



TOWN OF BIG SANDY, MONTANA

ANIMAL ORDINANCE #2008-01

AN ORDINANCE AMENDING TITLE 6, CHAPTER 6.04, OF THE TOWN OF BIG SANDY.

BE IT ORDNANIED, by the Town Council of the Town of Big Sandy, Montana, that Title 6, Chapter 6.04, of the Town Code of the Town of Big Sandy, Montana, is hereby amended as follows:

TITLE 6 – ANIMALS

CHAPTERS:

6.04 Animal Control

SECTIONS:

- 6.04.01 Definitions
- 6.04.02 Vaccination Required.
- 6.04.03 Dog License – Required – Amount – Term
- 6.04.04 Dog License – Issuance – Tag
- 6.04.05 Animals Running At large
- 6.04.06 Dogs in City Parks.
- 6.04.07 Nuisance Animals.
- 6.04.08 Dangerous Animal
- 6.04.09 Rabies – Exposure.
- 6.04.10 Impounded Animals – Redemption – Disposition
- 6.04.11 Adoption of Animals
- 6.04.12 Unlawful interference with town authorities.
- 6.04.13 Enclosure of or muzzlement of vicious animals.
- 6.04.14 Inhumane treatment of animals.
- 6.04.15 Allowing animals to escape.
- 6.04.16 Harassing animals.
- 6.04.17 Fines and Violations.

Be It ordained by the Town Council of the Town of Big Sandy, State of Montana.

SECTION 6.04.01.

DEFINITIONS. As used in this ordinance, unless the context indicates otherwise, the following terms shall have the meaning ascribed to each:

- A. “Animal” means dogs, cats, goats, cattle, swine, sheep, horses, mules, domestic fowl/poultry and other birds, rodents, game animals, fur-bearing and wild animals (MCA 81-2-702(1)).
- B. “Adult” means any animal six (6) months of age and older.

- C. “Animal Shelter” means any premise provided for impounding and caring for dogs and other animals pursuant to State laws and Town ordinances. Dedman Foundation will be used by the Town.
- D. “At Large” means off the premises of the owner and not under the immediate, continuous and effective control of the owner or some other competent person.
- E. “Humane disposition” or “humane euthanasia” means the humane destruction of any animal by a person who has been certified as properly trained in methods of euthanasia for each species to be destroyed and is accomplished by a method what is consistent with the American Veterinary Medical Association’s recommendations in producing instantaneous unconsciousness and immediate death without undue pain or distress, or a method that utilizes an anesthesia produced by an agent which causes painless loss of consciousness and death following such loss of consciousness.
- F. “Isolation” means an area which allows an animal to be separated from other healthy animals. Isolation rooms do not allow contact between the confined animal and other animals or the public.
- G. “Owner” means any person owning, keeping or harboring a dog or other animal, who is presumed to be the adult head of the household owning, keeping or harboring such an animal.
- H. “Restraint” means controlled by a leash not longer than six feet, at heel beside a competent person and obedient of the owner, or within the property limits of premises controlled by the owner, or other persons consenting thereto.
- I. “Pet animal” means any animal of a domesticated species sold or kept for the purpose of being a household pet. Pet animals include but are not limited to dogs, cats, birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, white rats, and fish.
- J. “Vaccination” means the inoculation of a dog or cat with anti-rabies vaccine by a licensed veterinarian.
- K. “Current vaccination” means the inoculation of a dog or cat with anti-rabies vaccine having an effective immunity of one or two years. Animals vaccinated initially will receive a booster shot one year after the initial vaccination and thereafter on a bi-annual basis unless the vaccine used requires re-vaccination sooner.
- L. “Livestock” means cattle, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, emus and goats.
- M. “Open Area” means land area free of buildings with enclosed walls and/or roof, including but not limited to homes, garages, barns and sheds. Acceptable buildings or structures on the “Open Area” may include but is not limited to enclosures such as pens, corrals, fences, or a wind/sun barrier as approved by the Council.

SECTION 6.04.02.

VACCINATION REQUIRED. It is unlawful for any person to keep, maintain or harbor any animal over six (6) months of age unless such animal has a current anti-rabies vaccination, as defined in Section 1.

SECTION 6.04.03.

DOG LICENSE REQUIREMENT. It is unlawful for any person to keep, harbor, maintain in the Town, any dog over six months of age unless such dog is duly registered and licensed as therein provided. Licenses shall be issued by the Town Treasurer, or by duly appointed license agents, upon proof that the dog has been vaccinated against rabies within two years of the date when such license expires, and upon payment of an annual license fee which will be determined by resolution by the Council and periodically reviewed. For spayed or neutered dogs, or who have been treated with proper hormone shots rendering them of the same effect as a spayed

female, will charged half of the annual license fee. Such license shall expire on January 1st following its issuance.

SECTION 6.04.04.

DOG LICENSE – ISSUANCE OF TAG. Upon receipt of a proper application, proof of vaccination, and the license fee, the treasurer or license agent shall issue to the applicant a license certificate and metallic tag. The tag shall be stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Each owner is required to provide each dog with a substantial collar, to which the license tag shall be affixed at all times. Any dog found off the owner’s premises without a license tag shall be deemed to be not licensed, even though a license has been issued for such dog. In the event that a dog tag is lost or destroyed, a duplicate shall be issued by the treasurer, upon presentation of an affidavit to that effect, a receipt of duplicate.

License tags are not transferable from one dog to another and it is unlawful for any person to cause or permit a license tag to be place upon a dog for which it was not issued. Any dog found with a license tag issued for another dog shall be deemed to be not licensed. No refunds shall be made on any dog license fee because of the death of a dog or the owner leaving the town before the expiration of the license period.

SECTION 6.04.05.

ANIMAL RUNNING AT LARGE.

- A. It is unlawful for any person who owns, harbors, maintains, or keeps a dog, or the parents or guardians of such person under eighteen (18) years of age, to allow such animal to run at large.
- B. Any person may take up any dog running at large and take same to the animal shelter. No compensation or reward will be paid directly or indirectly for such taking and delivery.

SECTION 6.04.06.

DOGS PROHIBITED IN PARKS. The presence of dogs in town parks is prohibited. The owner of any dog that is found in a town park is deemed in violation of this section and may be punished as provided in Section 6.04.16.

SECTION 6.04.07.

NUISANCE ANIMAL. It is declared a public nuisance for any dog or other animal to destroy, damage or injure property or other pet, to bite, or chase after persons not trespassing on the property, injuring or attempting to injure the person, family or property of the owner, to chase vehicles in public streets or ways, or by prolonged howling, yelping, barking or by any other means, declared to be a public nuisance for a dog to come unto property not that of the dog’s owner. Any such nuisance animal may be taken up and impounded by the Town Authorities. It is unlawful for any person to own, harbor, keep or maintain any such nuisance animal. Any person aggrieved by a nuisance animal, the town attorney, or town authorities, may file a complaint in the police court, charging the owner with the violation of this section. Upon a third conviction under this section, the nuisance animal shall be seized and taken up by the town authorities and put to death forthwith.

SECTION 6.04.08.

DANGEROUS ANIMAL. It is unlawful to own, keep, harbor, or maintain a dangerous animal exhibiting “vicious behavior”.

- A. Vicious behavior defined: Any animal, except a dog assisting a police officer engaged in law enforcement duties, is presumed vicious if the animal demonstrates any or all of the following behaviors:
 - a. An attack, without provocation, which requires a defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting themselves peaceably and lawfully;
 - b. An attack, without provocation, that results in injury to a persons in a place where such person is conducting themselves peaceably and lawfully;
 - c. Harassing, chasing, or an attack on other pets, or livestock not trespassing onto the property of, injuring or attempting to injure the person, family or property of the owner.
- B. Lawful Presence. For the purposes of this ordinance, a person is peaceably and lawfully upon the private property of a dog owner when in the performance of any duty imposed by the laws of this State or any city or County, or by the laws or postal regulations of the United States, or when on such property upon invitation, express or implied.
- C. Any such dangerous animal may be taken up and impounded by a law enforcement officer. The animal may be redeemed by the owner after compliance with all licensing and vaccination requirements if the animal is not being held for a court hearing.
- D. Upon a second or subsequent conviction under this ordinance or in a single instance where the facts indicate that such action is necessary for the safety of the citizens of this Town or their property, the dangerous animal shall be seized by a law enforcement officer. A court hearing will determine if they animal is to be euthanized or permanently removed from the Town.

SECTION 6.04.09.
RABIES – EXPOSURE.

- A. Any pet which bites or otherwise exposes a person or animal to possible rabies shall:
 - a. If not currently vaccinated be quarantined at a veterinary hospital at the owner’s expense for a period of at least ten (10) days after the day of exposure. The owner of such animal shall have forty-eight (48) hours from the time of exposure to provide proof of current vaccination to law enforcement officials or release the animal to a veterinarian for quarantine. In the event an owner will not voluntarily release the animal for quarantine, the law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinary hospital of the authority’s choice, at the owner’s expense. The order, if the owner cannot be found at his/her place of residence, may be served by leaving it with a person of suitable age and discretion or by placing it in a prominent place at the front door of such residence.
 - b. If the animal is currently vaccinated, the animal may, at the discretion of the law enforcement officer, be quarantined at the owner’s home. If at any time, the animal is known to run at large during the quarantine period, the animal shall be impounded by law enforcement officers and shall remain at a veterinary hospital for the remainder of the quarantine period at the owner’s expense.
 - c. If the animal is a stray and no owner is identified within seventy-two (72) hours, the animal shall be euthanized and tested for rabies.
 - d. The aforesaid procedure shall be suspended on order of the attending veterinarian when an animal exhibits symptoms of rabies.

- e. Any hybrid-type animal or any animal other than those included in Section A (dog and cat) which bites or otherwise exposes a person or animal to rabies shall be quarantined or euthanized and tested for rabies:
 - i. If the animal is quarantined, the animal shall be placed at a veterinary hospital at the owner's expense for a period of at least ten (10) days after the exposure. In the event an owner, will not voluntarily release the animal for quarantine, the law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinary hospital of the authority's choice, at the owner's expense.
 - ii. If the animal is a stray and no owner is identified within seventy-two (72) hours, the animal shall be euthanized and tested for rabies.
 - iii. The aforesaid procedure shall be suspended on order of the attending veterinarian when the animal exhibits symptoms of rabies.

SECTION 6.04.10.

IMPOUNDED ANIMALS – REDEMPTION – DISPOSITION

- A. The Owner of any pet which has been impounded, upon providing proof of ownership, may redeem the pet from the shelter with the following provisions:
 - a. Proof of current rabies vaccination (dog only);
 - b. Payment of any impound fee established by the animal shelter for each day, or part thereof, that the animal has been held in the shelter; and
 - c. Payment of any veterinary fees incurred.
- B. If any dog or other animal is impounded, the owner shall redeem within seventy-two (72) hours, or it shall be subject to disposal as provided for in this chapter. If such impounded animal has a license or identification tag, at least one attempt will be made to contact the owner by phone call and by one written notice. A law enforcement officer may issue a ticket to the person redeeming an impounded animal for violation of any provision in this chapter and file a complaint in court.

SECTION 6.04.11.

ADOPTION OF ANIMALS. If an animal is not redeemed by the owner within the prescribed time limit, the owner forfeits all right, title and interest therein, and the animal shelter may offer the same for adoption to the public.

- A. A person may adopt a pet once the adoption application has been approved, and upon payment of a non-refundable adoption fee as established by the animal shelter and any necessary licensing and/or neutering fees.
- B. A certificate of sale shall be issued to each purchaser of an animal which confers title and ownership to that animal free of all claims and interest of the previous owner.
- C. If an animal is not redeemed or adopted, it will be euthanized in a humane manner.

SECTION 6.04.12.

UNLAWFUL INTERFERENCE WITH TOWN AUTHORITIES. It is unlawful for any person to hinder, detain or interfere with the Town authorities in the performance of any duty or power imposed on them by this chapter, or to release or attempt to release any animal in the custody of the Town authorities, except as herein provided.

SECTION 6.04.13.

ENCLOSE OF OR MUZZLEMENT OF VICIOUS ANIMALS. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog or other animal and

shall not take such dog or other animal out of such building or enclosure unless it is securely muzzled. A chain shall not be considered an enclosure.

SECTION 6.04.14.

INHUMANE TREATMENT OF ANIMALS. It is unlawful for any person to willfully and cruelly inflict pain upon or injure any animal. It is unlawful for any person to lay out or expose any poison for the purpose of killing any dog or other animal, or to aid or abet any person in doing so.

SECTION 6.04.15.

ALLOWING ANIMALS TO ESCAPE. It is unlawful for any person to open gates or doors or otherwise cause or permit dogs or other animals to escape confinement against the wishes of the owner. It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building with the intent that such animal will be impounded.

SECTION 6.04.16.

HARASSING ANIMALS. It is unlawful for any person to provoke, harangue, tease, torment, or in any way disturb a dog, or animal with the intent to cause it to bark or attack any person.

SECTION 6.04.17

CERTAIN ANIMALS PROHIBITED OR LIMITED:

- A. Swine: No person shall keep swine within the Town of limits.
- B. Cats and Dogs Limited: No person shall keep upon his premises more than two (2) “adult” feline or two (2) “adult” canines.
- C. Rabbits: Rabbits are allowed only by permit. The rabbits shall be confined to a pen, cage or fenced yard of appropriate material to contain them at all times.
- D. Breeding Or Profit. All breeding kennels must be approved by the Council.
- E. Livestock Limited. It shall be lawful for any person to keep or maintain cattle, sheep, horses, llamas, alpacas, bison, ostriches, rheas, emus, goats, turkey, chickens, geese or other fowl on any property, in the Town limits, that is 1.75 acres of “open area” or larger. The number of livestock allowed shall be limited as follows:
 - a. One (1) cattle, horse, bison, ostriches, rheas, emus, sheep, goats, llamas, or alpaca permitted for each 1.75 acre of open area.
 - b. Twelve (12) turkey, chickens, ducks, geese or other similar-sized fowl permitted, but shall be confined to a pen, cage, or yard fenced with appropriate material to contain them at all times.
- F. Small Animals and Fowl Limited. It shall be lawful for any person to keep or maintain a combined total of six (6) chickens, ducks, or other similar sized fowl on any property, in the Town limits, less than 1.75 acres of “open area” but they shall be confined to a pen, cage, or yard fenced with appropriate material to contain them at all times.

SECTION 6.04.18.

GRANDFATHER CLAUSE:

- A. Any prohibited animal within the Town limits at the time the second and final reading of the Ordinance 2010-01 is passed shall be allowed to remain upon the property providing:
 - a. Under this clause the specific animal is grandfathered, not the property or owner.
 - b. If the animal has been deemed to be an nuisance, it is no longer qualifies as a “grandfathered” animal under this section.
- B. Documentation:

- a. A Town elected or appointed official shall personally visit owners of properties where prohibited animals are known to be kept.
- b. Documentation of the existing number of animals will be completed by a Town official and the owner.
- c. The Town will maintain the record of grandfathered animals.
- C. Permits may be revoked/suspended by:
 - a. Violation of code ordinance or regulation. “Grandfathered status” may be revoked or suspended whenever the Town Council determines a violation of this Code, or any ordinance and/or code in any manner detrimental to the public health, morals or welfare of the community has been violated.
 - b. Fraud or misrepresentation. Violation of Federal or State law: The Council may revoke or suspend any “grandfathered” animal for fraud or misrepresentation in its status procurement, or for a violation of any federal or state statute.

SECTION 6.04.19.

VIOLATIONS AND PENALTIES. Any person found in violation of this ordinance commits a civil violation and shall be subject to a penalty. The penalty will be determined by resolution by the Council and periodically reviewed. Below is a list of the specific violations:

- A. Non-license of animal (Section 6.047.03)
 - a. First offense.
 - b. Second offense or more (double the first offense).
- B. Disturbing the Peace (Nuisance Animal 6.04.07);
 - a. First offense.
 - b. Second offense within two years, (double the first offense)
 - c. Third offense within two years, (triple the first offense)
- C. Running at large (Section 6.04.05 and Section 6.04.06)
 - a. First offense.
 - b. Second offense within two years, (double the first offense)
 - c. Third offense within two years, (triple the first offense)
- D. Dog biting a person (Dangerous Dog – Section 6.04.08)
 - a. First offense plus the owner shall assume all the cost of expenses incurred in Section 6.04.08.
 - b. Second offense (court hearing)
- E. Interfering with a Law Enforcement Officer (Section 6.04.12)
 - a. First offense.
 - b. Second offense or more (double the first offense).
- F. Harassing Animal (Section 06.04.16)
 - a. First offense.
 - b. Second offense or more (double the first offense).
- G. Inhumane Treatment of Animal (Section 6.04.14)
 - a. First offense.
 - b. Second offense or more (double the first offense).

That all ordinances and parts of ordinances in conflict herewith are hereby repealed and this ordinance shall become effective thirty (30) days after its final passage and approval.