

✓ Dog Ordinance
Second Reading:

Commissioner Egan opened the meeting at 10:00 a.m. for the second reading of the Park City and Absarokee Dog Control Ordinance. Commissioner Egan read aloud the **Ordinance 2000-03**. Commissioner Blattie asked that statutory authority be included in the Ordinance. He also discussed changes to Section 1.010 Licensing # J. Commissioner Blattie **MOVED** to amend changes as discussed to the ordinance. Commissioner Bare **SECONDED**. Motion carried. Commissioner Blattie **MOVED** to amend Exhibit B, the north boundary to be the south fence of the interstate, but to include the Park City Park, north of the interstate and the cemetery south of town. Let it be of record that if dog complaints from the portion excluded in the boundary (north of interstate) that Exhibit B will be amended to include that area to the Ordinance. Commissioner Bare **SECONDED**. Motion carried. Commissioner Blattie **MOVED** to approve the second reading and adopt **Ordinance 2000-03** as amended. Commissioner Bare **SECONDED**. Motion carried. This Ordinance will be effective September 1, 2000.

Ordinance 2000-03
Page 1 of 14

STILLWATER COUNTY

ORDINANCE NO. 2000-03

AN ORDINANCE SUPERCEDING STILLWATER COUNTY
ORDINANCE NO. 90-1 (ABSAROKEE DOG CONTROL ORDINANCE)
AND ESTABLISHING A DOG CONTROL ORDINANCE FOR THE
COMMUNITY OF PARK CITY, STILLWATER COUNTY, MONTANA

WHEREAS, Title 7, Chapter 23 MCA provides for Local Government control of dogs; and

WHEREAS, Ordinance No. 90-1(Absarokee Dog Control Ordinance) has become ineffective and difficult to enforce; and,

WHEREAS, A petition was received by the Board of County Commissioners, Stillwater County to adopt an ordinance governing the control of dogs in the community of Park City; and,

WHEREAS, problems with dogs have increased in Park City and Absarokee; and,

WHEREAS, through a series of public meetings the residents of Park City and Absarokee have indicated a strong desire to have dogs subject to reasonable control; and,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, STILLWATER COUNTY, MONTANA THAT Ordinance No. 2000-03 be adopted, effective September 1, 2000.

ANIMAL CONTROL

Sections:

- 1.010 Licensing.
- 1.020 License issuance and revocation.
- 1.030 Animals running at large prohibited.
- 1.040 Vicious animals prohibited.
- 1.050 Impoundment and violation notices.
- 1.060 Public nuisance.
- 1.070 Cruelty to animals prohibited.
- 1.080 Rabid animals--Vaccinations.
- 1.090 Animal control officer.
- 1.100 Animal waste.
- 1.110 Enforcement.
- 1.120 Violation--Penalty.
- 1.130 Informal complaint.
- 1.140 Formal complaint.
- 1.150 Investigation.
- 1.160 Interference with officer.
- 1.170 Adoption of animal from shelter.

1.010 Licensing.

- A. It is unlawful for any person to own, keep, harbor, or have custody of any dog over the age of five (5) months within the designated areas controlled as shown in exhibits A (Absarokee) and B (Park City) without obtaining a license as herein provided; provided, however, that this

requirement shall not apply to a nonresident keeping a dog within the town limits for a period not in excess of thirty (30) days. This requirement shall not apply to any person establishing residency within the control area for a period of 30 days. A nonresident dog owner is subject to all other provisions of this ordinance.

1. If at anytime and at the sole discretion of the Board of County Commissioners, it is determined that the portion of the town of Park City lying north of Interstate 90 and south of the Big Ditch, west of highway 10 (exhibit C) should be included in the area covered by this ordinance, the dog control area shall immediately and without further notice be amended to include the above area.
- B. A written application for a license which shall include the name, street and post office box address of the applicant, description of the dog, current rabies certificate number issued by a licensed veterinarian or anti-rabies clinic, and if applicable, sterilization certificate or other evidence issued by a licensed veterinarian or sterilization clinic, shall be submitted to the license agent.
- C. Payment of the following fees must accompany the license application:

Unneutered male dog	\$25.00
Unspayed female dog	\$25.00
Neutered male dog	\$10.00
Spayed female dog	\$10.00
- D. Upon acceptance of the licensing application and fee, the agent shall issue a durable tag stamped with an identification number and the issuing year. Tags must be made to fasten to a collar or harness.
- E. All dogs must wear identification tags on collars or harnesses at all times when off the premises of the owner.
- F. The county shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.
- G. The licensing period shall begin January 1st, and end December 31st each year.
- H. If not revoked, a license issued hereunder shall be effective from January 1st to December 31st of the current licensing year. Every person acquiring a dog after July 1st of any licensing year can receive a license for the remainder of the licensing period for one-half of the stated fee.
- I. A license recipient who has paid the full amount of the stated fee for an unsterilized dog can obtain a refund of fifteen dollars (\$15.00) by delivering to the license agent a certificate of sterilization for the dog from a licensed veterinarian or sterilization clinic within ninety (90) days after the date of purchase of the license for that licensing year.
- J. Any person failing to renew a license by January 31st or within thirty (30) days shall be deemed delinquent and a delinquency fee of two dollars and fifty cents (\$2.50) per month shall be assessed in addition to the applicable license fee.
- K. A duplicate license may be obtained upon payment of a two dollars (\$2.00) replacement fee.

Ordinance 2000-03
Page 3 of 14

- L. No person may use any license for any animal other than the dog for which it was issued.
- M. Upon change of ownership of a licensed dog, the new owner must apply for a new license.
- N. All moneys received as license fees shall be remitted by the license agent to the Stillwater County Treasurer for deposit to the **Stillwater County Public Safety Fund, Special Revenue Account No. 323030**. Such revenues may only be used for dog control purposes in the included areas of Absarokee and Park City.
- O. It shall be the duty of the Stillwater County Treasurer to report to the Board of County Commissioners all monies collected for licensing fees.
- P. The Stillwater County Sheriff shall appoint license agent(s) as may be deemed necessary.
- Q. Persons over the age of 55 shall be eligible to purchase licenses at one-half the annual rate.
- R. No refunds shall be issued in the event of the death of the dog or it is relocated outside the control area.

1.020 License issuance and revocation.

- A. If the person holding the license issued pursuant to the provisions of Section 1.010 refuses or fails to comply with the provisions of this chapter, the regulations promulgated by the Board of County Commissioners, or any law governing the protection and keeping of such dog, the county may revoke the license subject to the opportunity of the licensee to contest the revocation at a show cause hearing before the Justice of the Peace.
- B. If the applicant has withheld or falsified any information on the license application, the license agent may refuse to issue the license. If, after such license has been issued, it is subsequently discovered that the applicant has withheld or provided false information on the license application, the county may revoke the license, subject to the opportunity of the licensee to contest the revocation at a show cause hearing before the Justice of the Peace.
- C. Any person whose license is revoked shall be found to be in contempt and may:
 - 1. Be found guilty of a misdemeanor and be fined an amount not to exceed \$500 or be imprisoned in the county jail for a period not to exceed six months or both;
 - 2. Be barred from licensing or keeping a dog within the areas subject to this Ordinance for a period of six months;
- D. Any person whose license is revoked may be required to cause all dogs in their possession to be removed from the control area within 10 days whether by gift, sale, exchange or humane euthanized.

1.030 Animals running at large prohibited.

- A. For use within this section, the following are defined:

Ordinance 2000-03
Page 4 of 14

1. "At large" refers to any dog being otherwise than on the premises of its owner or the premises of another who consents, when the dog is not attached to a leash held by a person or restrained within a motor vehicle.
 2. "Dogs" include both male and female dogs whether altered or not.
 3. "Owner" means and includes any person, firm or corporation owning, harboring, sheltering or keeping a dog .
 4. It is unlawful for an owner of a dog to allow or permit such animal to be at large within the areas controlled as shown in exhibits A (Absarokee) and B (Park City)
- B. Penalties for violation of this section shall be as follows:
1. The Animal Control Officer may, at their discretion, issue one warning to a person.
 2. Upon the first conviction a person may be fined not more than fifty dollars (\$50.00).
 3. Upon the second and subsequent convictions a person may be fined not more than one hundred dollars (\$100.00).
 4. Upon the third and subsequent conviction, a person may be fined an amount not to exceed \$500.00 pursuant to 7-5-109

1.040 Vicious animals prohibited. 7-23-2109, MCA

- A. It is unlawful for any person to own, harbor, keep, or shelter a "vicious animal" within the areas controlled as shown in exhibits A (Absarokee) and B (Park City)
- B. For purposes of this section, a "vicious dog" is defined as one which bites or attempts to bite any human without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term "animal" includes all livestock and any domestic pet. 7-23-2109(3) MCA
- C. If the animal control officer has probable cause to believe that a dog is vicious as defined under this section, the animal control officer may take such action as is reasonably necessary to restrain or control the animal, including but not limited to taking possession of the dog and impounding the same in suitable facilities for a period of time necessary to determine the presence or absence of rabies.
- D. A violation of this section is a misdemeanor.
- E. The owner of a vicious dog is liable for damages as provided in 27-1-715, MCA.
- F. The county governing body may regulate, restrain, control, kill, or quarantine any vicious dog, whether such dog is licensed or unlicensed. 7-23-2109 MCA
- G. The Justice of the Peace may order any dog found to be vicious to be euthanized.

1.050 Impoundment and violation notices.

Ordinance 2000-03
Page 5 of 14

- A. Animals at large and vicious animals shall be taken up by the animal control officer and impounded at a site determined by the governing body.
- B. Impounded dogs shall be kept not fewer than four (4) working days.
- C. If, by a license tag or other means, the owner of an impounded dog can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone, in person, or by certified mail.
- D. An owner reclaiming an impounded dog shall pay:
 - 1. Upon the first impoundment the costs not to exceed ten dollars (\$10.00) per day for each day of impoundment and the owner shall pay as an additional condition of having said dog released the sum of fifteen dollars (\$15.00) impoundment charge.
 - 2. Upon the second impoundment the costs not to exceed ten dollars (\$10.00) per day for each day of impoundment and the owner shall pay as an additional condition of having said dog released the sum of twenty-five dollars (\$25.00) impoundment fee.
 - 3. Upon the third impoundment the costs not to exceed ten dollars (\$10.00) per day for each day of impoundment and the owner shall pay as an additional condition of having said dog released fifty dollars (\$50.00) impoundment charge.
 - 4. Upon the fourth impoundment the dog will become the property of the county as a public nuisance.
- E. Any dog not reclaimed by its owner within four (4) working days shall become the property of the county and shall be placed for adoption in a suitable home or humanely euthanized by a licensed veterinarian or certified euthanasia technician.
- F. The owner of an impounded dog may also be proceeded against for violation of this chapter.

1.060 Public nuisance.

- A. A "public nuisance animal" is any animal that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. A "public nuisance animal" shall mean and include, but not be limited to, any animal that:
 - 1. Is repeatedly found at-large;
 - 2. Damages the property of anyone other than its owner;
 - 3. Molests or intimidates pedestrians or passerby;
 - 4. Chases vehicles;
 - 5. Makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;

Ordinance 2000-03
Page 6 of 14

6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
 7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
 8. Attacks other animals or is found to be a menace to the public health, welfare, or safety.
- B. It is unlawful for any person having possession, ownership or control of any animal to willfully or through willful neglect permit such animal to cause any nuisance as specified in this section.
- C. Whenever a person has been found guilty of a violation of this section, the court may:
1. Order that the animal involved be permanently confined to the owner's premises.
 2. Order that the animal involved be seized and destroyed.
 3. Impose a fine of not less than twenty-five dollars (\$25.00) or more than two hundred fifty dollars (\$250.00).
 4. Require payment of all impoundment fees and all reasonable costs incurred in providing necessary veterinary attention and treatment for the subject animal and any and all other reasonable costs incurred as a result of the violation.
 5. Impose any combination of subsections (C)(1) through (C)(4).

1.070 Cruelty to animals prohibited.

- A. A person commits the offense of cruelty to animals if without justification the person knowingly or negligently subjects an animal to mistreatment or neglect by:
1. Beating, tormenting, injuring, or killing any animal;
 2. Caring for or confining any animal in a cruel manner;
 3. Failing to provide an animal in the person's custody with:
 - a. Proper food, drink or shelter; or
 - b. In cases of immediate, obvious, serious illness or injury, seek the care of a licensed veterinarian or other appropriate medical care;
 4. Abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any place where it may suffer injury, hunger, or exposure, or become a public charge.
- B. A person convicted of the offense of cruelty to animals shall be fined not to exceed five hundred dollars (\$500.00) or imprisoned in the county jail for a term not to exceed six months, or both.

Ordinance 2000-03
Page 7 of 14

- C. If the convicted person is the owner, the person may be required to forfeit to Stillwater County any animal affected.
- D. In addition to the sentence provided in subsection B, the court may:
 - 1. Require the defendant to pay all reasonable costs incurred in providing food and care, necessary veterinary attention and treatment for any animal affected; and
 - 2. Prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate during the term of the sentence.

1.080 Rabid dogs—Vaccinations.

- A. If a dog is believed to have rabies or has been bitten by an animal suspected of having rabies, such dog shall be confined and/or restrained on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the animal control officer of the fact that his dog has been exposed to rabies and at his discretion, the animal control officer is empowered to have such dog removed from the owner's premises to a veterinary hospital or animal shelter and there placed under observation for a period of two weeks at the expense of the owner.
- B. It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such animal to be taken off his premises or beyond the limits of Stillwater County without the written permission of the animal control officer. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the animal control officer or Sheriff's officer who shall either remove the dog to the town's animal shelter or humanely destroy such animal.
- C. It shall be unlawful for the owner of any dog to keep or maintain such animal unless its anti-rabies vaccinations are current.
- D. The Owner of any dog which bites any person shall be liable for as provided in 27-1-715, MCA, including rabies treatment should the dog not have a current rabies vaccination.

1.090 Animal control officer.

The Stillwater County Sheriff shall appoint a suitable person as animal control officer, and said animal control officer shall, at the expense of the county, provide a suitable place for the impounding of dogs. The animal control officer shall have the general authority to assure that any animal shelter utilized is conducted in a quiet, reliable and proper manner.

1.100 Animal waste.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on any public walks, streets, recreational areas, or private property.

1.110 Enforcement.

- A. It is unlawful for any person to prevent, hinder or detain the animal control officer or any other law enforcement officer in the performance of any duty or power imposed on such officer by this chapter, or to release,

Ordinance 2000-03
Page 8 of 14

or attempt to release any animal in the custody of the animal control officer.

- B. The members of the Stillwater County Sheriff's Department shall have the same authority in regard to the enforcement of this chapter as are conferred on the animal control officer.

1.120 Violation--Penalty.

- A. Any person violating any provision of this chapter for which a penalty is not otherwise provided shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars (\$25.00) and not more than five hundred dollars (\$500.00).
- B. If a violation continues, each day's violation shall be deemed a separate violation.
- C. All other ordinances of Stillwater County that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.
- D. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.
- E. All fines and forfeitures collected shall be deposited to the **Public Safety Fund #2389, special revenue Account No. 351040** and shall be used for the enforcement of this ordinance.

1.130 Informal Complaint.

- A. Any person may file an informal complaint against a dogs by furnishing the law enforcement officer, county attorney or animal control officer with substantially the following information:
 - 1. Date of incident;
 - 2. Incident complained of;
 - 3. Location of incident;
 - 4. Description of dog;
 - 5. Owner of dog if known;
 - 6. Name of person making complaint
- B. All informal complaints will be placed on a form and given to the animal control officer. The animal control officer will attempt to find the owner or person having custody of the dog. Upon determining the owner or person having custody, the animal control officer shall notify the owner or person having control of the dog of the complaint and also determine if the animal is registered and properly vaccinated.
- C. If in the opinion of the animal control officer, the complaint is serious or in the event there are repeated complaints about the same animal, the matter may be referred to the county attorney for a formal complaint.

1.140 Formal complaint.

Ordinance 2000-03
Page 9 of 14

- A. Formal complaint may be filed before the Justice of Peace for violation of any provision of this chapter. Upon conviction, the Justice of Peace may impose any of the following remedies:
1. Order that the animal involved be permanently confined to the owner's premises.
 2. Order that the animal involved be seized and destroyed.
 3. In case of willful violation by the owner or person having custody of the animal, the owner or person having custody may be fined up to three hundred dollars (\$300.00) for each violation.
 4. In case of gross willful violation of this ordinance, a person may be fined up to five hundred (\$500.00) or confined to the county jail up to three days or both.

1.150 Investigation.

- A. For the purpose of enforcing the provisions of this title, the animal control officer or any law enforcement officer is empowered to demand from the occupants of any premises, the exhibition of such dog, and the license or tag for the animal. The animal control officer may in his discretion allow the occupant of the premises five working days in which to secure the necessary license or surrender said animal.
- B. Whenever complaint has been made that an animal is kept in a reportedly cruel or inhumane manner, the law enforcement officer may examine such animal and take possession of the same when, in his opinion, it requires humane treatment. The owner shall be responsible for the costs for such treatment.

1.160 Interference with Officer

It is unlawful for any person to prevent, hinder or detain the animal control officer or any other law enforcement officer in the performance of any duty or power imposed on such officer by this title, or to release any animal in the custody of any county official.

1.170 ADOPTION OF DOG FROM ANIMAL SHELTER, OR POUND (7-23-4202 MCA)

- A. Except as provided in subsections F and G a publicly operated animal shelter or pound may not offer for adoption, sale, or trade any dog that has not been redeemed by the owner unless:
1. The animal has been spayed or neutered; or
 2. The person to whom the animal is released agrees in writing to have the animal spayed or neutered and a deposit for spaying or neutering the animal has been paid. The deposit must be in an amount determined by the publicly operated animal shelter or pound to be comparable to the lowest fee for spaying or neutering that is charged by veterinarians in the locale.

Ordinance 2000-03
Page 10 of 14

- B. Upon payment of the deposit required in subsection A(2), the person who is adopting the animal must receive a certificate for spaying or neutering, to be presented to a licensed veterinarian, who shall complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate verifying that the animal has been spayed or neutered, the publicly operated animal shelter or pound shall forward the deposit to the veterinarian who performed the procedure.
- C. The deposit must be forfeited if the spaying or neutering is not done:
1. Within 30 days if the dog is more than 6 months old at the time of adoption; or
 2. By the time the animal reaches the age of 6 months if the animal is less than 6 months old at the time of adoption, or within 30 days of the adoption, whichever is longer.
- D. A deposit forfeited pursuant to subsection C may be used only for the following purposes:
1. A public education program designed to prevent the over-population of dogs.
 2. A program to spay or neuter dogs.
 3. Costs incurred in the enforcement of this section, including a follow-up program to ensure that animals adopted from or sold or traded by the publicly operated animal shelter or pound are spayed or neutered.
- E. Failure to fulfill the terms of an agreement entered into pursuant to subsection A(2) may, at the discretion of the county attorney, result in the filing of a misdemeanor charge punishable by a fine of not more than \$500.
- F. The provisions of this section do not apply to an animal for which a licensed veterinarian verifies in writing that spaying or neutering would be injurious to the animal's health
- G. The provisions of this section do not apply when a publicly operated animal shelter or pound, at its discretion, chooses to accept an adoption fee of not less than \$50 from a person who wishes to adopt an animal for breeding purposes.

Park City Readings:

First Reading Approved by County Commission Held
at Park City Dated this 11 day of July 2000.

Second Reading Approved by County Commission Held
at Courthouse Dated this 1st day of August 2000.

Absarokee Readings:

First Reading Approved by Charles E. Egan, County Commissioner Held
at Absarokee Dated this 18th day of July 2000.

Second Reading Approved by County Commission Held
at Courthouse Dated this 1st day of August 2000.

STILLWATER COUNTY, MONTANA
COMMISSIONER'S JOURNAL NO. 11

PAGE 711

Ordinance 2000-03
Page 11 of 14

This Ordinance shall become effective thirty (30) days after its passage and approval pursuant to 7-15-105, MCA.

Adopted by the Board of County Commissioners this 1 day of August, 2000.

Charles E. Egan
Charles E. Egan, Chair

Clifford A. Bare
Clifford A. Bare, Member

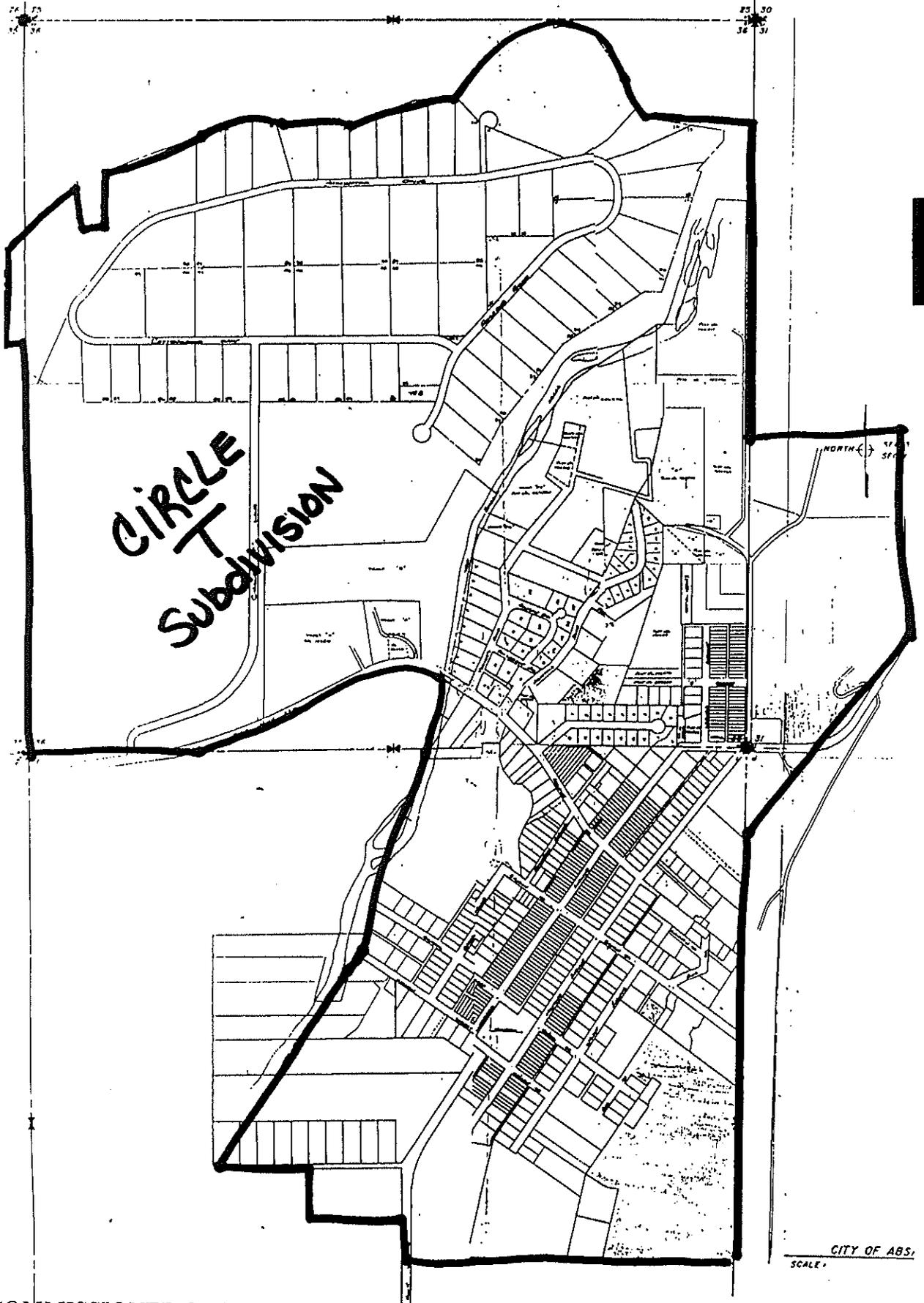
ATTEST:
Janet R. Parkins
Janet R. Parkins, Clerk and Recorder

L. Harold Blattie
L. Harold Blattie, Member



Ordinance 2000-03
Page 12 of 14

ABSAROKEE DOG CONTROL DISTRICT
TOWN SITE OF ABSAROKEE INCLUDING CIRCLE T SUBDIVISION
ORDINANCE 2000-03



Ordinance 2000-03
 Page 13 of 14

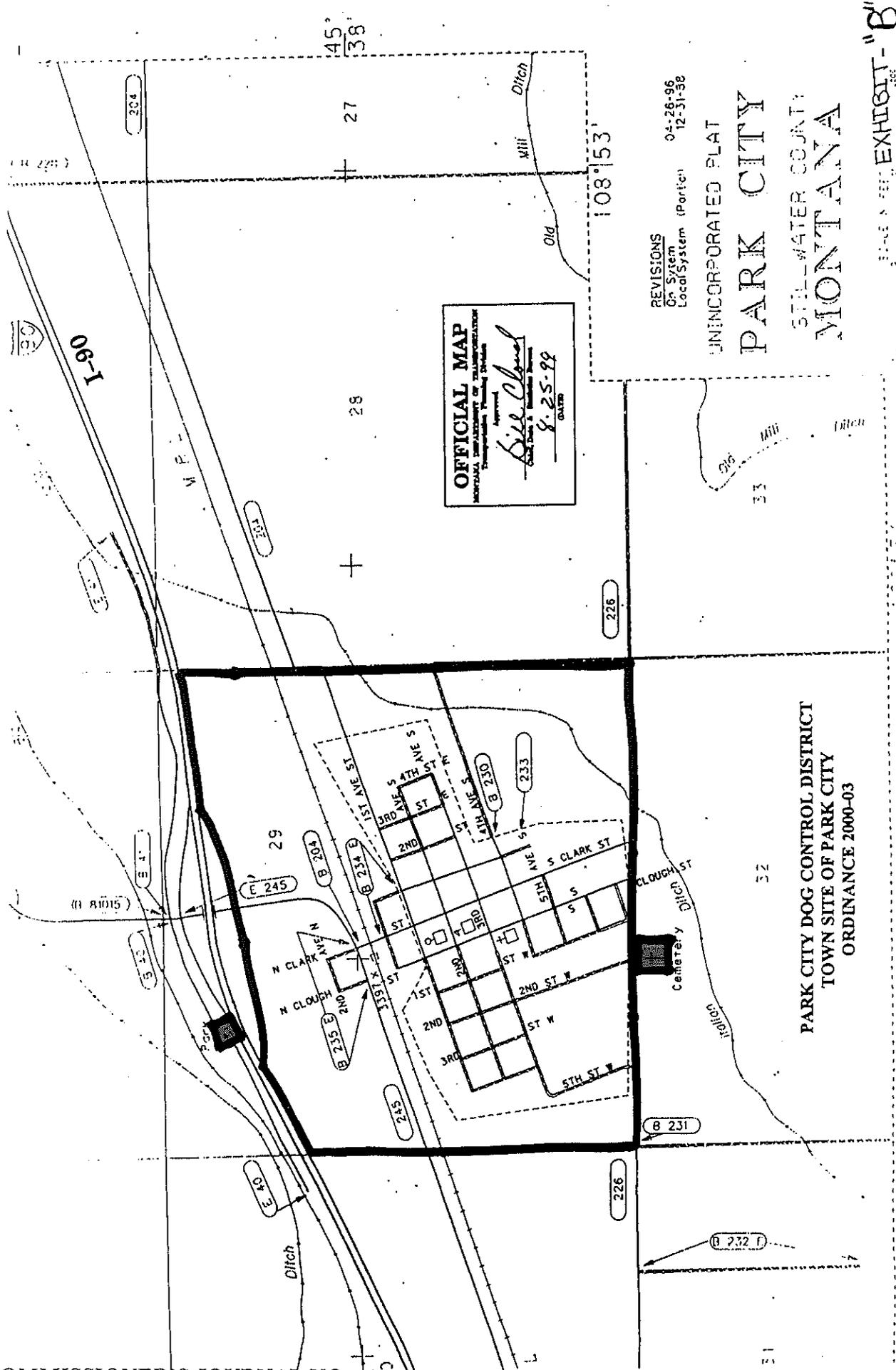


EXHIBIT - "B"

Ordinance 2000-03
 Page 14 of 14

