

ORDINANCE 2933

AN ORDINANCE AMENDING OCCGF TITLE 6.08 PERTAINING TO ANIMALS

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA:

Section 1. That OCCGF Title 6 Chapter 8 pertaining to Animals be amended as depicted in Exhibit A which replaces the former section found therein.

PASSED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, this ___ day of _____, 2006.

Dona R. Stebbins, Mayor

ATTEST:

Peggy J. Bourne, City Clerk

(SEAL OF THE CITY)

APPROVED FOR LEGAL CONTENT:

David V. Gliko, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Peggy J. Bourne, City Clerk of the City of Great Falls, Montana, do hereby certify that the foregoing Ordinance 2933 was placed on its final passage and passed by the Commission of the City of Great Falls, Montana, at a meeting thereof held on the ___ day of _____, 2006, and approved by the Mayor of said City on the ___ day of _____, 2006.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said City

this — day of _____, 2006.

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

State of Montana)
County of Cascade : ss
City of Great Falls)

Peggy J. Bourne, being first duly sworn, deposes and says: That on the — day of _____, 2006, and prior thereto, she was the City Clerk of the City of Great Falls, Montana; that as said City Clerk she did post as required by law and as prescribed and directed by the Commission, Ordinance 2933 of the City of Great Falls, in three conspicuous places within the limits of said City to-wit:

- On the Bulletin Board, first floor, Civic Center Building;
- On the Bulletin Board, first floor, Cascade County Court House;
- On the Bulletin Board, Great Falls Public Library

Peggy J. Bourne, City Clerk

(SEAL OF CITY)

EXHIBIT A
TITLE 6

ANIMALS

Chapters:

6.08 Animals
6.10 Bees

Chapter 6.08

ANIMALS

Sections:

6.08.005	Definitions.
6.08.010	Conflict of Laws
6.08.020	Canine Unit Exemption.
6.08.030	Vaccination Required.
6.08.040	Dog and Cat Registration.
6.08.050	Pet Registration --Agents--Reimbursement.
6.08.060	Tag--Collar.
6.08.070	Number of Dogs/Cats.
6.08.080	Multiple Animal Permit.
6.08.090	Commercial Kennel.
6.08.100	Removal of Excrement.
6.08.110	Rabies-Exposure.
6.08.120	Rabies-Emergency Control.
6.08.130	Contagious Disease.
6.08.140	Animals Running at Large.
6.08.150	Nuisance Animal.
6.08.160	Dangerous Animal.
6.08.170	Impounded Animals--Redemption--Disposition.
6.08.180	Adoption of Animals.
6.08.190	Disposal Fee--Dogs and Cats.
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6.08.230	Duty of Driver Upon Striking a Pet-Animal.
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6.08.270	Animal Control Officer--Duties.

6.08.280	Animal Control Officer--Investigative authority.
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6.08.300	Copies of Regulations.
6.08.310	Violation – Other Penalties.
6.08.320	Persons Responsible for Violation—Transfer of Registration

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

- A. "Adequate shelter" means a structure designed specifically to shelter an animal, with a roof and three sides free of leaks or openings to the wind and rain, and a fourth side allowing access that is protected from the elements. The structure must be physically located in a dry area allowing the animal dry keeping and access outside the structure to dry ground that is mud free.
- B. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic including but not limited to all livestock and any domestic pet.
- C. "Animal Control Officer" means any person charged with the duty of enforcement of the City's animal control ordinances. Animal Control Officers shall be peace officers for the limited purpose of animal control. (Ord. 2656, 1992).
- D. "Animal Shelter" means any premise provided for impounding and caring for dogs and other animals. (Ord. 2656, 1992).
- E. "Animal Control Agency" means the agency designated by the City to administer and enforce this Ordinance, the animal shelter and animal control services;
- F. "At large" means off the premises of the owner and not under the immediate, continuous and effective control of its owner or some other competent person.
- G. "Collar" means a restraining or identifying band of leather, metal, nylon, or plastic placed around the neck of an animal.
- H. "Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of animals, exclusive of medical or surgical care, or for quarantine purposes.
- I. "Dangerous Animal" means any animal that:
 1. Has inflicted bodily injury upon or has caused the death of a person or domestic animal; and/or
 2. Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or domestic animal, including but not limited to the following behaviors;
 - a. Attacked, without provocation, requiring defensive action by any person to prevent bodily injury and/or property damage in a place where such person is conducting himself peaceably and lawfully;
 - b. Attacked, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
 - c. Without provocation, exhibits behavior constituting a physical threat of bodily harm to a person in a place where such person is conducting himself peaceably and lawfully;
 - d. Attacked, without provocation, resulting in injury or death to other animals unless the other animal is trespassing on the attacking animal owner's

property, or injuring or attempting to injure the person, family or property of the owner.

3. Has engaged in or been trained for animal fighting.
- J. "Hybrid animal" means an animal resulting from the crossbreeding between two different species of animals. These may include, but are not limited to, crosses between wild animal species such as lions, tigers, and wolves. For the purpose of this chapter, a hybrid animal will be considered a wild animal.
- K. "Leash" means a cord, rope, chain, or strap attached to the collar or harness of an animal, and used to lead it or hold it in check.
- L. "License Certificate" for the purpose of this chapter means a certificate issued to an individual who intends to keep or maintain a wild animal on their premises but is not a business.
- M. "Licensing authority" means any designated representative of the City or Animal Control Agency charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.
- N. "Livestock" means cattle, sheep, swine, poultry, ostriches, emus, goats, horses, mules and llamas.
- O. "Microchip Implant" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification.
- P. "Multiple Animal Permit" means a permit authorizing a household, individual or family unit to keep, harbor or maintain more than the limited number of dogs and cats permitted by this Chapter.
- Q. "Owner" means any person owning or harboring a dog or other animal, who is presumed to be the adult head of the household owning or harboring an animal.
- R. "Pet animal" means any animal sold or kept for the purpose of being kept or domesticated as a household pet. Pet animal includes but is not limited to dogs, cats, birds, rabbits, ferrets, hamsters, guinea pigs, gerbils, rats, mice, non-poisonous arachnids, non-poisonous insects, non-venomous snakes and fish.
- S. "Premises" means a building, group of buildings and/or contiguous parcels of land under the control of a single person and used for a single purpose. Continuous parcels of land separated by a public road are considered to be separate premises. Separate buildings and adjoining buildings in a group of buildings, which are directly accessible to the public and function independently from the others, are separate premises.
- T. "Secure enclosure" means a fence or structure designed to confine an animal in a humane manner.
- U. "Service Animal" means an animal that is individually trained to do work or perform tasks for the benefit of a person with a disability.
- V. "Tether" means a leash or similar device, attached to a well-fitted collar or harness of an animal, and of sufficient strength to restrain and control that animal to which it is attached.
- W. "Vaccination" means the inoculation of a dog, cat, ferret, or horse with anti-rabies vaccine administered under the direction of the public health officer by a licensed veterinarian or with any other vaccine approved by the public health officer and the state veterinarian. "Current vaccination" means the inoculation of a dog, cat, ferret or horse with anti-rabies vaccine. Animals vaccinated initially will receive a booster shot one year after the initial

vaccination and thereafter according to manufacturers' recommendations. (Ord. 2534 §2(Exh. B(part)), 1989).

- X. "Wild Animal" means any living vertebrate animal normally found in the wild state and for which there is no FDA approved anti-rabies vaccination

6.08.010 Conflict of Laws. In all instances where Montana State Law (as evidenced by the Montana Code Annotated, applicable case law or otherwise) mandates standards or requirements that conflict with the provisions of this Chapter, Montana State law shall govern and the same shall be incorporated by this reference as a part of this Chapter. For purposes of this Chapter, a conflict shall exist where, upon a particular matter, Montana Law addresses the matter in a manner that is more strict than the provisions of this Chapter, where the provision of Montana Law are specifically referenced in this Chapter as providing for criminal penalties or where a matter is addressed by Montana Law that is not addressed by this Chapter. In these two situations, Montana Law shall control. In situations where this Chapter addresses a matter in a manner that is stricter than that of Montana Law, the provisions of this Chapter shall control.

6.08.020 Canine Unit Exemption. Trained police dogs utilized by an official law enforcement agency as assigned to a sworn peace officer as part of a canine team/unit shall be exempt from all provisions of this chapter.

6.08.030 Vaccination Required. It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret or horse over six months of age unless it has had a current vaccination, as defined in Section 6.08.005. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.040 Dog and Cat Registration.

A. Any person keeping or harboring any dog over twelve weeks of age must register such animal as provided for in this section. A keeper of a domestic cat over eight weeks of age must register such cat by paying a registration fee as established in this section.

B. Registrations shall be issued by duly appointed registration agents upon payment of a registration fee. Registration fees shall be set during an open meeting of the Animal Control Agency.

C. Registrations for service animals and governmental police dogs shall be furnished without charge.

D. Registrations shall not be issued to any person under the age of eighteen years unless a parent or guardian signs the application as co-owner. The provisions of this section shall not apply to nonresidents having animals under restraint within the City less than sixty days.

E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$250. (Ord. 2534 §(Exh. B(part)), 1989).

6.08.050 Pet Registration--Agents--Reimbursement. Registration agents shall receive partial reimbursement at a level to be determined during an open meeting of the Animal Control Agency. A copy of the Animal Control Agency's action related to reimbursement rates shall be available to anyone who requests it at the Animal Shelter. (Ord. 2656, 1992).

6.08.060 Tag--Collar.

A. Upon receipt of a proper application and the pet registration fee, the registration agent shall issue to the applicant a pet registration certificate and metallic tag. The tag shall have stamped thereon a number to correspond with the number of the certificate issued to the applicant.

B. Every owner is required to provide each dog or cat with a substantial collar or harness, to which the registration tag or other identification tag shall be affixed at all times. In the event a registration tag is lost or destroyed, another tag shall be issued by the Animal Control Agency upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the pet registration fee for the current year, and the payment of a fee for such duplicate. No refunds shall be made on any pet registration fee because of the death of the pet or the owner leaving the City before the expiration of the registration period.

C. Any pet animal found off the owner's premises without a registration tag shall be deemed to be not registered, even though a registration has been issued for such animal. Pet registration tags are not transferable from one animal to another and any animal found with a registration tag issued for another pet animal shall be deemed to be not registered.

D. It is unlawful for any person to cause or permit a pet registration tag to be placed upon an animal for which it was not issued.

E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$250. (Ord. 2573, 1990: Ord. 2534 §2(Exh. B(part)), 1989).

6.08.070 Number of Dogs/Cats.

A. It is unlawful for any person, persons, or family to keep, harbor or maintain in or on the same premises a total of more two (2) dogs over twelve weeks of age and two (2) cats over eight (8) weeks of age without first obtaining a multiple animal permit as provided in Section 6.08.080. (Ord. 2534 §2(Exh. B(part)), 1989).

B. Owners of rental properties can establish policies that may place further restrictions on the number of animals allowed on their properties.

C. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500.00 and may also be subject to the other penalties specified in 6.08.310.

6.08.080 Multiple-Animal Permit. A multiple animal permit is required for any person, family, or household owning or harboring any more than the number of dogs and cats permitted by Section 6.08.070 for more than thirty (30) days. Application for the permit shall be made with the Animal Control Agency. The intended facilities are subject to inspection by an Animal Control Officer. The permit shall be issued upon the following conditions:

A. All dogs must be registered;

B. Cats must be registered or micro-chipped;

C. There must be adequate shelter and secure enclosure for animals on the premises;

D. The owner uses suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard;

E. That in the investigating officer's opinion, the animals receive proper care, food, water, shelter and humane treatment;

F. The Animal Control Agency shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. The Animal Control Agency may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;

G. After receiving notification of the Animal Control Agency's approval, the applicant must pay the Animal Control Agency an application fee which shall be set at an open meeting of the Animal Control Agency;

H. All premises for which a multiple animal permit is issued may be subject to annual inspections by the Animal Control Officer. The inspections may also be instigated if a complaint is filed. The Animal Control Agency, on determining that such premises are not being maintained and/or the conditions of the permit are not met, may recommend a revocation or denial of the permit if it is deemed necessary. The permittee shall be given a 30 day written notice of the Animal Control Agency's recommendation/revocation/denial;

I. A permit authorized by the Animal Control Agency must contain the following information:

1. Name and address of the person to whom the permit is granted;
2. The number of dogs and cats for which the permit is granted; and
3. Any special conditions required by the Animal Control Agency.

J. If the holder of a Multiple-Animal permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within 30 days of moving. The Animal Control Agency will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence.

6.08.090 Commercial Kennel. A. A commercial kennel permit shall be required for any person, persons, or family who wish to engage in the boarding and/or breeding of dogs, cats, reptiles, or any other pet animal for compensation.

1. Inspection. The intended facilities must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.

2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.

3. Fee. The annual commercial kennel fee shall be established by the Animal Control Agency.

4. Zoning. Commercial kennels will be permitted only in areas of the City zoned for such usage as defined in Title 17 OCCGF. A zoning permit and safety inspection certificate must be obtained prior to applying for a commercial kennel license.

5. Renewals. Licenses must be renewed within sixty days of the expiration date or the application will be treated as a new application.

6. License Revocation. All kennel licenses will expire one year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensing or improperly operated kennels and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five days written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency. The licensing authority will then take action as required. (Ord. 2534 §2(Exh. B(part)), 1989).

B. Exclusions. No fee may be required of any veterinary hospital, animal shelter or government zoological park.

1. Separate Facilities. Every facility regulated by this section shall be considered a separate enterprise and shall have an individual license.

2. Penalty. Failure to obtain a license before opening any facility covered in this section shall result in a fine of \$500.

6.08.100 Removal of Excrement. A. It is unlawful for any person in control of an animal to cause or permit such animal to be on any property, public or private, not owned or possessed by such person, to fail to remove feces left by the animal. When accompanying the animal outside his or her property, the owner shall have on his or her person suitable means for the removal of such feces, which then must be placed in a double bag or fly proof container and then in an approved refuse container for sanitary removal. (see also OCCGF 8.32.310)

B. The provisions of Section A shall not apply to the ownership or use of seeing eye dogs by blind persons, dogs when used in law enforcement activities, or tracking dogs when used by or with the permission of the City.

C. The accumulation of animal feces on any private property is hereby declared a nuisance. Every person who is the owner or occupant of private property or the agent in charge of such property is charged with the duty of keeping such property free of any accumulation of feces.

D. "Accumulation" for purposes of this section shall mean:

(1) Any quantity that constitutes a hazard to the health, safety, or convenience of persons other than the owner of the animal; or

(2) Any quantity that interferes with the use or enjoyment of any neighboring property as the result of odors, visual blight, or attraction of insects or pests.

E. Each owner, occupant, or agent having charge of such property who is notified in accordance with the provisions set forth herein by the Animal Control Officer to remove such feces shall be charged with the duty of removing such feces and satisfactorily disposing of the same within 48 hours of the effective date/hour of the notice to do so.

F. Notice of violation shall set forth in writing the date of inspection, the address of the property found in violation and the fact that an accumulation of feces was observed. Notice may be served either personally by leaving a copy with an occupant of the premises, or by posting notice in a conspicuous place upon the property.

G. If the premises where an accumulation of feces is found contains only a single-family dwelling, then notice shall be directed to the occupant of such premises whether such occupant be the owner or leasee. If the premises where the accumulation of feces is found contains more than one dwelling unit, then notice shall be directed to the record owner of such premises or the agent in charge of the premises.

H. Any owner, occupant or agent in charge of such property who violates this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in 6.08.310.

6.08.110 Rabies--Exposure. A. Every pet animal, dog, cat or ferret which has been bitten by, or exposed to any animal suspected to have been infected with rabies shall be:

1. Revaccinated with an appropriate vaccine and released if the animal has a current vaccination history. The animal must be kept under the owner's control and observed for 45 days. Any illness in the animal must be reported to the City/County Health Department.

2. Seized and taken up by the Animal Control Officer or any law enforcement officer and securely and separately impounded if the bitten animal has not been vaccinated or if the vaccination history is obscure. Seized animals shall be quarantined at a licensed veterinary hospital, at the owner's expense, within the City for a period of six months or euthanized and tested for rabies. It shall be the duty of the Animal Control Officer to notify the public health officer of every such animal impounded. If, after observation, such animal is adjudged free of rabies, the animal must then be vaccinated and held in quarantine for an additional ten days after which the owner may reclaim the animal upon payment of the regular keeping fees and upon compliance with registration requirements. In the event that the animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders of the public health officer in absolute discretion.

B. Any pet animal which bites or otherwise exposes a person or animal to rabies shall:

1. If not currently vaccinated be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten days after the day of exposure. The owner of such animal shall have twenty-four hours from the time of exposure to provide proof of current vaccination to the Animal Control authority or release the animal to a veterinarian for quarantine. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian 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.

2. If the animal is currently vaccinated the animal may at the discretion of the Animal Control authority 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 the Animal Control authority and shall remain at a veterinary hospital for the remainder of the quarantine period at the owner's expense.

3. If the animal is a stray and no owner is identified within seventy-two hours, the animal shall be euthanized and tested for rabies.

4. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies. (Ord. 2534 §2(Exh. B(part)), 1989).

C. Any hybrid-type animal or any other animal other than those included in Item A of this section which bites or otherwise exposes a person or animal to rabies shall, at the discretion of the City/County Health Department, be quarantined or destroyed and tested for rabies:

1. If the animal is quarantined, the animal shall be placed at a veterinarian hospital at the owner's expense for a period of at least ten days after the day of exposure. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense.

2. If the animal is a stray and no owner is identified within twenty-four hours, the animal may be euthanized and tested for rabies.

3. The aforesaid procedure shall be suspended on order of the City/County Health Department where an animal exhibits symptoms of rabies.

D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and may also be subject to the other penalties specified in 6.08.310. (Ord. 2534 §2(Exh. B(part)),1989).

6.08.120 Rabies--Emergency Control. Upon the positive diagnosis of rabies infection of any animal in the City, the public health officer shall notify the City Manager, or designee, who may issue a citywide quarantine order providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as it deems necessary or expedient for the protection of the public. All orders issued by the City Manager, or designee, under this section shall have the same force and effect as any City law. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.130 Contagious Disease. Upon the positive diagnosis of a contagious communicable disease in any animal in the City, the diagnosing veterinarian shall notify the City County Health Department Director, or designee, who may issue a city-wide alert. Any animal displaying symptoms of the disease must be quarantined and confined either upon the premises of the owner or at a licensed veterinary hospital. The location of quarantine shall be determined by the Animal Control authority. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.140 Animals Running at Large.

A. It is unlawful for any person who owns or harbors a cat or dog, or the parents or guardians of a person under the age of eighteen, to allow such animal to run at large within the corporate limits of the City. All animals not confined within a secure enclosure (as defined in Section 6.08.005) shall be kept on a leash (as defined in Section 6.08.005) not more than ten feet long. Cats are not required to be on a leash, but they must be confined to the owner's property or be under the physical control of the owner. Any animal which has been duly and properly trained and registered as a service animal as described in Section 6.08.005 is exempt from this section

1. When a chain, rope, or other restraint is used to tether an animal, it shall be so placed or attached that it cannot become tangled with the chain of any other animal or with any other object, and will permit the animal to move freely and make all normal body movements in a comfortable, normal position. It shall be affixed by means of a well-fitted collar, and shall be at least 10 feet in length and shall allow the animal convenient access to food, water, and shelter adequate to protect the animal from the elements. Such tethering shall be located so as not to allow the animal to trespass on public or private property, nor in such a manner as to cause harm or danger to persons or animals.

B. It is unlawful for any firm, person or corporation owning or having control of any goats, cattle, swine, or sheep to keep the same within the corporate limits of the City, except to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner or person in charge thereof at such place as directed by the Chief of Police. It is unlawful to keep livestock, as defined in Section 6.08.005, within the corporate limits of the City with the exception of suburban districts, as defined in Title 17. In suburban districts livestock must be kept within fences or secured in such a manner which prevents them from running at large. Veterinarian's premises are exempt from this provision.

C. It is unlawful to allow livestock to run at large within the corporate limits at any time.

D. It is unlawful for an owner or keeper of any fowl or rabbits to permit them to run at large upon any street, alley, avenue, boulevard or public park or to trespass upon the premises of another person within the City; except, that such animals owned and/or maintained by the City in the City parks are exempt from this provision.

E. Any person may take up any animal running at large in the City, or tethered therein contrary to the provisions of this chapter, and take the animal to the Animal Control Officer. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery. (Ord. 2534 §2(Exh. B(part)),1989).

F. 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 shall be impounded.

G. It is unlawful for any person to open gates or doors or otherwise cause or permit any animal to escape confinement against the wishes of the owner. (Ord. 2534 §2(Exh. B(part)), 1989).

H. It is unlawful for any person to break open, or in any manner directly or indirectly, aid or assist in, or counsel or advise the breaking open of the Animal Shelter.

I. It is unlawful for any person to hinder, delay or obstruct any person while engaged in taking to the Animal Shelter any animal liable to be impounded under the provisions of this chapter. (Ord. 2534 §2(Exh. B(part)), 1989).

J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500. If the animal is unaltered the minimum fine shall be \$200.00.

6.08.150 Nuisance Animal. Any person owning or harboring an animal shall ensure it does not engage in any of the following nuisance behavior:

A. Animal Noise.

1. No person shall allow an animal to bark, howl, or make sounds common to its species in excess, taken to be continuous noise for a period of fifteen (15) or more minutes or intermittent noise for a period of thirty (30) or more minutes, although animal control may investigate any complaint in its sole discretion. Evidence of violation of this section can be served by any of the following:

- a. Written affirmation from at least two persons having separate residences within a one-block area; and/or
- b. Videotapes and/or written documentation (such as barking logs); and/or
- c. Dates, times, and duration of nuisance animal noise as documented by an Animal Control Officer on the scene.

2. The reasonable man standard shall be applied in all cases. "Reasonable man" is defined as the normal healthy person of ordinary habits and sensibilities who is entitled to enjoy ordinary comfort of human existence and not the extra-sensitive or fastidious person or the hardened individual inured to such irritation or annoyance. (Ord. 2534 §2(Exh. B(part)), 1989).

B. Nuisance Behavior.

1. Persons who own or harbor an animal must prevent such animal from engaging in any of the following acts:

- a. Chasing vehicles or bicycles in public streets, ways, or parks;
- b. Stealing or causing damage to private or public property;
- c. Chasing persons who are not at the time trespassing on the property of the owner, nor injuring or attempting to injure the owner, his family or property;
- d. Rummaging through or scattering garbage or rubbish;
- e. Defecating on land over which the person does not have the right to possession, without cleaning up and disposing of the waste immediately;

f. Being inside a public area which is designated as prohibiting animals. Any animal which has been duly and properly trained and registered as a service animal as described in Section 6.08.005 may be allowed in such an area when acting in that capacity.

C. Female in Estrus. Any person owning, possessing or harboring any female animal in heat (estrus) must keep such female animal in a secure and enclosed area not accessible to male animals running at large.

D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and may also be subject to the other penalties specified in 6.08.310. In addition if the animal is unaltered the minimum fine shall be \$200.00.

6.08.160. Dangerous Animal. It is unlawful for any person to own or harbor a dangerous animal as defined in Section 6.08.005.

A. Any dangerous animal may be immediately taken up and impounded by the Animal Control Officer. Upon a second or subsequent conviction under this chapter or in a single instance where the facts indicate that such action is necessary for the safety of the citizens of this community or their property, the dangerous animal shall be seized by an Animal Control Officer. A court hearing will then determine if the animal is to be euthanized or permanently removed from the City.

B. Lawful Presence. For the purposes of this section, a person is peaceably and lawfully upon the private property of an 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 person may protect their pets, their property, their person, or the person of any other human being by reasonable force against the dangerous animal.

D. Impounded animals may be redeemed by the owner after compliance with all registration and vaccination requirements if the animal is not being held for a court hearing. If the owner wishes to appeal the seizure of the animal the owner may file a petition in Court for the return of the animal.

E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a minimum fine of \$300 and a maximum fine of \$1,000. If a person has purposely, knowingly or negligently violated this section, up to 12 months in jail may be imposed. The person may also be subject to the other penalties specified in 6.08.310. In addition if the animal is unaltered, the minimum fine shall be \$500.00.

6.08.170 Impounded Animals--Redemption--Disposition. A. The owner of any pet animal which has been impounded, upon proving ownership thereof, may redeem the pet from the Animal Control Agency upon payment of the following:

1. Registration fee (for unregistered pet animals); and
2. An impound fee established by the Animal Control Agency for each day that the animal has been held in the Animal Shelter; and
3. A fee for rabies vaccination if the pet is not vaccinated; and
4. Any veterinary fees incurred.

B. If any unregistered dog or other animal is impounded, the owner shall redeem it within seventy-two hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Control Agency as provided in this chapter. If such impounded animal has a registration tag or microchip, the animal will be held for 96 hours (Sundays and holidays excluded) before being

subject to adoption or disposal. In addition, the Animal Control Officer will attempt to contact the owner by phone and/or in writing. If the animal carries a designation as a service animal together with the phone number or address of the owner, the Animal Control Officer will make an attempt to return the animal. The Animal Control Officer may issue a citation to the person redeeming an impounded animal for violation of any provision of this chapter.

C. The owner of any animal other than a pet animal (dog or cat) which has been impounded, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions and payment of the following:

1. The animal is legally allowed within the incorporated limits;
2. Proof of compliance that the animal has all required Federal, State or Local permits.
3. An impound fee established by the Animal Control Agency for each day, or part thereof, that the animal has been held in the Animal Shelter; and
4. Any veterinary fees incurred. (Ord. 2534 §2(Exh. B(part)), 1989).

D. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and may also be subject to the other penalties specified in 6.08.310.

6.08.180 Adoption of Animals. If an animal is not redeemed by the owner within the prescribed time limit, the owner thereof forfeits all right, title and interest therein, and the Animal Control Agency may offer the same for sale to the public.

A. A person may adopt an animal pursuant to the requirements set by the Animal Control Agency.

B. It is unlawful for any person to adopt an animal from the animal shelter and fail to comply with the stipulations in the adoption contract. Such violation may result in forfeiture of the animal and a fine of up to \$500.

C. No animal suffering from an infectious disease will be released unless the public health officer shall so order. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.190 Disposal Fee-Dogs and Cats. A. The Animal Control Agency will dispose of dead dogs or dead cats for a fee to be established by the Animal Control Agency if the animal is transported to the Animal Shelter by the owner.

B. A surrender fee will be established by the Animal Control Agency and charged to an owner who is a resident of the City for unwanted animals brought to the Animal Shelter.

C. A surrender fee will be established by the Animal Control Agency and charged to non-residents (except those covered by a contract) for unwanted animals brought to the Animal Shelter. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.200 Cruelty to Animals. Please refer to Montana Code §45-8-211.

6.08.210 Provoking Animals. It is unlawful for any person to provoke, tease or in any way disturb a dog or other animal with the intent to harass the dog or other animal, cause it to bark, or attack any person (or other animal). Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and/or up to six months in jail. (Ord.2534 §2(Exh. B(part)), 1989).

6.08.220 Abandonment. It is unlawful for any person to abandon any animal within the City. Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and shall bear all expenses incurred by the Animal Control Agency in caring for said animal and shall reimburse the Animal Control Agency all said costs as determined by the Animal Control Agency. (Ord. 2534 §2(Exh. B (part), 1989; Ord. 2656, 1992).

6.08.230 Duty of Driver Upon Striking a Pet-Animal. Every operator of a self-propelled vehicle upon the ways of this State open to the public shall immediately upon injuring or striking a pet-animal shall give aid to such animal or immediately notify the Animal Control Officer or police officer, furnishing sufficient facts relative to such injury. Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of \$500. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.240 Wild Animals. A. It is unlawful for any person to allow a wild animal in their possession to be in or upon any public place, including but not limited to public parks and public buildings.

B. It is unlawful for any person to keep or maintain, or cause to be kept or maintained, any wild animal without first applying for and receiving a License Certificate from the Animal Control Agency. Any animal(s) illegally possessed may be immediately seized by Animal Control with all costs of seizure charged to the person in possession of the wild animal.

C. The Animal Control Agency shall set written policies as to what animals are exempted from licensing; however no License Certificate may be issued where the purpose is to breed wild animals. "Game farms" as defined in Montana Code Annotated 87-4-406 are not permitted in the City.

D. The provisions of this section shall not prohibit the keeping or maintaining of animals under the following conditions:

1. Any wild animals which are kept confined in publicly funded zoos, museums, or any other place approved by the Police Department where they are kept as live specimens for the public to view;

2. Any wild animals which are kept confined and placed on exhibit in a circus, carnival, fairground or a sponsored academic exhibit.

3. Wild animals in bona fide, licensed veterinary hospitals for treatment. (Ord. 2534 §2(Exh. B(part)), 1989).

4. Any wild animals placed on exhibit by a commercial business possessing a Safety Inspection Certificate for wild animals. All applicable Federal, State, and Local permits must be obtained prior to bringing the wild animals into the City. (Ord. 2705; 1996)

E. Any person violating this section is guilty of a misdemeanor punishable by a maximum fine of \$500.00.

6.08.250 Wild Animals—License Certificate.

A. A Wild Animal License Certificate shall be required for any person, persons, or family who wish to keep or harbor a wild animal. The Animal Control Agency shall issue License Certificates based upon the following:

1. Inspection. The intended location must be inspected by an Animal Control Officer, such inspection to include the physical facilities as well as the effect on the neighborhood.

2. Recommendation. Following the inspection, the Animal Control Officer will recommend to the licensing authority either approval or disapproval of the application.

3. Fee. The annual License Certificate fee shall be established by the Animal Control Agency.

4. Consent. Anyone wishing to harbor wild animals must obtain the written consent of at least seventy-five percent of the adjoining neighbors within two hundred feet east and west and one hundred fifty feet north and south, excluding public right-of-way.

5. Renewals. Licenses must be renewed within sixty days of the expiration date or the application will be treated as a new application.

6. License Revocation. All License Certificates will expire one year from the date of issuance unless sooner revoked. The Animal Control Officer will investigate all complaints concerning licensing or complaints related to the wild animal and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five days written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency. The licensing authority will then take action as required. (Ord. 2534 §2(Exh. B(part)), 1989).

B. Exclusions. No fee may be required of any veterinary hospital, animal shelter or government zoological park.

C. Penalty. Failure to obtain a license before harboring any wild animal shall result in a maximum fine of \$500.

6.08.260 Steel Jaw Traps or Snares. It is unlawful for any person to set any steel jaw traps or snares within the City limits of Great Falls. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a minimum fine of \$300 and a maximum fine of \$1,000 and/or up to six months in jail. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.270 Animal Control Officer--Duties. In addition to the duties and powers of the Animal Control Officer otherwise prescribed, the officer shall:

A. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of their duties. These records shall be public records and available for viewing at the Animal Control Agency.

B. Carry out and enforce all of the provisions of this chapter and amendments thereto.

C. Enforce the licensing and control of all animals in the City as provided in this chapter.

D. Seize and take up all animals violating the terms of this chapter and maintain the same in a suitable and humane manner at the Animal Shelter.

E. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.

F. Be empowered to pursue upon private property any animal violating any provision of this chapter in their presence or when acting under a court order, warrant, affidavit of a dangerous animal, or when attempting to seize any animal suspected of having been exposed to rabies.

G. File complaints in the Municipal Court for violations of this chapter and attend and testify in court when required.

H. Make a timely notification to the City/County Health Department regarding bite reports submitted to Animal Control.

I. Maintain regular hours as assigned during which the Animal Shelter shall be open and post the hours in a conspicuous place at the Animal Shelter. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.280 Animal Control Officer--Investigative Authority. A. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the Animal Control Officer or any Police Officer is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored the exhibition of such dog or other animal and the registrations and permits for such dog and/or other animals. The Animal Control Officer may make such a demand at the premises where any animal is kept in a reportedly cruel or inhumane manner and examine such animal and take possession of the animal, when it requires humane treatment.

B. For the purposes of investigating complaints of unsanitary conditions and/or inhumane treatment of animals, Animal Control Officers shall have the right to inspect any premises where animals are kept at any reasonable time. This includes removing animals from vehicles if the animal's health is endangered by such confinement in hot or cold weather.

C. On refusal of entry, the Animal Control Officer may obtain a search warrant. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.290 Animal Control Officer--Interference Prohibited. A. It is unlawful for any person to hinder or interfere with the Animal Control Officer or any police officer in the performance of any duty or power imposed on by this chapter, or to release, or attempt to release, any animal in the custody of the Animal Control Officer, except as provided in this chapter. (Ord. 2534 §2(Exh. B(part)), 1989).

B. It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set for the purpose of capturing dogs, cats, or any other animals or wildlife that may be deemed at large or a public nuisance.

C. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of \$500 and/or 6 months jail and may also be subject to the other penalties specified in 6.08.310.

6.08.300 Copies of Regulations. An abbreviated copy of City code applicable to the control of animals shall be available to all persons adopting or reclaiming an animal. A complete copy of Title 6, Chapter 6.08 shall be available at a prescribed charge from the Animal Control Agency. (Ord. 2534 §2(Exh. B(part)), 1989).

6.08.310 Violation—Other Penalties. In addition to any penalties specified in this Chapter, the Court in its discretion may Order any of the following conditions;

A. The Court may order relinquishment of an animal(s) deemed to be a public safety risk and/or a repetitive nuisance that has not been abated or an animal that is a victim of cruelty, neglect, or abandonment to the Animal Shelter for disposition.

B. Upon finding of violation under sections pertaining to animal fighting, a dangerous animal jeopardizing public safety, and animal cruelty or neglect (including provoking, poisoning, abandonment of an animal), the court may order no animal ownership for a determinate period.

C. Violations of this chapter may result in immediate impoundment of the animal(s).

D. Violation of any provision of this chapter may result in revocation of any license(s) or permit(s).

E. The Court may in its discretion order any animals on the premises be spayed or neutered.

6.08.320 Persons Responsible for Violation—Transfer of Registration. In all prosecutions for violations of this chapter, the person who applied for and obtained the registration for the pet animal in question shall be deemed the person responsible for the violation unless there has been a transfer of ownership prior to the violation. In the event the pet animal is not registered, then the person deemed responsible for the violation is the person who owns, maintains or harbors the animal. Any transfer of ownership must be evidenced by a new registration issued by the licensing authority. (Ord. 2534 §2(Exh. B(part)), 1989).