

# City of Miles City Animal related ordinances are as follows:

## Sec. 4-1. - Penalty for violation of chapter.

Except as otherwise specified, any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.

(Code 1981, § 8.02.040)

State Law reference— Penalty for violation of ordinances, MCA 7-5-4207.

## Sec. 4-2. - Running at large; tied or tethered animals.

Every person owning or possessing any animal or fowl shall not let that animal or fowl run at large and shall have adequate control over such animal at all times. No animal shall be left tethered or tied in an area as to impede access or exit to a public building, sidewalk or public area.

(Code 1981, § 8.02.010; Ord. No. 1221, § 1, 5-24-11)

State Law reference— Control of animals running at large, MCA 7-23-4101.

## Sec. 4-3. - Keeping of certain animals prohibited; exceptions, and conditions of exceptions.

(a)

It shall be unlawful for any person to keep any livestock (including, but not limited to such animals as swine, sheep, goats, horses, cattle, geese, ducks, turkeys, or other domestic fowl [except chickens as provided in subsection (e)]) within the city at any time, except to bring the same to market for commercial purposes, and the same shall be kept and cared for by the owner or person in charge thereof at such place as may be directed by the chief of police and the city-county sanitarian. The prohibitions of this subsection (a) do not apply to agricultural activities, as defined by MCA 76-2-902, that were established on lands outside the corporate limits of the city and are continued on such lands subsequent to their annexation into the corporate limits of the city.

(b)

It is unlawful for any person to own, harbor, keep, or permit at large, any exotic or wild animal within the city limits, except as follows:

(1)

Any person holding a valid rehabilitation permit from the Montana Department of Fish, Wildlife and Parks, but such exception is granted only for animals which are in rehabilitation and are

scheduled to be released into the wild or transported to another facility for rehabilitation of such animal;

(2)

Appropriately licensed theatrical exhibits or circuses;

(3)

Federally licensed research institutions;

(4)

Any governmental agency or its employees who use the animals for an agency related educational, propagation, or behavior program.

(c)

It shall be unlawful to possess more than two rabbits within the city limits. Those possessing rabbits within the city limits shall keep them in separate hutches and shall not raise them for commercial purposes.

(d)

This section shall not apply to domestic or household pets, that is, parakeets, canaries and similar types of birds, providing that the pets are not a nuisance or a hazard so as to endanger the public health.

(e)

Up to six chickens may be kept per household in accordance with provisions in the zoning chapter after a permit is obtained for the coop and run, but no roosters, and there shall not be any fee or license charged therefor. The following provisions shall govern the keeping of chickens:

(1)

No chicken shall be permitted to roam freely outside of a run.

(2)

From sunset to sunrise the chickens must be kept in the coop.

(3)

Chicken feed and manure must be kept in rodent and raccoon proof containers, may not be placed in yard compost piles, and must be disposed of weekly in such a manner as to not become a public nuisance as defined in subsection 15-1(a)(1)f. of this Code.

(Code 1981, § 8.02.020; Ord. No. 932, § 1, 6-12-84; Ord. No. 1015, 2-25-91; Ord. No. 1221, § 2, 5-24-11; Ord. No. 1227, § 1, 4-24-12)

Editor's note— Ord. No. 1227, § 1, adopted Apr. 24, 2012, changed the title of § 4-3 from keeping of certain animals prohibited; exceptions to keeping of certain animals prohibited; exceptions, and conditions of exceptions.

## Sec. 4-4. - Cruelty.

It shall be unlawful for any person to knowingly, or negligently and without justification, subject any animal to mistreatment or neglect by:

(a)

Overworking, beating, tormenting, injuring or killing any animal; or carrying any animal in a cruel manner;

(b)

Failing to provide an animal in the custody of that person with adequate food, adequate drink, adequate exercise, adequate shelter, or adequate cleanliness necessary to maintain the animal in a state of good health;

(c)

Abandoning any animal anywhere within the city limits;

(d)

Promoting, sponsoring, attending, conducting or participating in any fight between any animals;

(e)

Owning any animal for the purposes of fighting or known to be involved with fighting; or

(f)

Commits or omits any act which causes the unjustifiable physical pain, suffering or death of an animal.

(Code 1981, § 8.02.030; Ord. No. 1221, § 3, 5-24-11)

State Law reference— Cruelty to animals, MCA 7-23-4104.

## Sec. 4-5. - Cleaning up after animals.

Any person owning, keeping, possessing, or harboring any dog, cat, or other animals shall promptly remove and dispose of all feces left on any public property and on any private property not owned by such person or lawfully occupied by such person.

(Ord. No. 1221, § 4, 5-24-11)

## Secs. 4-6—4-25. - Reserved.

ARTICLE II. - DOGS AND CATS [2]

## Sec. 4-26. - 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:

Abandon means to desert, forsake, or absolutely give up an animal without having secured another owner or custodian for the animal or by failing to provide the elements of basic care or to leave the animal in such a location as to present immediate danger to the animal or cause the animal to become a public charge.

Adequate exercise means the opportunity for the animal to move sufficiently to maintain normal muscle tone and mass for the age, species, breed and physical condition of the animal;

Adequate food means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, physical condition, and breed of each animal; is provided in a clean and sanitary manner, and is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, breed, age and physical condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring state of hibernation or fasting normal for the species.

Adequate shelter means protection from injury, rain, sleet, snow, hail, wind, direct sunlight, the adverse effects of heat and cold; enables each animal to be clean and dry, except when detrimental to the species, and provides solid surface that is large enough for the animal to lie in a normal manner and can be maintained in a sanitary manner inside that shelter.

Adequate water means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every 12 hours, to maintain normal hydration for the age, species, breed, physical condition, of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring state of hibernation or fasting normal for the species; is provided in a clean, durable receptacle that is accessible to each animal and placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

Animal means both male and female.

Animal rescue shelter means a facility, operating under a permit as provided for herein, in which dogs, cats, or both, that have been abandoned, strayed, removed by judicial proceedings, or voluntarily surrendered are placed, held, and cared for pending return to the lawful owner, placement for adoption, or euthanasia by humane means. Included within this definition are facilities commonly referred to as animal fostering facilities.

Animal control officer means all city police officers as well as all duly appointed animal control officers.

At large means off the premises of the owner and not under the control of the owner or any other person.

Exotic animal means an wild or other animal which is not tame by nature and includes, but is not limited to, raccoon, fox, skunk, beaver, otter, wolf, bear, raptor, alligator, crocodile, monkey [or other simian], member of the feline species other than domestic cats, member of the canine species other than domestic dog.

Kennel means any establishment, other than an animal rescue shelter, wherein or whereon four or more dogs greater than four months of age are kept.

Owner means any person owning, keeping or possessing a dog, cat or other domestic or household pet, [or other animal], including any person, group of persons or entity having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to any animal.

Potentially vicious dog means any dog that in the absence of intentional provocation:

(1)

While off the owner's property, chases or approaches a person in a menacing fashion or apparent attitude of attack or inflicts bodily injury to a person or animal; or

(2)

While on the owner's property causes bodily injury to a person lawfully on the property; or

(3)

While off the owner's property kills a domestic animal.

(4)

These definitions do not apply to animals used in military or law enforcement work while they are actually performing in that capacity.

Pound Master means the animal control officer appointed by the mayor pursuant to section 4-67 of this chapter.

Under control means within a vehicle of the owner or restrained by a substantial leash of not over six feet in length.

Vicious dog means any dog that in the absence of intentional provocation:

(1)

Inflicts serious bodily injury that requires medical attention to a person on public or private property; or

(2)

Is involved in a continuous sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of injury or defensive action required; or

(3)

Is previously found to be potentially dangerous and while on or off the owner's property chases or approaches a person in a menacing fashion or apparent attitude of attack or inflicts bodily injury to a person or any animal;

(4)

Inflicts injury to a person on public or private property, which injury results in the death of the person.

(5)

These definitions do not apply to animals used in military or law enforcement work while they are actually performing in that capacity.

(Code 1981, § 8.04.010; Ord. No. 912, § 1, 11-23-82; Ord. No. 1203, § 1, 5-11-10; Ord. No. 1221, § 5, 5-24-11; Ord. No. 1230, § 1, 6-12-12)

### **Sec. 4-27. - Penalty for violation of article.**

Except as otherwise specified, any person who violates the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or both.

(Code 1981, § 8.04.180)

State Law reference— Penalty for violation of ordinances, MCA 7-5-4207.

### **Sec. 4-28. - Dog license required; fee; proof of vaccination.**

(a)

Every person licensing a neutered male or spayed female dog, provided the owner presents to the city treasurer a certificate of neutering or spaying from the veterinarian, shall pay therefor the sum of \$5.00; for every other unneutered or unspayed dog, both male and female, the sum of \$15.00. Provided, however, that senior citizens (i.e. owners 65 years of age or over) shall be allowed to purchase licenses at a 50 percent reduction in cost.

(b)

No dog owner shall be issued a dog license for a dog without first submitting proof to the city treasurer that such dog has been vaccinated within the vaccination period by a licensed veterinarian or a public health agency.

(Code 1981, § 8.04.020; Ord. No. 936, § 2, 8-28-84; Ord. No. 1053, § 2, 8-8-94; Ord. No. 1221, § 6, 5-24-11)

State Law reference— Dog collar and license tag required, MCA 7-23-101; licensing of dogs, MCA 7-23-4102.

### **Sec. 4-29. - Failure to obtain license.**

If any person shall keep, feed, possess or allow to stay about the premises of such person in the city any dog for which no license fee or dog tax has been paid, or upon which no dog tag has been placed and kept as required by the provisions of this article, such person shall be deemed guilty of maintaining a nuisance within the city and, upon conviction thereof, shall be fined as provided in this article.

(Code 1981, § 8.04.030)

State Law reference— Control of nuisances, MCA 7-5-4104.

## Sec. 4-30. - Kennels.

(a)

No person shall maintain, own or operate a kennel, as defined in this Code, within the city limits.

(b)

Any person who violates the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided for by section 1-11.

(Code 1981, § 8.04.040)

State Law reference— Authority for this section, MCA 7-1-4123.

## Sec. 4-31. - Barking or howling dogs; impoundment of barking or howling dogs.

No person shall keep, feed, possess or allow to stay about the premises of such person any dog which by loud and continuous barking, howling or yelping constitutes an annoyance or disturbance to any person. Such a dog shall be deemed to be a public nuisance.

(Code 1981, § 8.04.050; Ord. No. 912, § 2, 11-23-82; Ord. No. 1221, § 7, 5-24-11)

## Sec. 4-32. - Vicious dogs and potentially vicious dogs.

(a)

Keeping a potentially vicious dog. Any person who keeps, feed, harbors or allows to stay about the premises occupied or controlled by him within the city any dog exhibiting potentially vicious dog behavior is guilty of maintaining a public nuisance and is guilty of a misdemeanor. A dog is presumed to have exhibited potentially dangerous behavior if it demonstrated any of the behavior set forth in the definition of "potentially vicious dog" in section 4-26 of this Code. Such presumption is rebuttable.

(b)

Keeping a vicious dog. Any person who keeps, feeds, harbors or allows to stay about the premises occupied or controlled by him within the city a vicious dog is guilty of maintaining a public nuisance and is guilty of a misdemeanor. An animal is presumed to be a vicious dog if it demonstrated any of the behavior set forth in the definition of "vicious dog" in section 4-26 of this Code. Such presumption is rebuttable. Upon conviction of maintaining a public nuisance with a particular vicious dog, said dog may be ordered by the city court to be destroyed by the animal control officer or a licensed veterinarian designated by the animal control officer. A dog involved in a fatal attack on a person will be impounded and destroyed by the animal control officer or a licensed veterinarian designated by the animal control officer. A licensed doctor of veterinarian medicine (DVM) shall submit the animal to the appropriate laboratory for rabies testing.

(c)

Registration of vicious dog; destruction of dog for noncompliance; misdemeanor for failure to register. The owner convicted of having a vicious dog shall forthwith register the dog as such

with the city police department and renew such registration every 12 months. The owner of the vicious dog must comply with and must show the animal control officer sufficient evidence that the following requirements are met within 30 days following registration:

(1)

A securely enclosed structure is provided by the owner suitable to prevent unauthorized entry and designed to prevent the dog from escaping. The enclosure must also provide protection from the elements for the animal.

(2)

The owner shall display signs on his or her premises warning that there is a vicious dog on the property. These signs shall be visible and capable of being read from the public roadway and from any normal means of entry to the premises. In addition, the owner or keeper shall conspicuously display a sign with a warning symbol that will inform children of the presence of a vicious dog.

(3)

The owner of a vicious dog shall present proof of procurement of liability insurance in the amount of at least \$100,000.00, covering the 12-month period during which registration is sought. This policy shall contain a provision requiring the city to be named as an additional insured and requiring that the city be notified by the insurance company at least ten days in advance of any cancellation, termination or expiration of the policy.

(4)

The owner shall, at his or her own expense, have the vicious dog registration number provided by the city police department tattooed upon the inner side of the right ear by a licensed veterinarian, or micro-chipped, and the chip number provided to the city police department.

(5)

The owner convicted of having a vicious dog shall notify the city police department within 24 hours of a change of address or death of the dog. Immediate notification is required if the dog is loose.

(6)

The owner convicted of having a vicious dog shall not sell, transfer or give away the dog, other than to the animal control officer for disposal.

(7)

The animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the above provisions. Should it be found that the owner is in noncompliance with the provisions, the animal shall be immediately confiscated, and impounded, and upon notice and hearing before the city court, if the owner is found to be in noncompliance, the dog shall be destroyed by the animal control officer or a licensed veterinarian designated by the animal control officer.



Any person failing to register such vicious dog in compliance herewith shall be guilty of a misdemeanor, and upon convictions shall be punished as provided by section 1-11 of this Code. Every day that such dog is not registered in compliance herewith shall be deemed a separate offense.

(Code 1981, § 8.04.060; Ord. No. 1203, § 2, 5-11-10)

State Law reference— Vicious dog control, MCA 7-23-2109; liability of owner of vicious dog, MCA 27-1-715.

### **Sec. 4-33. - Dogs running at large—Prohibited.**

No owner or person in possession of any dog shall permit any dog to run at large at any time within the city.

(Code 1981, § 8.04.070)

State Law reference— Authority to control animals running at large, MCA 7-23-4101.

### **Sec. 4-34. - Same—Penalty for dog at large or barking or howling dog.**

The penalty for permitting a dog to run at large, and for barking or howling or yelping dogs within the city in violation of section 4-31 or 4-33 is as follows:

(a)

First offense: A fine of not less than \$50.00;

(b)

Second offense: A fine of not less than \$100.00;

(c)

Third offense: A fine of not less than \$150.00;

(d)

Fourth offense and subsequent offenses: A fine of not less than \$200.00.

In no case shall the penalty exceed a fine of \$500.00 or imprisonment for a term to exceed six months, or both. The court does not have the authority to suspend any fine and upon the court's determination, it would order an impoundment.

(Code 1981, § 8.04.100; Ord. No. 850, § 1, 8-14-79; Ord. No. 1138, § 1, 10-22-02; Ord. No. 1221, § 8, 5-24-11)

State Law reference— Penalty for violation of ordinances, MCA 7-5-4207.

### Sec. 4-35. - Dogs, cats, or other household domestic pets prohibited in city parks and school grounds; exception.

No owner or person in possession of any domestic pet shall take any domestic pet into any park or athletic field owned by the city or any school grounds within the city at any time, or shall induce any domestic pet to enter or remain in any park or athletic field or any school ground, provided this section shall not apply to a person accompanied by a service animal, or animal involved in police work, and animals used in presentations, parades, or community service work.

(Code 1981, § 8.04.080; Ord. No. 1221, § 9, 5-24-11)

### Sec. 4-36. - Authority to impound domestic animals running at large or in prohibited areas.

Any officer or employee of the city is hereby authorized to chase, drive or take possession of any such domestic animal from any city park or city athletic field or any school grounds within the city limits and to impound any such domestic animal or any domestic animal found to be running at large.

(Code 1981, § 8.04.090; Ord. No. 1221, § 10, 5-24-11)

### Sec. 4-37. - Rabies vaccination required.

Every person who owns or possesses any dog or cat within the city shall have such animal vaccinated against rabies by a licensed veterinarian. Regardless of the age of the animal at initial vaccination, a second vaccination shall be given a year later.

Thereafter, the animal shall be vaccinated every two years, or according to label indication on the vaccine; or as determined by a veterinarian based on risk of exposure. Documentation of that different schedule is required at time of licensing as per section 4-28.

(Code 1981, § 8.04.110; Ord. No. 1122, § 1, 2-13-01; Ord. No. 1221, § 11, 5-24-11)

State Law reference— Legislative power to secure the general public health and welfare, MCA 7-1-4123(2).

### Sec. 4-38. - Certificate of inoculation—Generally.

There shall be provided by the licensed attending veterinarian a certificate of rabies vaccination containing the following information and such other information as may be required to be filled in by persons legally authorized to vaccinate dogs or cats against rabies:

(a)

The name and address of the owner or possessor of the inoculated dog or cat.

(b)

The date and place of inoculation.

(c)

The year and series number of the rabies tag.

(d)

The breed, age, color, name and sex of the inoculated species of animal.

(e)

The veterinarian's signature; and

(f)

The date by when the next rabies vaccination is due.

(Code 1981, § 8.04.120; Ord. No. 1221, § 12, 5-24-11)

### **Sec. 4-39. - Same—Distribution of copies.**

It shall be the duty of each veterinarian legally authorized to perform rabies vaccinations on dogs and cats, to provide a copy of the certificate to the owner or possessor of the inoculated dog or cat. At the time of the inoculation of any dog, the veterinarian performing the vaccination shall also deliver to the owner or possessor of the dog the rabies tag as evidence of such inoculation. Rabies tags for cats are not required, but the veterinarian shall deliver to the cat owner the certificate of vaccination. The attending veterinarian shall retain proof of rabies vaccination for each dog and cat inoculated.

(Code 1981, § 8.04.130; Ord. No. 1221, § 13, 5-24-11)

### **Sec. 4-40. - Same—Filing.**

The veterinarian shall provide the animal control officer rabies vaccination information for specific animals as needed.

(Code 1981, § 8.04.140; Ord. No. 1221, § 14, 5-24-11)

### **Sec. 4-41. - Attachment of rabies tag.**

(a)

Every owner or possessor of a dog shall attach to the collar or harness of the inoculated dog a tag evidencing an inoculation with antirabies vaccine, and the tag shall remain so attached at all times and until a replacement tag is received for the next vaccination. The owner or possessor of an inoculated cat, if a tag was issued, shall either attach the vaccination tag to the collar of the cat or retain the tag for inspection by the animal control officer or authorized representatives.

(b)

The rabies tag shall be of a durable material, suitable to being attached to the collar or harness of the inoculated dog or cat. The tag shall state the year of issuance, and the series or certificate number of the tag. The tag may also have the clinic name and phone number imprinted on it.

(Code 1981, § 8.04.150; Ord. No. 1221, § 15, 5-24-11)

## Sec. 4-42. - Dogs and cats brought into city.

All dogs or cats which are brought in the city shall be in compliance with the laws and rules and regulations of the state regarding the importation of the animals, and shall have been vaccinated according to the requirements of section 4-37. The metal tag denoting vaccination shall be firmly affixed to the collar or harness of the dog or cat and shall be evidence of compliance with this section when accompanied by a certificate of vaccination issued by a licensed veterinarian indicating rabies inoculation.

(Code 1981, § 8.04.160; Ord. No. 1221, § 16, 5-24-11)

State Law reference— Cooperation by public officers regarding animal control, MCA 81-2-106.

## Sec. 4-43. - Persons qualified to possess inoculation certificates and tags.

Only those persons who own or possess a dog or cat duly vaccinated in accordance with the provisions of this article shall be permitted to possess the certificates and tags provided for in this article. No person may affix a tag evidencing vaccination as provided in this article to the collar or harness of any dog or cat except the tag issued for that dog or cat at the time of vaccination.

(Code 1981, § 8.04.170)

State Law reference— Compliance with licensing provisions, MCA 7-23-4103.

## Sec. 4-44. - Animal enclosure maintenance.

All animal enclosures must be adequately maintained in a sanitary manner to allow the animal or animal's freedom from debris, food waste, and excrement. The enclosure shall be maintained to minimize odors and hazards of disease and physical harm to the animal and the public. Animal waste is to be disposed of in a sanitary manner in proper containers and not on city or public property.

(Ord. No. 1221, § 17, 5-24-11)

## Sec. 4-45. - Animal rescue shelter permits.

(a)

Any person or entity desiring to establish an animal rescue shelter within the city limits of the city shall submit to the city clerk an application for a permit for such facility. The application shall be in a form provided by the clerk's office and shall provide the following information.

(1)

Name of permit applicant, address of applicant, address of shelter location, if different, and telephone number of applicant;

(2)

Verification of current rabies vaccination for each animal held in the facility;

(3)

A statement that the applicant will not violate any of the provisions set out in this section.

(b)

Upon the filing of a completed application, the application shall be placed before the city council for its consideration and action. The clerk shall cause notice to be given by mail, as provided by MCA 7-1-4129, to all owners of property within 250 feet of the exterior boundaries of the property for which the permit is sought.

(c)

In considering whether to grant such permit, the city council shall consider the following criteria:

(1)

An animal rescue shelter shall not have more than eight animals on the premises at any time. Animals owned by the permit holder are included within this eight animal limit;

(2)

Animal rescue shelters shall not be a for-profit enterprise;

(3)

The permit holder for an animal rescue shelter shall not knowingly accept into the shelter animals from any locations outside of Custer County, Montana;

(4)

When the animals are not under the actual physical control of the permit holder, the permit holder shall provide an appropriate fenced area in which the animals may be placed for exercise; and

(5)

The permit holder must be compliant with all animal control ordinances.

(d)

The granting of a permit shall require the affirmative vote of two-thirds of the membership of the city council.

(e)

Revocation of permit.

(1)

The mayor shall revoke an animal rescue shelter permit upon:

a.

Refusal of the permit holder to allow inspection of the animal shelter premises;

b.

Three convictions of the permit holder for violations of any of the provisions of this chapter in a 24-month period;

c.

The permit holder using the permitted facility to dispose of or to find homes for surplus puppies and breeding stock; or

d.

Any other violation of the provisions of this section.

(2)

The mayor shall give notice to the permit holder of any revocation. The notice shall be in writing, shall specify the deficiencies or violations, advise the violator/permittee of the right to appeal, and shall be mailed by certified mail, return receipt requested, or personally served. The permittee shall have ten days to appeal the revocation to the city council. The appeal shall be filed in writing with the city clerk. The mayor shall cause the matter to be placed on the first available agenda. The applicant shall be notified by certified mail or personally served with notice of the date of the council meeting at least three days prior to the hearing. The matter shall be considered by the council after the appellant has had an opportunity to be heard in person or by counsel at the regular council meeting in which the matter appeared on the agenda.

(f)

State licensed veterinarian clinics shall be exempt from this section.

(Ord. No. 1230, § 2, 6-12-12)

## Secs. 4-46—4-65. - Reserved.

### ARTICLE III. - CITY POUND

## Sec. 4-66. - Creation; care for impounded animals.

(a)

There is hereby created a city dog pound which shall be operated by the city and be under the control of the animal control officer.

(b)

All animals impounded shall be housed and cared for at the city dog pound; provided, however, that, during an emergency period, when pound facilities are inadequate, the animal control officer is authorized to make provisions for additional housing and care elsewhere.

(c)

All animals impounded shall be properly housed, fed, watered and cared for, and it shall be the duty of the animal control officer to make provision for all necessary facilities, food, water, vehicles and other equipment required to carry out the provisions of this article.

(Code 1981, § 8.06.010; Ord. No. 1221, § 19, 5-24-11)

State Law reference— Local government cooperation in operation of pounds, MCA 7-23-103.

### **Sec. 4-67. - Appointment of animal control officer.**

The mayor of the city shall appoint an animal control officer whose duties shall be as provided in this article.

(Code 1981, § 8.06.020; Ord. No. 1221, § 20, 5-24-11)

State Law reference— Powers of mayor related to municipal officers, MCA 7-4-4303.

### **Sec. 4-68. - Animals subject to impoundment.**

The animal control officer shall be authorized to impound all dogs which do not bear the proper rabies vaccination tag and city dog license tag, all cats which do not have a proper rabies vaccination, and all dogs and cats running at large within the city, and any dogs or cats subject to section 4-73.

(Code 1981, § 8.06.030; Ord. No. 1221, § 21, 5-24-11)

State Law reference— Control of animals running at large, MCA 7-23-4101.

### **Sec. 4-69. - Notice of impoundment.**

Upon the impoundment of any dog or cat, it shall be the duty of the animal control officer or an authorized representative of the animal control officer to notify without delay the owner or possessor of such dog or cat, if known, of the impoundment.

(Code 1981, § 8.06.040; Ord. No. 1221, § 22, 5-24-11)

### **Sec. 4-70. - Period of impoundment.**

All impounded dogs and cats shall be kept for a period of three full business days, unless redeemed sooner by their respective owners. Dogs and cats subject to section 4-73 shall be impounded in accordance with that section.

(Code 1981, § 8.06.050; Ord. No. 1053, § 3, 8-8-94; Ord. No. 1055, § 1, 10-11-94; Ord. No. 1221, § 23, 5-24-11)

### **Sec. 4-71. - Redemption by owner; fee.**

It is the duty of the animal control officer or any authorized representative of the animal control officer to release any dog or cat from the city-county pound upon presentation of satisfactory proof of ownership indicating that the dog or cat is duly licensed by the city and properly vaccinated against rabies, both for the current period, and upon payment of the pound service and boarding fees. In accordance with sections 4-70 and/or 4-73, the pound service fee shall be \$5.00. The boarding fee shall be \$10.00 for each day (or part thereof) the dog or cat has been in the pound.

No owner/person with a pending charge of animal cruelty or previously convicted of animal cruelty may redeem an impounded animal.

(Code 1981, § 8.06.060; Ord. No. 1053, § 1, 8-8-94; Ord. No. 1221, § 24, 5-24-11)

## Sec. 4-72. - Release to person other than owner.

After notice as required by section 4-69 has been issued and after three full business days of impoundment, such dog or cat may be released to any person, except as stated in section 4-71 or section 4-75, upon the payment of the pound service and boarding fees. At the discretion of the animal control officer, an animal may be taken to a local veterinary facility for euthanasia or adoption.

(Code 1981, § 8.06.070; Ord. No. 1221, § 25, 5-24-11)

## Sec. 4-73. - Impoundment required when rabies suspected or person bitten.

(a)

A dog or cat which is known to have bitten or scratched any person so as to break the skin, or whose saliva has contaminated an abrasion, scratch, wound, or mucus membrane during the incident, shall be impounded in the city pound for a period of ten days or such other period of time as the animal control officer may direct. If the animal is owned, not current on rabies vaccination, and the owner declines quarantine, then the animal shall be euthanized and tested for rabies.

(b)

A dog or cat which is known to have been exposed to an animal infected with rabies shall be handled as follows:

(1)

If rabies vaccination is current: Revaccinate the animal as soon as possible, quarantine for 45 days.

(2)

If rabies vaccination is not current, or animal has never been vaccinated for rabies: Euthanasia or quarantine six months and vaccinate for rabies one month prior to release.

A local veterinarian should be consulted on these cases. Other resources are Compendium of Animal Rabies Control and The Montana Department of Livestock.

(Code 1981, § 8.06.080; Ord. No. 1221, § 26, 5-24-11)

## Sec. 4-74. - Destruction of animals infected with rabies.

Any animal appearing to have rabies, in the opinion of a Montana licensed veterinarian, shall be immediately destroyed. A licensed veterinarian shall submit the animal to the appropriate laboratory for rabies testing.

(Code 1981, § 8.06.090; Ord. No. 1221, § 27, 5-24-11)

State Law reference— Power to secure general public health and welfare, MCA 7-1-4123.



## Sec. 4-75. - Disposition of unclaimed animals.

At the discretion of the animal control officer, any unclaimed animals may be taken to a local veterinary facility for euthanasia or adoption. No unclaimed animal or animals may be sold or redeemed for commercial/research facilities or person representing such facilities. No person may redeem an animal or animals without adequate proof of ownership or adequate proof of ability to care for said animals.

(Code 1981, § 8.06.100; Ord. No. 1221, § 28, 5-24-11)

## Sec. 4-76. - Interfering with animal control officer.

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer or any authorized representative of the animal control officer from discharging the duties described in this article. Any person found guilty of such interference shall be penalized in accordance with section 1-11 of this Code.

(Code 1981, § 8.06.110; Ord. No. 1221, § 29, 5-24-11)

State Law reference— Obstructing a peace officer or other public servant, MCA 45-7-302.