

ORDINANCE NUMBER 526

AN ORDINANCE REPEALING ORDINANCES NO. 414, 417, 442, 444, 487, AND ALL OTHER ORDINANCES REGARDING ANIMALS AND ESTABLISHING NEW RULES AND REGULATIONS REGARDING ANIMALS AND PROVIDING PENALTIES FOR VIOLATIONS AND REPLACING TITLE 7 OF THE CHINOOK CITY MUNICIPAL CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHINOOK, MONTANA:

Section 1: Ordinance No. 414, passed and adopted in 1988, is repealed.

Section 2: Ordinance No. 417, passed and adopted in 1989, is repealed.

Section 3: Ordinance No. 442, passed and adopted in 1992, is repealed.

Section 4: Ordinance No. 444, passed and adopted in 1992, is repealed.

Section 5: Ordinance No. 487, passed and adopted in 2001, is repealed.

Section 6: Title 7 of the Chinook Municipal Code shall read in its entirety as follows:

Title 7

ANIMALS

Chapters:

7.04. Dogs and Cats

Chapter 7.04

DOGS AND CATS

Sections:

| | |
|----------|--------------------------------------|
| 7.04.010 | Definitions |
| 7.04.020 | License requirements |
| 7.04.030 | License fee - late licensing penalty |
| 7.04.040 | Licenses |
| 7.04.050 | Owner's duties |
| 7.04.060 | Dogs - running at large prohibited |

| | |
|----------|---|
| 7.04.070 | Cats - running at large |
| 7.04.080 | Rabid animal |
| 7.04.090 | Dangerous animal |
| 7.04.100 | Problem animal |
| 7.04.110 | Nuisance animal |
| 7.04.120 | Repeat offenders |
| 7.04.130 | Animal shelter - animal control officer |
| 7.04.140 | Impoundment - notice - release |
| 7.04.150 | Violation - misdemeanor |
| 7.04.160 | Animal control fee schedule |

7.04.010 Definitions. As used in this chapter:

“Animal control officer” or “dog catcher” means any one or more employees of the city designated by the mayor. Police officers serve in addition to their regular duties as animal control officers.

“Animal shelter” means a place provided for the impoundment of dogs, cats, and other small animals.

“At large” or “running loose”, means off the premises of the owner and not under the control of the owner or other person, either by a leash, cord, chain or other physical means of control.

“Dog or cat” means a domesticated dog or cat.

“Owner” means any person owning, keeping, harboring, or possessing a dog, cat, or other small animal.

7.04.020 Licensing Requirements.

- A. No person shall keep, own, or have in their possession within the city, any dog or cat without first having obtained a license for the same as provided in this chapter.
- B. Licenses for dogs or cats shall be issued by the city clerk or other appointee upon completion of the following requirements:
 - 1. Provide information such as the age, breed, sex, color and other descriptive markings of dog or cat to be licensed, and the name, address and phone number of the owner;
 - 2. Document rabies vaccination through a certificate signed by a licensed veterinarian showing that the dog or cat is currently vaccinated against rabies.
 - 3. Payment of a licensing fee as provided in Section 7.04.030

- C. Dogs and cats older than six months of age shall be licensed on or before February 15th of each year. After this date, the owner shall license the animal within thirty days after becoming six months old or within thirty days in the case of an animal older than six months newly brought into the city.

7.07.030 License Fee – Late Licensing Penalty

- A. A license fee of five dollars (\$5.00) shall be paid for each neutered pet and a fee of thirty dollars (\$30.00) shall be paid for each non-neutered pet.
- B. Owners of dogs or cats who do not license their pets within the prescribed time as set forth in subsection C of Section 7.04.020, and who subsequently license such pets, shall be charged a late penalty of fifteen dollars (\$15.00) per neutered animal and thirty dollars (\$30.00) per non-neutered animal in addition to the license fee.

7.04.040 Licenses

- A. Licenses shall be of the metallic type, capable of being worn on a collar, and shall be worn on the collar of each licensed dog at all times.
- B. It is recommended, but not required, that a cat wear a license on its collar at all times.

7.04.050 Owner's Duty

It is declared to be the duty of every owner of any dog to know its whereabouts at all times.

7.04.060 Dogs – Running at Large Prohibited

- A. It is unlawful for any owner or person having custody or responsibility for the care of any dog to permit it to be at large within the city limits at any time, or to have it tethered or staked in such a manner as to go upon any street, sidewalk or crosswalk, or public grounds within the city.
- B. The owner of such animal shall be issued a citation for each violation and upon admission of guilt or conviction thereof in city court, shall be subject to a fine of thirty dollars (\$30.00) for the first offense, fifty dollars (\$50.00) for the second offense, and one hundred dollars (\$100.00) for each subsequent offense.
- C. Any animal running at large need not be impounded before the owner is cited for a violation of this section.

7.04.070 Cats – Running at Large

- A. A cat is not restricted from running at large unless determined to be a public nuisance by the animal control officer or member of the police department, following an investigation into a formal complaint against any such cat.

- B. If a cat is determined to be a nuisance animal, it is prohibited from running at large and the owner is subject to the same fines and provisions as outlined in subsections B and C of section 7.04.060.

7.04.080 Rabid Animal

- A. Any rabid or clinically suspected rabid animal must be handled in accordance with the laws of the state as set forth in the Administrative Rules of Montana or Montana Code as such may be amended from time to time.
- B. No person shall knowingly keep or harbor any animal infected with rabies or any animal known to have been bitten by a rabid animal. No person shall knowingly fail to report to the police or to the health officer the existence of an animal which the person knows to be so infected or exposed to such infection.
- C. The penalty for violating any part of Section 7.04.080 is set forth herein in Section 7.04.150.

7.04.090 Dangerous animal.

- A. A dangerous animal is one that:
 - 1. Maliciously bites any human being, inflicting serious bodily injury or harm.
 - 2. Aggressively attacks any human being with the apparent intent to do serious harm or injury; or
 - 3. Shows overly aggressive and uncontrollable behavior consistent with an animal that would seriously injure any human being.
- B. Any animal charged with being dangerous through the city court shall be placed under strict confinement until a verdict is reached. The owner may, at the owner's expense, have the dog impounded at the city shelter until a verdict is reached. At no time shall a charged animal be removed from confinement unless it is under the direct physical control of the owner or person responsible for the animal.
- C. Any animal found to be dangerous as described in subsection A of this section by the city court shall be impounded in the city shelter and humanely destroyed by a licensed veterinarian. The dangerous animal's owner shall be subject to the penalty set forth in Section 7.04.150.
- D. Exempt status. No animal may be found to be a dangerous animal when the victim was causing injury to person or damage to property, or when it is determined by the city court judge or jury that the degree of provocation of the animal by the victim justified such a response from the animal.

7.04.100 Problem animal.

- A. A problem animal is one that:
1. Bites or viciously attacks any other animal;
 2. Nips, seizes, or bites any human being without provocation, causing only minimal harm; or
 3. Harasses any human being or other animal without provocation, but lacks the apparent intent or commitment to inflict serious injury.
- B. Any animal charged with being a problem animal shall be impounded at the city shelter or placed under confinement by the owner until a verdict is reached.
- C. If convicted, the owner of such animal shall be required to confine their pet indoors or in an enclosed pen or kennel, or leashed in such a manner as to prevent contact with any person or animal. The owner of such an animal will also be subject to a fine of not less than fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.
- D. Repeat offenders are those problem animals convicted of more than two violations described in subsection A of this section during the life of the animal. See Section 7.04.120 for provisions dealing with repeat offenders.

7.04.110 Nuisance Animals

- A. A nuisance animal is one that:
1. Frequently frightens, annoys, barks at, or chases any person or vehicle;
 2. If a female dog or cat is in heat (i.e., in the estrous period) and not continually confined in a house, garage or other enclosed area or under direct supervision by its owner. (The confinement shall prevent the female from contact with a male except for planned breeding);
 3. By loud and frequent yelping, barking, meowing or howling, annoys any person;
 4. Damages any property not the property of its owner;
 5. Is an unclaimed or stray animal;
 6. Causes any offensive odor through the accumulation of excrement or other wastes or by any other means which attracts vermin or creates a hazard or danger to the health or welfare of any person; or
 7. Deposits excrement on property other than that of its owner unless such excrement is immediately picked up and properly disposed of by the animal's owner or caretaker.
- B. The owner of an animal judged to be a nuisance animal is subject to the fines outlined in subsection B of section 7.04.060.

- C. Repeat offenders are those nuisance animals convicted of more than three violations described in subsection A of this section during a one-year period.

7.04.120 Repeat Offenders

- A. If an animal has been found to be a repeat offender for violations of Section 7.04.100 or 7.04.110, the city court judge may, upon the determination that the safety of any human being or other animal is at risk or the comfortable enjoyment of life or property by a considerable number of persons is persistently interfered with, order the animal removed permanently from the city limits.
- B. If the owner fails to make arrangements to remove the animal from the city limits within three days after the order to remove, it shall be impounded and deemed an unclaimed animal under subsection A of section 7.04.140.

7.04.130 Animal shelter – Animal control officer

The city shall provide for an animal shelter or pound for the city in the enforcement of this chapter. The city animal shelter shall be any premises designated by the mayor for the humane boarding and caring for any animal impounded under the provisions of this chapter, which will be enforced by an animal control officer or member of the police department. The animal control officer shall be appointed by the mayor and receive such compensation and perform such duties as the city council may direct. All city officers shall be authorized to issue, sign and serve summonses, complaints and citations and to make all determinations within their discretion in compliance with the provisions of this chapter.

7.04.140 Impounded – Notice – Release

- A. Length of Impoundment. Any animal not in compliance with this chapter may be taken into custody by the animal control officer or member of the police department and impounded in the animal shelter in a humane manner for a period of not more than three days. Dogs or other animals not claimed after three days (“three days” shall be defined as seventy-two hours) become the property of the city and shall be disposed of. Any animal may be reclaimed only after provisions in subsection C of this section have been met.
- B. Notice. The animal control officer shall make every reasonable effort to identify and notify the owner of the impounded animal. The police department shall maintain a record of all violations of this chapter.
- C. Payment of Fees Prior to Animal’s Release. Any impounded animal, other than a dangerous animal or a repeat offender under 7.04.120, may be redeemed by the owner upon payment of the boarding fees and other veterinary charges, if any, along with other costs actually incurred by the animal shelter or vet clinic in the care of the animal.

- D. The animal shelter has the option of adopting out an unclaimed animal after the three-day impoundment period. Any additional expenses incurred after the initial three days must not be billed to the city. If the animal is adopted, the adopting party shall be required to pay the three-day boarding fee.

7.04.150 Violation - Misdemeanor

- A. Any person violating a provision of this title, for which no other penalty is provided, shall, upon conviction, be punished by a fine of not less than thirty dollars (\$30.00) and not more than one hundred dollars (\$100.00).
- B. The refusal to redeem any impounded animal by its owner shall not relieve the owner of the duty to pay all fines and assessed charges.
- C. Surrender of an animal by its owner to the animal control officer or member of the police department shall not relieve or render the owner immune from the decision of the court or from fees and fines that may result from a violation or violations of this chapter.

7.04.160 Animal control fee schedule.

After the effective date of the ordinance codified in this title, the fee schedule required herein shall be as follows:

| | |
|-----------------|---------|
| Animal license: | |
| Neutered: | \$ 5.00 |
| Not neutered: | \$30.00 |
| Late license: | |
| Neutered: | \$15.00 |
| Not neutered: | \$30.00 |
| Duplicate tag: | \$10.00 |