

Chapter 9

DOG AND CAT ORDINANCE no. 02-01

ANIMAL CONTROL: INTENDED TO ENSURE THE HEALTH AND SAFETY OF CITIZENS WITHIN THE INCORPORATED LIMITS OF THE TOWN OF BROADUS.

Section 1 – STATUTORY AUTHORITY:

Municipalities have authority to adopt ordinances as provided in Montana Code Annotated section 7-1-4123 to promote the general health and welfare and specifically to adopt animal licensing pursuant to Montana Code Annotated section 7-23-4102.

Section 2 – ADOPTION; AMENDMENT:

This section adopts a set of regulations for any person having in his or her possession any dog or cat, either male or female. Council Resolution may amend the fees and provisions within this ordinance.

Section 3 – DEFINITIONS:

Animal Control Officer: Means any one or more of the employees of the Town of Broadus designated by the Mayor and Town Council as such.

At Large: Means off the premises of the owner and not under immediate, continuous, and effective control of the owner or some other competent person.

License: Metallic type, capable of being worn of the collar of each licensed dog or cat.

Section 4 – LICENSE REQUIRED:

No person shall keep, own or have in his or her possession within the Town, whether on his premises or running at large, any dog or cat, either male or female, without first obtaining a license for the same as provided in this section. This requirement of current pet license also applies to dogs or cats temporarily kept within the limits of the town for a period of seven (7) days or longer. The provisions of MCA sections 7-23-101 through 7-23-105 shall apply within the Town.

License will be issued only upon proof of current rabies vaccination. Upon licensing; the Town Clerk shall record a description of the licensed dog or cat, the license/tag number, the owner's (keeper's) name, address of the owner, and expiration date of the current rabies vaccination.

The licensing period shall run from January 1 to December 31, each year, unless extended by the Town Council. All licenses shall be issued by February 15, each year or late fee of \$5.00 will be imposed. Dog license fee of \$5.00, Cat License fee of \$2.00, and replacement of lost tags for dogs or cats \$2.00.

Section 5 – RABIES VACCINATION REQUIRED:

Vaccination required: No pet license shall be issued until a certificate by licensed and accredited deputy state veterinarian stating that the dog or cat has been vaccinated and/or inoculated against rabies, and that the vaccination or inoculation will be reasonably effective for the period of the license to be issued, according to the usual standards of veterinary medicine. All dogs and cats that are within the Town limits for a period of twenty-four (24) continuous hours shall have been vaccinated and/or inoculated against rabies.

Production of Certificate: Any owner shall be required to produce, upon request by any law enforcement officer, a certificate of a licensed and accredited deputy state veterinarian that the dog or cat has been vaccinated and/or inoculated against rabies and that the vaccination or inoculation will be reasonably effective for the period of time that the dog or cat will be within the Town limits.

Section 6 – CONSTRAINTS REQUIRED:

It is hereby declared all dogs within the Town limits must be restrained by an adequate fence, be on a leash or be under direct control of the owner at all times. Dogs will not be permitted to run at large.

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

Section 7 - RUNNING AT LARGE:

No dog, licensed or unlicensed, shall be permitted to roam at large within the limits of the Town of Broadus. The owner of any dog found running at large will be cited for permitting a dog to be at large.

When observed by the Powder River County Sheriff's Department or an Employee of the Town of Broadus a dog to be at large, the dog shall be impounded, if possible, and the owner notified and issued a citation. The owner of any dog impounded by the Town for violation of this section shall be liable for impound fees and, if necessary, expenses for destroying the dog. The dog need not be impounded in order to cite a violation under this section.

Section 8 – VICIOUS:

- A. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- B. Any dog which attacks a human being or a domestic animal without provocation; or
- C. Any "pit bull terrier" which is defined as any Stafford shire bull terrier breed of dog or any mixed breed of dogs, which contains as an element of its breeding the breed of Stafford shire bull terrier or American Stafford shire bull terrier or American pit bull terrier breed of dog. Any "Rottweiler" or any mixed breed of dogs which contains as an element of its breeding the breed of Rottweiler. Will be considered vicious dogs and banned from residing in the Town of Broadus.

Any dog that makes an attack upon any person or domestic animal within the Town shall be deemed to be "vicious" and may be destroyed.

Any dog which makes an unprovoked attack upon any person or animal within the Town and causes bodily injury, shall be confined at the Town's confinement area for a period of 10 days or until such time as it can be determined if the dog or cat is rabid.

The owner/keeper of any dog violating this section shall be responsible for all confinement fees, destruction fees, medical expenses of the victim, and any other tests or expenses in determining the dog's state of health.

Section 9 – RABIES:

Any animal potentially exposed to rabies virus by a wild, carnivorous mammal or a bat that is not available for testing should be regarded as having been exposed to rabies. Unvaccinated dogs or cats exposed to a rabid animal should be euthanized immediately. If the owner is unwilling to have this done, the animal should be placed in strict isolation for 6 months and vaccinated 1 month before being released; the owner of said animal will be responsible for all charges incurred during the isolation period.

Dogs and cats with expired vaccinations need to be evaluated on a case-by-case basis. Dogs and cats that are currently vaccinated should be revaccinated immediately, kept under owner's control, and observed for 45 days.

Removal from Town: It shall be unlawful for any person knowing or suspecting a dog or cat has rabies to allow such dog or cat to be taken off his/her premises or beyond the limits of Town without the written permission of the Sheriff Department.

Duty to notify: Every owner or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the Sheriff Department who shall either remove the dog to the pound or summarily destroy it.

The Town of Broadus will refer to the Compendium of Animal Rabies Prevention and Control for any further information on how to handle rabies. The Compendium is reviewed annually and revised as necessary.

Section 10 – NUISANCE:

It shall be unlawful for any person having possession, ownership, or control of an animal to willfully or through willful neglect permit an animal to cause any nuisance as specified in this section.

- A. It is declared a nuisance for a dog to damage or destroy property or other pets, to chase after persons not trespassing on the property of the animal's owner, to defecate upon private property, to cause annoyance or disturbance to any person by prolonged or continuous howling, yelping, or barking, or by tipping over trash or garbage cans or cause debris to be deposited on a person's private property other than owner's property.
- B. It is declared a nuisance for a cat to damage or destroy property or other pets, to defecate upon private property, to cause annoyance or disturbance to any person by prolonged or continuous yowling, or by tipping over trash or garbage cans or cause debris to be deposited on a person's private property other than owner's property.
- C. To constitute a violation of a howling, yelping, or barking dog, a complaint must be signed by the person whom feels the dog is a nuisance.

Section 11 – IMPOUNDMENT OF CATS & DOGS:

All cats not bearing tags issued by the Town of Broadus shall be subject to impoundment by the Town of Broadus. Cost to the owner of the impoundment shall be calculated at the rate of \$10.00 per day. Powder River County Sheriff Department or any employee of the Town of Broadus may impound cats without tags.

The owner of any dog or cat impounded may redeem the animal after paying impound fees, license fees, if not already licensed and complies with vaccination requirements. No dog or cat shall be released from the impound area by anyone other than employees of the Town of Broadus.

If its owner within the prescribed time limit does not redeem the impounded dog or cat, someone other than its owner may adopt the dog or cat after licensing.

Section 12 – POWER TO DESTROY

Any dog found to be at large within the Town, or any dog, which does not have an owner, may be impounded by the Town in an area of confinement for a period of seventy-two (72) hours. Upon expiration of this time period, the Animal Control Officer may have the dog destroyed. All animals destroyed by provisions of this ordinance shall be destroyed in a humane manner. The Town Clerk shall keep a record of all animals destroyed.

All cats subject to the impoundment provisions of Section 11 above may also be destroyed at the option of the Town of Broadus. The destruction of any such impounded cat may occur no sooner than seventy-two (72) hours after the cat is taken into lawful custody.

Section 13 – PENALTIES FOR VIOLATIONS:

Violation of any section of this ordinance shall be a misdemeanor and punishable as follows:

- A. Impound fees (any section): \$10.00 per day
- B. Violation of Sections 4, 7, or 9:
 - 1st Offense – Fine in the amount of \$15.00 plus surcharge
 - 2nd Offense – Fine in the amount of \$30.00 plus surcharge
 - 3rd Offense – Fine in the amount of \$50.00 plus surcharge,
Up to a Two (2) day jail term may be imposed in addition to the fine.
 - 4th & Subsequent Offenses – Fine in the amount of \$200.00 plus surcharge,
Up to a six (6) month jail term may be imposed in addition to the fine.
- C. Violation of Section 8:
 - 1st Offense – Fine at least \$25.00, but not more than \$100.00 plus surcharge
 - 2nd Offense – Fine at least \$100.00, but not more than \$500.00 plus surcharge,
Up to a ~~two~~ (2) day jail term may be imposed in addition to the fine.
 - 3rd Offense – \$200.00 minimum fine, but not more than \$500.00 plus surcharge,
Up to a six (6) month jail term may be imposed in addition to the fine.

In addition to the fines set forth above, the City Judge may impose a surcharge, which shall be paid at the time of payment of the fine. The amount of such surcharge shall be \$20.00, but may be later amended pursuant to Montana Law.

Section 14 – ENFORCEMENT:

The Powder River County Sheriff's department and Animal Control officers are authorized to enforce and issue citations in accordance with the provisions of this ordinance.

Section 15 – EFFECT OF ADOPTION OF ORDINANCE:

This ordinance, when adopted, revokes, replaces, and supersedes all other ordinances, resolutions, policies, and representations of any kind made by the Town which are found to be in conflict with the terms and provisions of this ordinance.

Section 16 – SEVERABILITY:

Should any portion of this ordinance be found to be unconstitutional or in any way unenforceable, that portion of this ordinance shall be stricken and the remaining portions of this ordinance shall remain in full force and effect.

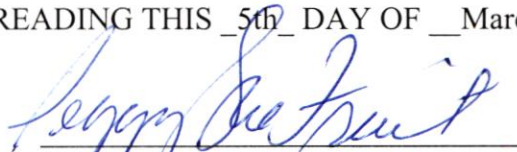
Section 17 – EFFECTIVE DATE:

This ordinance shall be effective 30 days after its passage on second reading.

READ, CONSIDERED, AND PASSED FIRST READING THIS 5th DAY OF March, 2002.



Milton L Amsden, Mayor

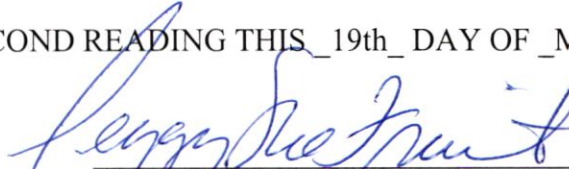


Attest

READ, CONSIDERED, AND PASSED SECOND READING THIS 19th DAY OF March, 2002.



Milton L Amsden, Mayor



Attest

