- (b) In addition to the penalties prescribed by subsection (a) of this section, any person who violates any of the provisions of section 14-88, or any rule or regulation promulgated thereunder, shall be liable for a civil penalty of not less than \$500.00, nor more than \$5,000.00.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Secs. 14-90—14-120. - Reserved.

ARTICLE IV. - RABIES CONTROL

Sec. 14-121. - Inoculation.

Every person in the city who owns, or has in his possession, any dog or cat three months of age or over shall have such dog or cat inoculated (vaccinated) against rabies as provided in this section, with the recommended dosage of an anti-rabic virus (vaccine) approved by the state board of health. It shall be unlawful for any person within the city to own or have in his possession any dog or cat three months of age or over which has not been inoculated (vaccinated) against rabies with the approved dosage of an approved

anti-rabic virus (vaccine). It shall be the duty of every person in the city owning or having a dog or cat in his possession to have such dog or cat inoculated (vaccinated) immediately after such dog or cat has reached the age of three months, and it shall be such person's further duty to have such dog or cat inoculated (vaccinated) thereafter as required by the state board of health. A failure to comply with the provisions of this section shall subject the owner of such dog or cat to be subject to the penalties provided in section 14-123.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Similar provisions, MCA 1972, § 41-53-1.

Sec. 14-122. - Dogs to wear tags.

It shall be the duty of the manufacturer contracted to furnish the anti-rabic virus (vaccine), to furnish with each ampoule (dose) of such virus (vaccine), a suitable metal tag approved by the state board of health, which may be securely bradded to the collar of the dog inoculated (vaccinated). There shall be stamped on such tag the serial number of the vaccination, and the year in which the dog was inoculated. The tag shall be furnished to the owner of such dog when the dog is inoculated (vaccinated), and it shall be the duty of the owner to securely attach the tag to the collar of the dog. Each dog owned by or in the possession of any person within the city shall wear a collar or other device at all times, and such collar shall have securely bradded onto it the metal tag provided for in this section. Any such tag shall not be transferable to any dog other than the dog for which it was issued.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Similar provisions, MCA 1972, § 41-53-7.

Sec. 14-123. - Violations; penalties.

The failure or refusal of any person to comply with any of the provisions of sections 14-121 and 14-122 shall constitute a misdemeanor, and, upon conviction, the offender shall be fined for the first offense in a sum not to exceed \$100.00, for the second offense in a sum not to exceed \$500.00, and for the third offense in a sum not to exceed \$1,000.00, together with all costs. It shall be the duty of the animal control officer, police, sheriffs, conservation officers and all peace officers of the county and city to enforce such sections.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Similar provisions, MCA 1972, § 41-53-13.

Sec. 14-124. - Impoundment of untagged dogs.

If a dog shall not be tagged as required in section 14-122, it shall be the duty of the police chief or a person designated by the mayor and board of aldermen to pick up any such dog found running at large, and impound the dog for at least eight days, unless the dog is claimed sooner by its owner. Within eight days of impoundment, the owner of such dog may reclaim the dog upon the payment of \$100.00, and in addition, the payment of the costs of impoundment. An impounded unvaccinated dog shall not be released until it is vaccinated and tagged, and the owner of such dog shall be charged with a violation of section 14-122. On proof that such animal was actually vaccinated the fee shall be waived. If the impounded dog is not claimed by the owner within eight days of impoundment, such dog shall be delivered to a local animal rescue agency or such dog shall be destroyed.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Secs. 14-125—14-155. - Reserved.

ARTICLE V. - RUNNING AT LARGE; IMPOUNDMENT

Sec. 14-156. - Running at large.

- (a) Prohibited. It shall be unlawful for the owner of any animal to permit such animal to run at large within the corporate limits of the city
- (b) Violation. In addition to any other penalty, if the owner is found guilty of a fourth offense of his dog found to be running at large in the city, the animal shall be impounded and delivered to a local animal rescue agency.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Dogs running at large, vaccination, MCA 1972, § 41-53-11; stock laws, estrays, MCA 1972, § 69-13-1 et seq.

Sec. 14-157. - Impoundment generally.

- (a) Authority to seize; confinement period. An unrestrained animal or an animal that is a public nuisance shall be taken by the police or animal control officer and impounded in an enclosure or animal shelter kept for such purpose, which shall be provided and maintained or used by the city, and such animal shall be confined in a humane manner. Such animal not suffering from an incurable injury or disease shall be kept for at least eight days, unless such animal is claimed sooner by the owner of such animal.
- (b) Notice to owner: redemption. If, by a tag or other means, the owner of an impounded animal can be identified, the animal control officer shall, immediately upon impoundment, notify the owner by telephone or mail. Within eight days, the rightful owner of any animal held under this section may, provided the animal is properly vaccinated, licensed and tagged, obtain the animal upon payment of a pound fee as set forth in this subsection; provided, however, that if an unvaccinated animal is claimed by the owner, the owner must make arrangements for the vaccination of such animal, satisfactory to the animal control officer. An owner reclaiming an impounded animal shall pay a fee as follows:
 - (1) CatsFee charged to city
plus, for each day of impoundment\$5.00
 - (2) DogsFee charged to city
Plus, for each day of impoundment5.00
- (c) Disposition if not reclaimed by owner; waiver of waiting period. Any impounded animal which is not reclaimed by its owner within eight days shall become the property of the city, and shall be placed for adoption in a suitable home for a fee of the amount owed to the facility holding the animal, or humanely euthanized, or delivered to a local school of medicine for a fee of \$20.00; provided, that if an unclaimed animal is adopted, the adoptive owner must make arrangements for the vaccination of such animal satisfactory to the animal control officer. The eight-day waiting period shall be waived for a vicious or feral animal, or for any animal suffering from an incurable disease. Pursuant to MCA 1972, § 97-41-3, any sheriff, constable, police officer or agent of a society for the prevention of cruelty to animals may kill, or cause to be killed, any animal found to be neglected or abandoned, if, in the opinion of three respectable citizens, such animal is found to be injured or diseased past recovery, or by age has become useless.
- (d) Additional proceedings against owner authorized. The owner of an impounded animal may be proceeded against for violation of this chapter.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Similar provisions, MCA 1972, § 97-41-3.

Sec. 14-158. - Penalties for owners.

In addition to, or in lieu of, impounding an animal found to be running at large, the animal control officer or police officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of \$10.00, which may, at the discretion of the owner of such animal, be paid to the division of animal control within 72 hours, in full satisfaction of the assessed penalty. If such penalty is not paid within such 72-hour time period, a criminal warrant shall be initiated before a magistrate, and, upon conviction of a violation of this section, the owner shall be punished as provided in section 1-13.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Sec. 14-159. - Impoundment of livestock.

Any hog, cow, bull, sheep, goat, horse or mule found straying or running at large within the city shall be captured and impounded in an enclosure provided and maintained for such purpose by the animal control officer. Within eight days of its capture, the rightful owner of any animal so impounded may claim and obtain the release of such animal by payment of an impoundment fee and a boarding fee in the amount of the actual charges to the city. If any such animal is not claimed and redeemed by its owner within the eight-day period, the animal shall be sold by sealed bids to the highest and best bidder in satisfaction of all fees and expenses incurred by the impoundment of such animal.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

State Law reference— Livestock at large on federal or state highways, MCA 1972, § 69-13-101 et seq.

Sec. 14-160. - Impoundment of animals attacking, injuring persons; destruction of rabid animals.

In case of an attack by an animal resulting in injury to a person, such animal shall be impounded by the animal control officer for observation for a period of ten days, or the owner of such animal may, upon notification to the animal control officer, have such animal impounded for ten days with a private veterinarian licensed to practice veterinary medicine within the state. If, at the end of such ten days, or any time prior to such time, it is determined that such animal has rabies, such animal shall be immediately destroyed.

(Ord. No. 200993, § 2(exh. A), 3-17-2009)

Secs. 14-161—14-169. - Reserved.

ARTICLE VI. - BANNED DOGS

FOOTNOTE(S):

--- (2) ---

Editor's note—Sections 2a.—e. of Ord. No. , adopted March 17, 2009, amended art. VI in its entirety to read as herein set out. Former art. VI, §§ 14-170—14-174, pertained to similar subject matter, and derived from Ord. No. 200993, adopted March 17, 2009.

Sec. 14-170. - Banning of specific breeds of dogs.

"Banned breeds of dogs" are banned entirely and may not be owned, harbored or kept within the City of Ridgeland, Mississippi, from and after the effective date of this article, except as provided hereinafter.

(Ord. No. 200993, § 2(exh. A), 3-17-2009; Ord. of 3-17-2009, § 2a)

Sec. 14-171. - Definitions.

"Banned breeds of dogs" are defined as any of the following:

- (1) American Pit Bull Terrier;
- (2) Staffordshire Bull Terrier;
- (3) American Staffordshire Terrier;
- (4) Wolf-dog hybrid;
- (5) Any dog whose sire or dam is a dog of a breed which is defined as a banned breed of dog under this section;
- (6) Any dog whose owner registers, defines, admits, or otherwise identified said dog as being of a banned breed;
- (7) Any dog conforming, or substantially conforming, to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or Wolf-dog hybrid as defined by the United Kennel Club or American Kennel Club. Technical deficiencies in the dog's conformance to these standards shall not be construed to indicate that the subject dog is not a banned breed of dog under this article. The testimony by a veterinarian or animal control officer that a particular dog exhibits distinguishing physical characteristics of a banned breed of dog shall establish a rebuttable presumption that the dog is a banned breed of dog;
- (8) Any dog which is of the breed commonly referred to as "pit bull," "wolf" or "wolf hybrid" and commonly recognizable and identifiable as such;
- (9) Any vicious animal as defined by this chapter; or
- (10) Any dog declared "dangerous" pursuant to this chapter.

(Ord. No. 200993, § 2(exh. A), 3-17-2009; Ord. of 3-17-2009, § 2a)

Sec. 14-172. - Enforcement.

From and after the effective date of these amendments, all banned breeds of dogs shall be removed from the corporate limits of the City of Ridgeland, Mississippi. Thereafter, except as provided hereinafter, any person found to keep or harbor a banned breed of dog on their property, house or motor vehicle located within the corporate limits of the City of Ridgeland, Mississippi, shall be charged with violation of this statute.

(Ord. No. 200993, § 2(exh. A), 3-17-2009; Ord. of 3-17-2009, § 2a)

Sec. 14-173. - Registration.

One banned breed of dog which is presently harbored within the city may be maintained by the present owners until such dog dies, is moved from or is ordered removed from the city, if the following requirements are met, within 60 days from the effective date of this amendment:

- (1) Register in the same manner and fee as required by subsection 14-88(c)(1), "Registration of dangerous dogs."
- (2) Confinement. Follow the provisions of subsection 14-88(c)(2), "Confinement of dangerous dogs" and present proof to the animal control officer that a safe, secure enclosure is provided for the dog. It shall be a violation of this article to keep a dog tethered, chained or confined by a rope or other material to a single area for any period greater than one hour. At registration, the owner shall acknowledge in writing the city's right to make unannounced inspections to ensure that the requirements for secure enclosure construction and maintenance are met at all times. No banned breed of dog shall be kept or harbored at any apartment complex, multi-family residential facility,

or mobile home park unless the owner can present sufficient proof that all requirements of this section can be and are in place to protect the public.

- (3) Training. Within 90 days of registration, the owner and dog must successfully register for an American Kennel Club K-9 Good Citizen Certification or similar course in order for the dog to be kept within the city. The course must be completed within six months of registration or by the completion date of the earliest available class after registration.
- (4) Failure to register a banned breed of dog within the 60-day grace period shall be prima facie evidence that the banned breed of dog is a newly acquired animal.
- (5) Nothing herein shall prevent a properly registered dog from later being declared dangerous or vicious pursuant to this chapter and subsequently removed or destroyed.

(Ord. No. 200993, § 2(exh. A), 3-17-2009; Ord. of 3-17-2009, § 2a)

Sec. 14-174. - Violation, penalty.

- (a) Any person violating the provisions of this article or any part thereof shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than \$1,000.00, or imprisoned not exceeding 90 days or both. Each day such violation continues shall be considered a separate offense and shall be enforced as such. Nothing in this Article shall prevent the city from taking such other lawful action as deemed necessary to prevent or remedy any violation of this article.
- (b) Failure to remove, properly confine, or properly control a banned breed of dog shall result in seizure of the animal and humane destruction of the animal may result by order of the municipal court.

(Ord. No. 200993, § 2(exh. A), 3-17-2009; Ord. of 3-17-2009, § 2a)