

## **ORDINANCE 3160**

### **AN ORDINANCE REPEALING AND REPLACING TITLE 6, OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO ANIMALS**

**WHEREAS**, the City Commission established Title 6 of the OCCGF regulating Animals within the incorporated boundaries of the City of Great Falls; and

**WHEREAS**, the City Commission has recognized deficiencies throughout the entirety of OCCGF Title 6, including but not limited to, typographical, grammatical, formatting and referencing deficiencies, and

**WHEREAS**, the City Commission wishes to cure the deficiencies contained in OCCGF Title 6, and

**WHEREAS**, the City Commission wishes to substantively change policies related to the Great Falls Animal Shelter, Animal Control investigative procedures, the regulation of dangerous or potentially dangerous animals, and rabies control regulations.

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

Section 1. The entirety of OCCGF Title 6 pertaining to Animals will be replace as depicted in Exhibit “A” attached hereto, repealing the entirety of Title 6 depicted in Exhibit “B” attached hereto, which incorporates all changes depicted in Exhibit “C”, attached hereto; and,

Section 2: This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading June 6, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading June 20, 2017.

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Bob Kelly, Mayor

ATTEST:

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Darcy Dea, Deputy City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

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Sara Saxe, City Attorney

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

I, Darcy Dea, Deputy City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3160 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 Courthouse;  
On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

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Darcy Dea, Deputy City Clerk

Title 6 - ANIMALS

**Title 6    ANIMALS**

**Chapter 1    ANIMALS**

**Sections:**

**6.1.010    Definitions.**

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

- A. "Abandon" means to forsake, desert, or absolutely give up an animal previously under the custody, or possession, of a person without having secured another owner or custodian by failing to provide one or more of the elements of adequate care for a period of twenty-four (24) or more consecutive hours.
- B. "Adequate care" means the reasonable practice of good animal husbandry, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia. This practice must be appropriate for the age, species, condition, size, and type of animal. Adequate care additionally includes the provision of veterinary care to prevent suffering, disease, or the impairment of health.
- C. "Adequate feed" means the provision of access to food that is:
  - 1. Of sufficient quantity and nutritive value to maintain each animal in good health;
  - 2. Accessible to each animal without duress or competition;
  - 3. Prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal;
  - 4. Provided in a clean and sanitary manner;
  - 5. Placed so as to minimize contamination by excrement and pests; and
  - 6. Provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting for the normal species.
- D. "Adequate shelter" means the provision of, and access to, shelter that:
  - 1. Is suitable for the species, age, condition, size, and type of each animal;
  - 2. Provides adequate space for each animal;
  - 3. Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health;
  - 4. Is properly cleaned to include:
    - i. clean of carcasses, debris, food waste and excrement with sufficient frequency to minimize the animal's contact with those contaminants;

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- ii. sanitized with sufficient frequency to minimize odors and the hazard of disease; and
    - iii. cleaned to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water or exposed to hazardous chemicals or disinfectants.
  - 5. Enables each animal to be clean and dry, except when detrimental to the species.
  - 6. For dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.
  - 7. A shelter with wire, grid, or slat floors which do not sag under the animal's weight, do not permit the animal's feet to pass through the openings, or which otherwise protect the animal's feet or toes from injury.
  - 8. With respect to outdoor facilities for animals, the provision of one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for animals must:
    - i. Contain a roof and be fully enclosed with an opening to allow animal access;
    - ii. Provide the animals with adequate protection and shelter from the cold and heat, provided that no animal may be maintained in any outdoor location where the ambient temperature is under thirty-five (35) degrees Fahrenheit or higher than one hundred (100) degrees Fahrenheit or any indoor location where the ambient temperature is under forty-five (45) degrees Fahrenheit or exceeds eighty-five (85) degrees Fahrenheit;
    - iii. Provide a wind break at the entrance;
    - iv. For building surfaces in contact with animals in outdoor housing facilities, be impervious to moisture;
    - v. Not be made of metal barrels, cans, refrigerators or freezers, and similar materials; and
    - vi. Have floors which are maintained on a regular basis and made of compacted earth, absorbent bedding, sand, gravel, or grass, which must be replaced if there are any prevalent odors, diseases, insects, pests, or venom. Surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized must be replaced when worn or soiled.
- E. "Adequate space" means sufficient space to allow each animal:
- 1. To easily stand, sit, lie, turn about and make all other normal body movement in a comfortable, normal position for the animal;
  - 2. To interact safely with other animals in the enclosure. Outside dog runs must be a least ten (10) feet long and thirty-six (36) inches wide for dogs weighing up to forty-five (45) pounds, and at least ten (10) feet long and forty-eight (48) inches wide for dogs weighing forty-five (45) pounds or more;
  - 3. When an animal is tethered, to engage in the above actions and is:

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- i. Appropriate to the age and size of the animal;
  - ii. Attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal; and
  - iii. Is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space, provided, however, that no animal shall be tethered for more than a reasonable period.
- F. "Adequate veterinary care" means provision of medical care to alleviate suffering, prevent disease and disease transmission, and maintain health through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.
- G. "Adequate water" means the provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species. Such water shall be provided in clean, durable receptacles that are accessible to each animal and placed so as to minimize contamination of the water by excrement or pests. Alternatively, provision of an alternate source of hydration consistent with generally accepted husbandry practices may be provided.
- H. "Adoption" means the transfer of ownership of an animal from a releasing agency to an individual.
- I. "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.
- J. "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.
- K. "Animal hoarder" means any person who possesses a large number of animals, and who;
  - 1. Keeps animals in severely overcrowded conditions where they are unable to be in a state of good health;
  - 2. Displays the inability to recognize or understand the nature of, or has reckless disregard for, the conditions of the animals; or
  - 3. Lives in unsanitary, unhealthy or potentially dangerous conditions and fails to or is unable to provide the animals with adequate care as defined in this chapter.
- L. "Animal Shelter" means any premise provided for intaking and caring for domestic animals. References in this Title to "Animal Shelter" shall mean the Great Falls Animal Shelter unless specifically stated otherwise.
- M. "ARM" means the Administrative Rules of Montana.

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- N. "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.
- O. "Collar" means a well fitted device that:
1. Encircles an animal's neck or torso in such a way as to avert trauma or injury to the animal;
  2. Allows two fingers to be inserted between the neck and collar;
  3. Is appropriate to the age and size of the animal; and
  4. Is constructed of nylon, leather, metal, or similar material.
- P. "Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of domestic animals, exclusive of medical or surgical care, or for quarantine purposes.
- Q. "Companion Animal" means any domestic animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability, the need for which is documented by a health care provider.
- R. "Dangerous Animal" means any animal that displays any of the following behaviors:
1. inflicting bodily injury upon or has caused the death of a person or domestic animal; or
  2. demonstrating 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:
    - i. attacking, 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;
    - ii. attacking, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
    - iii. attacking, 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; or
  3. engaging in or been trained for animal fighting.
- S. "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.
- T. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.
- U. "Excrement" means waste from the bowels or bladders of animals.
- V. "Feral cat" means any cat that is a descendant of a domesticated cat that has returned to the wild.
- W. "Foster home" means a private residential dwelling and its surrounding grounds where care and/or rehabilitation are provided to domestic animals through an affiliation with the Great Falls Animal Shelter.

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- X. “Fowl” means any of various birds of the order alloforms, including chickens, roosters, ducks, geese, turkeys, and pheasants, or any bird that is used for food or hunted as game.
- Y. “Hybrid animal” means an animal resulting from the crossbreeding between two (2) 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.
- Z. “Intake” means the taking into custody of an animal either wild or domestic by Animal Control Officers or the Great Falls Animal Shelter.
- AA. “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.
- BB. “Licensing authority” means any designated representative of the City or Animal Shelter charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.
- CC. “Livestock” means domestic animals traditionally raised in an agricultural setting to produce commodities such as food, fiber, or labor. These may include, but are not limited to, cattle, sheep, swine including domestic pot-bellied pigs, poultry, fowl, ostriches, emus, goats, horses, mules and llamas.
- DD. “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.
- EE. “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.
- FF. “Neglect” occurs when the owner or keeper of an animal does any of the following:
  - 1. Fails to provide an animal with adequate care as defined in this chapter;
  - 2. Fails to sufficiently and properly care for an animal to the extent that the animal’s health is jeopardized;
  - 3. Keeps any animal under conditions which increase the probability of the transmission of disease;
  - 4. Allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory, to suffer unnecessary pain; or
  - 5. Meets the definition of an animal hoarder as defined in this chapter.
- GG. “Nuisance animal” means any animal or group of animals that behaves in a disruptive or destructive manner, including but not limited to, the following, habitually:
  - 1. Steals, damages, soils, or defiles community or neighborhoods private property or public property;
  - 2. Turns over garbage containers, rummages through or scattering garbage or rubbish, or damages flower or vegetable gardens;
  - 3. Causes unsanitary or offensive conditions;
  - 4. Chases vehicles or bicycles on public streets, ways or parks, or impedes the safety of pedestrians, bicyclists, or motorists;
  - 5. Is inside a public area which is designated as one prohibiting animals, except for an animal that has been duly and properly trained and registered as a Service

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- Animal as described in Section 6.1.010, or a Companion Animal as defined in this Title, may be allowed in such an area when acting in that capacity; or
6. Barks, howls, whines, bays, or makes any noise common to its species, so continuously or incessantly as to unreasonably disturb the peace, comfort, tranquility of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the premises where the animal or animals are kept. The noise must be continuously or intermittently audible for thirty (30) minutes within one (1) hour period, however, the provisions of this section shall not apply to any commercial kennel permitted by zoning laws.
  7. Is allowed by any person having ownership, possession, charge, custody or control of the animal to be at large during its estrous period or when in heat. During this period, the owner or person having possession of the animal must restrain the animal in a proper enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such animal not so confined may be taken in by Animal Control Officers or the Animal Shelter. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners of the animals involved.
- HH. "Owner" means any person, or group of persons, corporation, organization, or association (excluding the Great Falls Animal Shelter, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:
1. Has a property right in an animal;
  2. Keeps or harbors an animal;
  3. Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or
  4. Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or without permission of the true owner of the animal.
- II. "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.
- JJ. "Potentially Dangerous Animal Behavior" means any of the following behaviors:
1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;
  2. Attempting to attack a person or domestic animal while off the premises of its owner;
  3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
  4. Engaging in other comparable conduct.



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- KK. "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.
- LL. "Proof of ownership" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies inoculation certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.
- MM. "Proper enclosure" means a place in which an animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the animal from escaping and shall also provide protection for the animal from the elements. The enclosure shall be of suitable size for the animal.
- NN. "Properly restrained" means an animal that is:
1. Kept within a proper enclosure;
  2. Controlled by a competent person by means of a leash not to exceed six (6) feet in length or other device; or
  3. Secured within or upon a vehicle being driven or parked. Properly restrained within or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.
- OO. "Provoke" means to goad, inflame, instigate, or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.
- PP. "Releasing agency" means an animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity that releases animals for adoption.
- QQ. "Relinquish or Surrender" means giving up all rights to an animal, thereby making it the property of the City of Great Falls.
- RR. "Sanitary conditions" means space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.
- SS. "Service Animal" Is defined by the United States Department of Justice 28 C.F.R. § 36.104, hereby incorporated by reference.
- TT. "Stray or stray animal" means any animal that:
1. Is at large;
  2. Appears to be lost, unwanted, or abandoned; and

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- 3. Whose owner is unknown or not readily available. Feral cats and community cats shall not be considered Stray animals for the purposes of this chapter.
- UU. “State of good health” means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate veterinary treatment.
- VV. “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.
- WW. “Use of force” is justified by a person against an animal as allowed by Montana Code Annotated Title 49, Chapter 1.
- XX. “Vaccination” means the inoculation of a dog, cat, ferret, horse or other animal with anti-rabies vaccine administered under the direction of 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, horse or other animal with anti-rabies vaccine. Animals vaccinated initially will receive a booster shot one (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.
- YY. “Wild Animal” means any living vertebrate animal normally found in the wild state and for which there is no USDA approved anti-rabies vaccination. These include, but are not limited to, bears, skunks, raccoons, deer, bobcats, mountain lions, and any type of “hybrid animal.”

#### **6.1.020 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, the Montana Code Annotated shall govern and the same shall be incorporated by this reference as a part of this Chapter.

#### **6.1.030 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.

#### **6.1.040 Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret, horse, or other animal, over four (4) months of age unless it has had a current vaccination, as defined in Section 6.1.010(WW.). A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

#### **6.1.050 Dog and cat registration.**

- A. Any person keeping or harboring any dog over four (4) months of age must register such animal as provided for in this section. A keeper of a domestic cat over four (4) months of age must register such cat by paying a registration fee as established in this section.
- B. Registrations shall be issued by the Great Falls Animal Shelter, or its designee, upon payment of a registration fee. Registration fees shall be established by resolution of the City Commission. No refunds shall be made on any pet registration fee because of the

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death of the pet or owner leaving the City before the expiration of the registration period. Registration fees are not transferable.

- C. Registrations for Service Animals, Companion Animals, and governmental police dogs shall be furnished without charge.
- D. Registrations shall not be issued to any person under the age of eighteen (18) 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 thirty (30) days.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

#### **6.1.060 Number of Cats and Dogs.**

It is unlawful for any person, persons, or family to keep, harbor, or maintain in or on the same premises a total of more than two (2) cats and two (2) dogs of four (4) months of age or older, without first obtaining a multiple animal permit as provided in OCCGF §6.1.090.

#### **6.1.070 Tag—collar.**

The following provisions shall apply to tagging and collaring of domestic Animals:

- A. Upon receipt of a proper application and the pet registration fee, the Animal Shelter 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.
- C. In the event a registration tag is lost or destroyed, another tag shall be issued by the Animal Shelter 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.
- D. If a dog or cat has a Microchip implant, registered with the appropriate company so that the owner's information can be obtained, no tag is required to be worn, however the animal is still required to be registered pursuant to the provisions of this Title. All microchips shall comply with MCA Title 7, Chapter 23.
- E. Any dog or cat found off the owner's premises without a registration tag, Microchip Implant registered with the appropriate company so that the owner's information can be obtained, shall be deemed to be not registered, even though a registration has been issued for such animal.
- F. 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. 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.
- G. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

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#### **6.1.080 Rental property owner authority.**

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

#### **6.1.090 Multiple-animal permit/multiple animal hobby breeder permit.**

A Multiple Animal Permit is required for any person, family, or household owning or harboring any more than the number of domestic dogs and cats permitted by Section 6.1.060 for more than thirty (30) days. A Multiple Animal Hobby Breeder Permit is required for any person, family, or household owning or harboring any more than the number of dogs and cats permitted by Section 6.1.060 who intends to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter. Application for these permits shall be made with the Animal Shelter. The intended facilities are subject to inspection by an Animal Control Officer. The permit shall be issued upon the following conditions:

- A. All dogs and cats must be registered, collared, or Microchipped;
- B. There must be adequate shelter and secure enclosure for animals on the premises;
- C. The owner uses suitable means of cleaning and/or disposing of animal excrement so that it does not become a nuisance or a health hazard;
- D. That in the investigating Animal Control Officer's opinion, the animals receive proper care, food, water, shelter, and humane treatment;
- E. Cat Hobby Breeders are allowed to have a maximum of four (4) litters per year. Other than any animals intended to be kept as pets by the breeder, kittens must be sold or given away within four (4) months of birth. Dog Hobby Breeders are allowed to have maximum of two (2) litters per year, and other than any animals intended to be kept as pets by the breeder, puppies must be removed within four (4) months.
- F. For a Hobby Breeder Permit, the puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Hobby Breeder Permit.
- G. The Hobby Breeder Permit shall list the maximum number of animals over the age of four (4) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location.
- H. Animal Control Officers shall contact the persons residing in the adjoining premises to inquire their opinion regarding the application . The investigating Animal Control Officer shall consider this information in making their recommendation regarding the application; however, this information is not dispositive, only a factor in consideration of approval.
- I. The Animal Shelter shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. The Animal Shelter may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;
- J. After receiving notification of the Animal Control Officer's approval, the applicant must pay the Animal Shelter an application fee which shall be established by resolution of the City Commission;
- K. 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

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complaint is filed. The Animal Control Officer, on determining that such premises are not being maintained 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 thirty-day written notice of the Animal Control Officer's recommendation, revocation, or denial;

- L. A permit authorized by the Animal Shelter must contain the following information:
  - 1. Name and address of the person to whom the permit is granted;
  - 2. The number of domestic dogs or cats for which the permit is granted;
  - 3. Any special conditions required by the Animal Control Officer;
  - 4. A Hobby Breeder Permit must state whether it is for dogs or cats or both; and
  - 5. Identifying information for the domestic dogs or cats for which the permit is granted.
- M. If the holder of a Multiple-Animal permit or a Multiple Animal Hobby Breeder permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within thirty (30) days of moving. The Animal Shelter will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence, including but not limited to amending or revoking the Multiple Animal Permit.
- N. Upon denial, amendment, or revocation of a Multiple Animal Permit, the applicant/permittee shall be given written notice of the Animal Control Officer's recommendation and the appeal procedure.
- O. The applicant or permittee may appeal the denial or revocation of a permit by filing a written request for reconsideration with the Deputy City Manager. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The appeal shall be heard by the Deputy City Manager. The applicant or permittee may appeal an affirmation of the denial of a permit to the City Manager in the same manner as the appeal to the Deputy City Manager. Finally, the applicant or permittee may appeal an affirmation of denial by the City Manager to the City Commission by filing an appropriate written request, which shall review the application in a public meeting and uphold, reverse, or revise the decision on the application. The applicant or permittee shall have the burden of proving by clear and convincing evidence he or she is entitled to a permit.

#### **6.1.100 Commercial kennel.**

- A. A commercial kennel license shall be required for any person, persons, family, or entity who, for compensation, wishes to engage in the boarding and/or breeding of domestic dogs, cats, reptiles, or any other animal allowed within the City, shall be obtained through application from the Planning and Community Development Department and shall be subject to the following:
  - 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.

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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 resolution of the City Commission.
  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 (60) days of the expiration date or the application will be treated as a new application.
  6. License Revocation. All kennel licenses will expire one (1) 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 (5) days' written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Shelter. The licensing authority will then take action as required.
  7. The applicant or licensee may appeal the denial or revocation of a Commercial Kennel License to the Board of Adjustment pursuant to 17.16.34.010.
- 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 five hundred dollars (\$500.00).

#### **6.1.110 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.
- B. The provisions of Section (A.) shall not apply to the ownership or use of Service Animals, 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

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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 forty-eight (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 lessee. If the premises where the accumulation of feces is found contains more than one (1) 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 five hundred dollars (\$500.00) and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in OCCGF 6.1.300. A premises where a violation of this section is present is declared a Nuisance as defined by OCCGF 8.49.010.

#### **6.1.120 Rabies—exposure.**

##### **Animal contacts shall be subject to the following provisions:**

- A. Any non-vaccinated or not currently vaccinated domestic animal that has been exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of the Administrative Rules of Montana (ARM) Title 32, Chapter 3.
- B. Any currently vaccinated domestic animal that has been exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of ARM, Title 32, Chapter 3.
- C. Any person having knowledge of an animal known to have or suspected of having rabies shall report an accurate description immediately to the state veterinarian or to a deputy state veterinarian.
- D. The Animal Control Officer shall notify the City/County Health Department and the Department of Livestock of the exposure including the bite and bitten animal. The Department of Livestock may further investigate the incident and take appropriate action including, but not limited to, destruction or further quarantines as required by this part.

##### **Human exposure shall be subject to the following provisions:**

- E. Upon consideration of the discretion and advice of the Local Health Officer any domestic animal, regardless of vaccination status that bites or otherwise exposes a person to the possibility of rabies must be confined and observed in accordance with ARM Title 32.
- F. If any sign of illness develops in the isolated animal, it is to be evaluated by a licensed veterinarian in accordance with ARM Title 32.

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- G. Any domestic animal confined and observed pursuant to this part may be vaccinated during the ten (10) day confinement period.
- H. Animal rabies exposure procedures include:
  - 1. If the owner of the animal is identified, the animal shall be quarantined at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. In the event an owner cannot be identified, the animal shall be taken and quarantined at the Animal Shelter. 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 (24) 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.
- I. Human exposure to a confirmed rabid, or suspected rabid, animal shall be administered according to applicable Montana State law and regulations, including but not limited to, MCA Titles 37, and 50, and ARM Title 32.
- J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

#### **6.1.130 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. All isolation of animals diagnosed of rabies infection shall comply with ARM Title 32.

#### **6.1.140 Contagious disease.**

Upon the positive diagnosis of a contagious communicable disease in any animal in the City which poses a community health risk, 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. All isolation shall comply with ARM, Title 32.

#### **6.1.150 Animals running at-large.**

- A. It is unlawful for any person, or the parents or guardians of a person under the age of eighteen (18), who owns or harbors an animal 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 6.1.010 shall be kept on a leash (as defined in Section 6.1.010 not more than ten (10) 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



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has been duly and properly trained and registered as a Service Animal as described in Section 6.1.010 is exempt from this section.

- B. Any animal found at large more than once in any six (6) month period may be in taken by an Animal Control Officer or the Animal Shelter.
  - 1. Prior to release of the animal, a Municipal Court hearing may be held to determine whether the animal should be altered, micro-chipped, removed from the City, or any other action deemed necessary and appropriate given the circumstances. The owner of such animal shall be responsible for the expenses of the actions ordered by the Municipal Court.
- C. It is unlawful for a person to keep, harbor, or maintain livestock within the corporate limits at any time, with the exception of suburban districts, as defined in OCCGF Title 17. In suburban districts livestock must be kept within fences or secured in such a manner which prevents them from running at large.
- D. It is unlawful for an owner or keeper of animal 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 or Animal Shelter. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery.
- F. It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building against the wishes of the animal owner or with the intent that such animal shall be in taken.
- 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.
- 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 in taken under the provisions of this chapter.
- J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00). If the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

#### **6.1.160 Tethering dogs and other animals.**

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object under circumstances that create an unhealthy condition for the animal, a potentially dangerous condition for a pedestrian, or nuisance to neighbors as determined by an Animal Control Officer.

#### **6.1.170 Nuisance animal.**

It is unlawful to own, harbor, possess, or maintain a nuisance animal as defined by 6.1.010(EE). The City Commission establishes a procedure for enforcement of this section provided as follows:

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- A. To file a complaint, the complainant must call or submit a written complaint to the Great Falls Police Department which includes the following;
  - 1. Complainant's name;
  - 2. Address;
  - 3. Telephone number;
  - 4. Address of the nuisance animal;
  - 5. Description nuisance behavior;
  - 6. Documentation supporting the complaint, including but not limited to:
    - i. A completed bark log for not less than three (3) days;
    - ii. Audio and/or video recordings;
    - iii. Written affirmation by two (2) separate residents within reasonable proximity to the nuisance animal; or
    - iv. Verification of the complaint by an Animal Control Officer or appropriate designee; and
  - 7. Complainant's signature.
- B. Once complaints have been received, the Animal Control Officer shall review each complaint and determine whether to investigate further. If investigated further, the Animal Control Officer may require additional documentation from the complainant to assist in the investigation.
- C. If a complainant chooses to remain anonymous and the complaint cannot be independently corroborated, the complaint may not be further investigated.
- D. The Animal Control Officer may, at his or her discretion, investigate any complaint;
- E. Once complaints have been reviewed, the following actions may be taken;
  - 1. First complaint;
    - i. Animal Control shall issue a written notice to the owner of the dog or dogs advising that person of the noise complaint and requesting immediate abatement of any excessive noise.
  - 2. Additional Complaints;
    - i. If within fifteen (15) days from the issuance of the written notice pursuant to subsection (a) above, further complaints are received and are verified, an Animal Control Officer may issue a citation for nuisance animal.
    - ii. If further complaints are received after the fifteen (15) day notice period, Animal Control Officers may review complaints and take appropriate action including, but not limited to, additional warnings and or citations.
- F. A conviction for violation of this section is a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00). Additional penalties may include those specified in OCCGF §6.1.300. If the animal is unaltered the minimum fine shall be two hundred dollars. (\$200.00).

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**6.1.180 Potentially dangerous animal and dangerous animal.**

- A. It is unlawful for any person to own or harbor an animal who engages in Dangerous Animal Behavior or potentially Dangerous Animal Behavior.
- B. Citation, hearing, designation, and imposition of conditions for Potentially Dangerous Animal or Dangerous Animal:
  - 1. If an Animal Control Officer or law enforcement officer has investigated and determined that there is probable cause to believe that an animal has engaged in Dangerous Animal Behavior or Potentially Dangerous Animal Behavior, a citation shall be issued for the owner to appear in Great Falls Municipal Court to appear on the charge. Additionally, the City may request a hearing to determine whether the animal in question should be designated as a Potentially Dangerous Animal or Dangerous Animal.
  - 2. The Court may designate an animal as a "Potentially Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal:
    - i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack while the dog was off the premises of its owner;
    - ii. attempted to attack a person or domestic animal while off the premises of its owner;
    - iii. while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
    - iv. has engaged in other comparable conduct.
  - 3. The Court may designate an animal as a "Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal:
    - i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack on two (2) or more occasions with the prior twelve (12) month period while the animal was off the premises of its owner;
    - ii. attacked or attempted to attack a person or domestic animal on two (2) or more occasions within the prior twelve (12) month period while the animal was on or off the premises of its owner;
    - iii. without provocation, bitten a person or a domestic animal causing injury while off the premises of its owner; or
    - iv. is currently designated a Potentially Dangerous Animal but has not been kept in compliance with the restrictions that a court of competent jurisdiction has placed on the owner of the animal, and said animal has engaged in Dangerous Animal Behavior and/or Potentially Dangerous Animal Behavior.

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4. No Animal may be declared a "Potentially Dangerous Animal" or a "Dangerous Animal," if at the time of the injury or damage:
  - i. the victim was trespassing upon premises occupied by the owner or keeper of the attacking animal;
  - ii. the victim was teasing, tormenting, abusing, or assaulting the attacking animal;
  - iii. the victim was committing or attempting to commit a crime;
  - iv. the attacking animal was protecting or defending a person within the immediate vicinity of the attacking animal from an unjustified attack;
  - v. the injury or damage was sustained by a domestic animal while the attacking animal was working as a hunting animal, herding, animal, or predator control animal on the premises of, or under control of, its owner, and the damage or injury was appropriate to the work of the animal; or
  - vi. the injury to a person or domestic animal occurs while the attacking animal is being used by a law enforcement officer to carry out the officer's official duties.
5. Upon designating an animal as a Potentially Dangerous Animal, or a Dangerous Animal, the Great Falls Municipal Court is authorized to impose on the owner of said animal the restrictions set forth in this article and to impose such additional restrictions on said owner as the Court finds appropriate under the circumstances. The Court shall reduce such restrictions to writing and provide a copy to the owner. If the owner is absent from the hearing, he or she shall be notified by the Court in writing, by first-class mail, postage prepaid, of the decision of the Court and of any requirements and/or restrictions imposed upon that person. If an animal is declared to be a "Potentially Dangerous Animal," of a "Dangerous Animal," the owner or keeper shall comply with all the restrictions imposed by this article and by the Court.
6. Requirements and restrictions for Potentially Dangerous Animals. The Court may impose any or all of the following restrictions:
  - i. The animal must be kept indoors or confined on the owner's premises by a proper enclosure;
  - ii. The owner must allow inspection of the animal and its enclosure by Animal Control and must produce, upon demand, proof of compliance with all Court-imposed requirements and restrictions;
  - iii. The animal shall wear a collar and/or tag that visually identifies the animal as potentially dangerous;
  - iv. The owner and animal must attend and complete commonly accepted animal obedience methods approved by the Court;
  - v. The animal must be altered;
  - vi. An identification microchip must be implanted in the animal, and must be replaced with the appropriate company so that the owner's information can be

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obtained, with the serial number of the microchip supplied to the Animal Shelter;

- vii. The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains;
  - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and/or property owner;
  - b. the animal's vaccination records and license numbers;
  - c. a current photo of the animal taken by the Animal Shelter or its designee; and
  - d. any other information deemed necessary by the Animal Shelter; or
- viii. Any other requirement or restriction that the Court deems necessary and/or appropriate.

- 7. Requirements and restrictions for Dangerous Animal. The Court may impose any or all of the following restrictions:
  - i. The Animal must be kept in a proper enclosure if the animal is maintained unattended out-of-doors. Such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
  - ii. The Animal must be kept in a proper enclosure if the animal is maintained unattended out-of-doors. Such proper enclosure must be enclosed within an outer fence, and the outer perimeter of the proper enclosure must be no less than five (5) feet from the outer fence;
  - iii. The animal shall wear a collar and/or tag that visually identifies the animal as being dangerous;
  - iv. The owner and animal must attend and complete a training class and/or behavior modification course approved by the Court that is designed to teach the owner how to deal with, correct, manage, and/or alter the problem behavior;
  - v. A sign having reflective letters and backing, with letters measuring at least 1.5 inches in width and 1.5 inches in height and reading "Beware of Animal" shall be posted in a conspicuous place at all entrances to the premises on or within which such animal is kept;
  - vi. A Dangerous Animal may never, even with the owner present, be allowed to be unrestrained on property that allows the animal direct access to the public;
  - vii. The animal must be altered;
  - viii. An identification microchip must be implanted in the animal, and must be registered with the appropriate company so that the owner's information can be obtained, with the serial number of the microchip supplied to the Animal Shelter;

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- ix. The owner of the animal or owner of the premises on which the animal is kept shall be required to obtain and maintain liability insurance in the amount of one hundred thousand dollars (\$100,000.00) and to furnish a certificate of insurance to the Animal Shelter;
  - x. The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains;
    - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and /or property owner;
    - b. the animal's vaccination records and license numbers;
    - c. a current photo of the animal taken by the Animal Shelter;
  - xi. The owner shall submit to the Animal Shelter, in writing, the location of the animal's residence, temporary or permanent, and shall notify the Animal Shelter, in writing, in advance of any change of residence of the Dangerous Animal; or
  - xii. Any other requirements or restrictions the Court deems necessary and/or appropriate.
8. The cost of all requirements or restrictions identified in this section shall be paid by the owner.
9. It shall be unlawful for any person who has been served with a citation to appear in Great Falls Municipal Court for the charge of harboring a Dangerous Animal or Potentially Dangerous Animal, or who has been notified of the City's request for a hearing for the purpose of determining whether such person's animal should be designated as a Potentially Dangerous Animal or Dangerous Animal to transfer ownership of such animal until after the City Court has issued a ruling on the currently pending matters or issues an order allowing transfer of ownership.
- C. Intake and disposition of Potentially Dangerous or Dangerous Animal:
- 1. If upon investigation and Animal Control Officer or law enforcement officer determines that probable cause exists to believe that an animal poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may immediately seize and intake the animal pending a hearing pursuant to this chapter. At the time of the intake or as soon as practicable thereafter, the officer shall serve upon the owner of the animal a citation and notice to appear in the Great Falls Municipal Court.
  - 2. An Animal Control Officer or law enforcement officer may intake any Potentially Dangerous Animal or Dangerous Animal, if the officer has reasonable cause to believe that any of the requirements or restrictions upon such failure to follow the requirements or restrictions would likely result in a threat to public safety. The owner of such Potentially Dangerous Animal or Dangerous Animal shall surrender the animal to an Animal Control Officer or law enforcement officer upon demand, and the officer shall promptly serve a citation upon the owner of such animal for violation of the provisions of this chapter.

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3. No animal that has been designated by the Court as a Potentially Dangerous Animal or a Dangerous Animal may be released by the Great Falls Animal Shelter until the owner has paid the Great Falls Animal Shelter all fees and costs that are normally charged to an owner prior to the redemption of the animal. If the owner fails to pay such fees and costs and take possession of the animal within ten (10) days of the owner's notice of the animal's designation as Potentially Dangerous Animal or Dangerous Animal, the animal shall be deemed abandoned and may be disposed of by the Great Falls Animal Shelter. Euthanasia or surrender to the Great Falls Animal Shelter of such animal does not free the owner of responsibility for all costs incurred up to and including the date of the euthanasia or surrender.
- D. Possession unlawful without proper restraint; failure to comply with restrictions:
1. It shall be unlawful for a person to have custody of, own, or possess a Potentially Dangerous Animal or a Dangerous Animal unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such animal as a Potentially Dangerous Animal or Dangerous Animal.
- E. Removal of designation:
1. The designation of Dangerous Animal and the requirements and/or restrictions imposed on such animal remain in effect for the life of the animal. A Dangerous Animal designation shall not be removed.
  2. The designation of Potentially Dangerous Animal may be removed upon the written request of the owner if there are no additional instances of the behavior within twelve (12) months of the date of designation as a Potentially Dangerous Animal. The animal may be, but is not required to be, removed from the list of Potentially Dangerous Animals prior to the expiration of the twelve (12) month period if:
    - i. the owner or keeper of the animal demonstrates to Animal Control, and the Animal Control Officer confirms, that changes in circumstances or measures taken by the owner, such as training of the dog or confinement, mitigated the risk to the public safety; and
    - ii. the owner, or the Animal Control Officer, petitions the Great Falls Municipal Court to remove said designation, and the Court agrees to do so.
- F. Change of ownership, custody, or location of animal; death of animal:
1. The owner of a Potentially Dangerous Animal or Dangerous Animal who moves or sells the animal, or otherwise transfers the ownership, custody or location of the animal, shall, at least fifteen (15) days prior to the actual transfer or removal of the animal, notify Animal Control, in writing of the name, address, and telephone number of the proposed new owner or custodian, the proposed new location of the animal, and the name and description of the animal.

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2. In addition to the requirements in subsection (a) above, the owner or custodian shall notify any new owner or custodian of Potentially Dangerous Animal or Dangerous Animal, in writing, regarding the details of the animal's record and the requirements and/or restrictions imposed by the Court.
3. Prior to the transfer of ownership, the owner of the Potentially Dangerous Animal or Dangerous Animal and the new owner shall meet with an Animal Control Officer or their designee to verify that the new owner has been advised of all requirements and/or restrictions placed upon the animal and to ensure that the new owner understands and is prepared to comply with all the requirements and/or restrictions.

#### **G. Escape or death of Potentially Dangerous Animal or Dangerous Animal:**

1. If a Potentially Dangerous Animal or Dangerous Animal escapes, the owner shall immediately notify the Animal Control Officers and make every reasonable effort to recapture the escaped animal to prevent injury and/or death to humans or domestic animals.
2. If a Potentially Dangerous Animal or Dangerous Animal dies, the owner shall notify the Animal Control Officers no later than twenty-four (24) hours thereafter and, upon request from the Animal Control Officers, shall produce verification or evidence of the animal's death that is satisfactory to the Officers.

#### **H. Animals designated outside City as potentially dangerous or dangerous:**

1. The owner of an animal designated as a Potentially Dangerous Animal, a Dangerous Animal, or any similar designation by another lawful body is subject to the restrictions set forth in this chapter while said animal is located within the city limits of Great Falls.
2. The following persons must notify the Animal Control Officers when relocating an animal to the City of Great Falls, even on a temporary basis:
  - i. the owner of a Potentially Dangerous Animal, Dangerous Animal, or any similar designation by another lawful body other than the City of Great Falls; and
  - ii. the owner of an animal that has had special restrictions placed on it by any humane society, governmental entity or agency other than the City of Great Falls based upon the behavior of the animal.
3. No such designation as Potentially Dangerous Animal, Dangerous Animal, or any other similar such designation shall be recognized by the City of Great Falls, if such designation is based solely on the breed of the animal.

### **6.1.190 Cruelty to animals.**

#### **A. A person commits the offense of cruelty to animals if:**

1. The person's conduct is in violation of Montana Code Annotated § 45-8-211; or



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2. The person has tied or tethered a dog or other animal to a stationary object under circumstances so as to create an unhealthy situation for the animal, a potentially dangerous situation for a pedestrian, or a nuisance to neighbors as determined by an Animal Control Officer.
- B. A conviction for a violation of this section is punishable by a fine an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

#### **6.1.200 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 convicted of a violation this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or up to six (6) months in jail.

#### **6.1.210 Animal abandonment.**

It is unlawful for any person to abandon any animal within the City. After providing notice, the Animal Control Officers have the authority to seize and intake any animal that appears to be abandoned. A conviction for a violation this section is a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00), and the defendant shall bear all expenses incurred by the Animal Shelter in caring for said animal and shall reimburse the Animal Shelter all said costs as determined by the Animal Shelter.

#### **6.1.220 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 who knows, or should have known, that he or she injured or struck a pet animal, shall give aid to said animal or 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. A conviction for violating this section is punishable by a maximum fine of five hundred dollars (\$500.00).

#### **6.1.230 Wild animals.**

- A. It is prohibited to own, harbor, or maintain a Wild Animal within the incorporated City limits.
- B. The provisions of this section shall not prohibit the keeping or maintaining of animals as allowed by the Montana Code Annotated.
- C. A conviction for a violation of this section is a misdemeanor punishable by a fine of not less than three hundred dollars (\$300) or more than one thousand dollars (\$1,000.00), or a term of not more than six (6) months in jail or both.

#### **6.1.240 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 conviction for a violation of this section is a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00) and/or up to six (6) months in jail.

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#### **6.1.250 Unattended animal in a motor vehicle.**

- A. It is unlawful for any person to leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.
- B. A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of subsection (A) if the person is:
  - 1. an Animal Control Officer;
  - 2. a law enforcement officer; or
  - 3. a professional fire and/or rescue service person.

#### **6.1.260 Livestock.**

- A. It is unlawful to keep livestock, as defined by 6.1.010(CC), within the incorporated City limits, except as follows;
  - 1. 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;
  - 2. at such place as directed by the Chief of Police; or
  - 3. in suburban districts as defined by OCCGF Title 17.
- B. In suburban districts, as defined in OCCGF Title 17, livestock must be kept within fences or secured in such a manner which prevents them from running at large.
- C. Veterinarian's premises are exempt from this provision.

#### **6.1.270 Animal Control Officer duties.**

In addition to the duties of the Animal Control Officer otherwise prescribed, the officer shall:

- A. Carry out and enforce all of the provisions of this chapter and amendments thereto.
- B. Enforce the licensing and control of all animals in the City as provided in this chapter.
- C. Seize and take up all animals violating the terms of this chapter and deliver the same in a suitable and humane manner to the Animal Shelter.
- D. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.
- E. 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.
- F. File complaints in the Municipal Court for violations of this chapter and attend and testify in court when required.
- G. Make an immediate notification to the City/County Health Department regarding bite reports submitted to Animal Control.
- H. 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.

## **Exhibit "A" (Amended from June 6, 2017)**

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- I. Assist the City-County Health Department with locating and quarantining animals involved in exposing humans to the potential of rabies.

#### **6.1.280 Investigative authority.**

- A. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the Animal Control Officer, or any City of Great Falls Law Enforcement 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 or any City of Great Falls Law Enforcement 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 or any City of Great Falls Law Enforcement Officer may obtain a search warrant.

#### **6.1.290 Interference prohibited.**

- A. It is unlawful for any person to hinder or interfere with the Animal Control Officer or any City of Great Falls Law Enforcement 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 or any City of Great Falls Law Enforcement Officer, except as provided in this chapter.
- B. It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set under the authority of Animal Control Officers, any City of Great Falls Law Enforcement Officer, or Animal Shelter 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 five hundred dollars (\$500.00) and/or six (6) months jail and may also be subject to the other penalties specified in 6.1.300.

#### **6.1.300 Violation—other penalties.**

- A. Violations of this chapter may result in immediate intake of the subject animal(s).
- B. Violation of any provision of this chapter may result in revocation of any license(s) or permit(s).
- C. In addition to any penalties specified in this Chapter, the Court, in its discretion may order any of the following conditions:
  - 1. The Court may order relinquishment of any animal 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.

## **Exhibit "A" (Amended from June 6, 2017)**

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2. Upon finding of violation under the sections pertaining to animal fighting, a dangerous animal jeopardizing public safety, and animal cruelty or neglect (including provoking, poisoning, or abandonment of an animal), the court may order no animal ownership for a determinate period.
3. The Court may, in its discretion, order any animals on the premises be spayed or neutered.
4. The Court may order the animal be designated a Dangerous Animal or Potentially Dangerous Animal.
5. Any other condition deemed necessary and appropriate given the circumstances.

#### **6.1.310 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 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 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.

#### **6.1.320 In taken animal redemption.**

- A. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the Animal Shelter upon payment of the following:
  1. Registration fee (for unregistered animals);
  2. An intake fee established by the Animal Shelter;
  3. A fee for rabies vaccination, if the pet is not vaccinated; and
  4. Any veterinary fees incurred.
- B. If any animal is in taken, the owner shall redeem it within seventy-two (72) hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Shelter as provided in this chapter. If such in taken animal has a registration tag or microchip, the animal will be held for ninety-six (96) hours (Sundays and holidays excluded) before being subject to adoption or disposal. In addition, the Animal Shelter 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 Shelter will attempt to return the animal to the owner. The Animal Control Officer may issue a citation to the person redeeming an in taken animal for violation of any provision of this chapter.
- C. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions, and payment of the following fees:
  1. The Animal is legally allowed by the Montana Code Annotated and within the incorporated City limits;
  2. Proof of compliance that the animal has all required Federal, State, or local permits;
  3. An intake fee established by the Animal Shelter for each day, or part thereof, that the animal has been held in the Animal Shelter; and

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### **Title 6 - ANIMALS**

- 4. Any veterinary fees incurred.
- D. A conviction for a violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

#### **6.1.330 Surrender/crematory fee — dogs and cats.**

- A. The Animal Shelter will dispose of dead dogs or dead cats for a fee to be established by City Commission Resolution, if the animal is transported to the Animal Shelter by the owner.
- B. The Animal Shelter shall dispose of dogs and cats for an owner who is responsible for the payment of fees established by established by City Commission Resolution.
- C. These Fees do not apply to persons or agencies covered by a written contract with the Animal Shelter; in such case the terms of the contract shall apply.

#### **6.1.340 Animal Shelter Policies**

The Great Falls Animal Shelter may create, revise and enforce policies which are consistent with this Title, for the maintenance of day-to-day operations.

## **Chapter 2 BEES**

### **Sections:**

#### **6.2.010 Definitions.**

- A. "Colony" means bees and their hive(s) combined and all equipment used in connection with the hive(s).
- B. "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container, natural or artificial, used as a domicile for bees.
- C. All other terms in this Chapter shall have the meaning designated by MCA Title 80, Chapter 6, Part 1.

#### **6.2.020 Maintaining unlawful.**

- A. It is unlawful for any person, firm, or corporation to maintain honeybees, (*apis mellifera*) without licensing and registering each hive with the Animal Shelter.
- B. All hives shall be registered with Animal Shelter prior to April 1, of each year, or within 30 calendar days after the establishment of a colony, after April 1, and each hive will be assessed an annual license fee established by Commission resolution.

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- C. A one-time beekeeping permit fee shall be assessed on initial registration and established by City Commission resolution.
- D. Animal Control shall inspect a hive to be registered and surrounding location, and shall have the authority to re-inspect any registered hive and surrounding location, upon complaint of violation of any provision of this Chapter.
- E. Animal Control may seek consultation or opinions from third parties selected as appropriate in the City's discretion while inspecting hives, or investigating alleged violations of this Chapter.

#### **6.2.030 Bee hive limitations.**

- A. Bee hives shall be maintained on the parcel of property upon which the bee owner resides or controls. The bee owner shall maintain no more than five (5) hives of honeybees for each one-quarter ( $\frac{1}{4}$ ) acre of property.
- B. Bee hives shall not be maintained on premises where any adjoining property resident has a known medically diagnosed allergic reaction to honeybee stings.

#### **6.2.040 Distance required.**

All hives must be maintained at least fifteen (15) feet from the boundary lines of the lot on which such hives are located, unless a six-foot hedge, fence, or other barrier is erected between the hive(s) and the adjoining lots, with the intent of lifting bee flight patterns above six feet.

#### **6.2.050 Water supply.**

No honey bee hive shall be maintained unless an adequate supply of water is furnished by the beekeeper at all times from April 15 to October 15 of each year.

#### **6.2.060 Moveable framed hives.**

- A. All bee hive colonies shall be maintained in hives with movable frames.
- B. All hives shall be entirely moveable.
- C. All hives shall be maintained to have adequate space in the hive to reduce overcrowding and swarming.

#### **6.2.070 Colonies.**

- A. Colonies shall be maintained by the resident beekeeper.

## **Exhibit "A" (Amended from June 6, 2017)**

### **Title 6 - ANIMALS**

- B. Colonies of bees shall be re-queened, united with another hive, split, removed, or other such appropriate action, following any swarming or aggressive behavior.

#### **6.2.080 Hive restrictions.**

- A. Non-moveable frame hives or unmanaged hives (honeybees which live in, sides of houses, attics, decks, sheds etc.) are prohibited within the City limits.
- B. Feral honeybees may occupy tree cavities, if they do not constitute a public nuisance as defined by OCCGF Title 8.

#### **6.2.090 Night manipulation prohibited.**

Bee hives may not be manipulated later than one hour after sunset and earlier than one hour before sunrise, unless the hives are being moved to or from another location.

#### **6.2.100 Penalties.**

- A. Any violation of this chapter shall be punishable by a fine not to exceed five hundred dollars (\$500.00).
- B. The Court, within its discretion, may order the bee hive owner to abate the violation, or remove any hive found to be in violation of this Chapter.

(Ord. 3160, 2017; Ord. 2933, 2007; Ord. 2705, 1997; Ord. 2656, 1992; Ord. 2573, 1990; Ord. 2534, 1989; Ord. 2394, 1985)

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### **Chapter**

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## **Chapter 8    ANIMALS**

### **Sections:**

#### **6.8.005    Definitions.**

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

"Adequate shelter" means a structure designed specifically to shelter an animal, with a roof and three (3) 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.

"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.

"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).

"Animal Shelter" means any premise provided for impounding and caring for dogs and other animals.

(Ord. 2656, 1992).

"Animal Control Agency" means the agency designated by the City to administer and enforce this Ordinance, the animal shelter and animal control services;

"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.

"Collar" means a restraining or identifying band of leather, metal, nylon, or plastic placed around the neck of an animal.

"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.

"Dangerous Animal" means any animal that:



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- A. Has inflicted bodily injury upon or has caused the death of a person or domestic animal; and/or
- B. 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;
  - 1. 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;
  - 2. Attacked, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
  - 3. 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.
- C. Has engaged in or been trained for animal fighting.

"Hybrid animal" means an animal resulting from the crossbreeding between two (2) 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.

"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.

"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.

"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.

"Livestock" means cattle, sheep, swine, poultry, ostriches, emus, goats, horses, mules and llamas.

"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.

"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.

"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.

"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.

"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.

"Secure enclosure" means a fence or structure designed to confine an animal in a humane manner.

"Service Animal" means an animal that is individually trained to do work or perform tasks for the benefit of a person with a disability.

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"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.

"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 (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.

(Ord. 2534 §2(Exh. B(part)), 1989).

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

#### **6.8.010 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 (2) 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.

(Ord. 2933, 2007)

#### **6.8.020 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.

(Ord. 2933, 2007)

#### **6.8.030 Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret or horse over six (6) months of age unless it has had a current vaccination, as defined in Section 6.8.005. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

#### **6.8.040 Dog and cat registration.**

- A. Any person keeping or harboring any dog over six (6) months of age must register such animal as provided for in this section. A keeper of a domestic cat over six (6) months of age must register such cat by paying a registration fee as established in this section.

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- B. Registrations shall be issued by duly appointed registration agents upon payment of a registration fee. Registration fees shall be established by resolution of the City Commission.
- 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 (18) 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 (60) days.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

(Ord. 2933, 2007; Ord. 2534 §(Exh. B(part)), 1989).

#### **6.8.050 Pet registration, agents, reimbursement.**

Registration agents shall receive partial reimbursement at a level to be established by resolution of the City Commission. 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. 2933, 2007; Ord. 2656, 1992).

#### **6.8.060 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. If a dog or cat has a Microchip Implant, no collar or tag is required to be worn, however the animal is still required to be registered pursuant to the provisions of this Title.
- C. Any pet animal found off the owner's premises without a registration tag, or without a Microchip Implant, 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 (1) 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 two hundred fifty dollars (\$250.00).

(Ord. 2933, 2007; Ord. 2573, 1990; Ord. 2534 §2(Exh. B(part)), 1989).

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#### **6.8.070 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 six (6) months of age and two (2) cats over six (6) months of age without first obtaining a multiple animal permit as provided in Section 6.8.080.

(Ord. 2933, 2007; 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 five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.8.310.

#### **6.8.080 Multiple-animal permit/multiple animal hobby breeder 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. A Multiple Animal Hobby Breeder 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 who intends to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter. Application for these permits 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. Cat breeders are allowed to have a maximum of four (4) litters per year. Other than any animals intended to be kept as pets by the breeder, kittens must be sold or given away within four (4) months of birth. Dog breeders are allowed to have maximum of two (2) litters per year, and other than any animals intended to be kept as pets by the breeder, puppies must be removed within four (4) months.
- G. For a Hobby Breeder Permit, the puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Hobby Breeder Permit.
- H. The Hobby Breeder Permit shall list the maximum number of animals over the age of six (6) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location.
- I. 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;

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- J. After receiving notification of the Animal Control Agency's approval, the applicant must pay the Animal Control Agency an application fee which shall be established by resolution of the City Commission;
- K. 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 thirty-day written notice of the Animal Control Agency's recommendation/revocation/denial;
- L. 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.
  - 4. A Hobby Breeder Permit must state whether it is for dogs or cats or both
- M. If the holder of a Multiple-Animal permit or a Multiple Animal Hobby Breeder permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within thirty (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.
- N. The applicant may appeal the denial or revocation of a permit by filing a written request for reconsideration with the Neighborhood Council Coordinator. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The appeal shall be heard by the Neighborhood Council for the district which includes the location of the requested permit. The Neighborhood Council shall set the matter for hearing at either the Council's next regularly scheduled meeting or a special session set at the Council's discretion. The Neighborhood Council Coordinator shall provide written notice to the person filing the appeal as well as the Animal Control Agency of the date and time of the hearing. After hearing testimony and reviewing the written appeal, the Council shall either affirm or reverse the permit decision.
- O. If the applicant is not satisfied with the decision of the Neighborhood Council, they may file an appeal to the Clerk of Municipal Court within thirty (30) days of the date on the written denial provided by the Neighborhood Council. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The Court shall set the matter for hearing and either affirm or reverse the permit decision.

(Ord. 2933, 2007)

#### **6.8.090 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.

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3. Fee. The annual commercial kennel fee shall be established by resolution of the City Commission.
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 (60) days of the expiration date or the application will be treated as a new application.
6. License Revocation. All kennel licenses will expire one (1) 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 (5) 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 five hundred dollars (\$500.00).

(Ord. 2933, 2007)

#### **6.8.100 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

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the duty of removing such feces and satisfactorily disposing of the same within forty-eight (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 lessee. If the premises where the accumulation of feces is found contains more than one (1) 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 five hundred dollars (\$500.00) and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in 6.8.310.

(Ord. 2933, 2007)

#### **6.8.110 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 (6) 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 (10) 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 (10) days after the day of exposure. The owner of such animal shall have twenty-four (24) 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

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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 (72) 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 (10) 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 (24) 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 five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.310.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

#### **6.8.120 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).

#### **6.8.130 Contagious disease.**

Upon the positive diagnosis of a contagious communicable disease in any animal in the City which poses a community health risk, 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. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).



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#### 6.8.140 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 (18), 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 (10) 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 ten (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.

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(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 five hundred dollars (\$500.00). If the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

(Ord. 2933, 2007)

#### **6.8.150 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 (2) 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.

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- 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 five hundred dollars (\$500.00) 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 two hundred dollars (\$200.00).

(Ord. 2933, 2007)

#### **6.8.160 Dangerous animal.**

It is unlawful for any person to own or harbor a dangerous animal as defined in Section 6.8.005.

- 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 ordered spayed or neutered, 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 three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00). If a person has purposely, knowingly or negligently violated this section, up to twelve (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 five hundred dollars (\$500.00).

(Ord. 2933, 2007)

#### **6.8.170 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

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4. Any veterinary fees incurred.
- B. If any unregistered dog or other animal is impounded, the owner shall redeem it within seventy-two (72) 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 ninety-six (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 five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08.310.

(Ord. 2933, 2007)

#### **6.8.180 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 five hundred dollars (\$500.00).
- C. No animal suffering from an infectious disease will be released unless the public health officer shall so order.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

#### **6.8.190 Surrender/crematory 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.

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- B. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The resident surrender fee shall be established by the Animal Control Agency and charged to the owner.
- C. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a non-resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The non-resident surrender fee shall be established by the Animal Control Agency and charged to the owner.
- D. These fees do not apply to persons or agencies covered by a contract with the Animal Control Agency or the City for disposal.

(Ord. 2933, 2007)

#### **6.8.200 Cruelty to animals.**

Please refer to Montana Code § 45-8-211.

#### **6.8.210 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 five hundred dollars (\$500.00) and/or up to six (6) months in jail.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

#### **6.8.220 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 five hundred dollars (\$500.00) 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. 2933, 2007; Ord. 2534 §2(Exh. B (part)), 1989; Ord. 2656, 1992).

#### **6.8.230 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 five hundred dollars (\$500.00).

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

#### **6.8.240 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.

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- 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. The fee for this license shall be established by resolution of the City Commission. 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 five hundred dollars (\$500.00).

#### **6.8.250 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 resolution of the City Commission.
  - 4. Consent. Anyone wishing to harbor wild animals must obtain the written consent of at least seventy-five (75) percent of the adjoining neighbors within two hundred (200) feet east and west and one hundred fifty (150) feet north and south, excluding public right-of-way.
  - 5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.
  - 6. License Revocation. All License Certificates will expire one (1) 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 (5) days written notice of such

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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 five hundred dollars (\$500.00).

#### **6.8.260 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 three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00) and/or up to six (6) months in jail.

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

#### **6.8.270 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. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.280 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. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.290 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 five hundred dollars (\$500.00) and/or six (6) months jail and may also be subject to the other penalties specified in 6.8.310.

**6.8.300 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 from the Animal Control Agency for a fee established by resolution of the City Commission.

(Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.310 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.



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- 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.

(Ord. 2933, 2007)

#### **6.8.320 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. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

### **Chapter 10 BEES**

Sections:

#### **6.10.010 Definitions.**

"Hive" means the bee colony and all equipment used in connection with the bee colony.

(Ord. 2394 (part), 1985).

#### **6.10.020 Maintaining unlawful.**

It is unlawful for any person, firm, or corporation to maintain honeybees, (*apis mellifera*) on its property without licensing each hive with Animal Control. All hives shall be registered with Animal Control prior to April 1st of each year. A one-time fee shall be assessed on initial registration and established by City Commission resolution.

(Ord. 2705, 1997; Ord. 2394 (part), 1985).

#### **6.10.030 Limit of hives.**

The keeping of bees shall be limited to the parcel of property upon which the owner of bees resides. No more than five (5) hives of honeybees for each one-quarter (¼) acre of property or less shall be maintained on any lot.

(Ord. 2394 (part), 1985).

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#### **6.10.040 Distance requirement.**

All hives must be maintained fifteen (15) feet from the boundary lines of the lot on which such hives are located, unless a six-foot hedge or fence is erected between the hive(s) and the adjoining lots.

(Ord. 2394 (part), 1985).

#### **6.10.050 Supply of water.**

No hive of honey bees shall be maintained unless an adequate supply of water shall be furnished by the beekeeper on the lot within twenty (20) feet of said hive(s) at all times between April 15th and October 15th of each year.

(Ord. 2394 (part), 1985).

#### **6.10.060 Moveable framed hives.**

All beehive colonies shall be maintained in moveable framed hives, with adequate space in the hive to prevent overcrowding and swarming.

(Ord. 2394 (part) 1985).

#### **6.10.070 Colonies.**

Colonies of bees shall be re-queened or united with another hive following any swarming or aggressive behavior.

(Ord. 2394 (part), 1985).

#### **6.10.080 Hive restrictions.**

Non-moveable frame hives or feral honeybee colonies (honeybees which live in trees, sides of houses, etc.) are prohibited within the City limits.

(Ord. 2394 (part), 1985).

#### **6.10.090 Hours.**

The hives of bees may not be manipulated between the hours of sunset and sunrise unless the hives are being moved to or from another location.

(Ord. 2394 (part), 1985).

#### **6.10.100 Adjoining property owners' written authorization.**

Any person, firm or corporation maintaining honeybees on its property shall obtain written permission to maintain such hives from persons owning and/or residing on the adjoining properties if those persons have a medically diagnosed allergic reaction to honeybee stings.

(Ord. 2705, 1997; Ord. 2394 (part) 1985).

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**6.10.110 Penalties.**

- A. Any violation of this chapter shall be punishable pursuant to Section 1.4.070 of this Code. No jail sentence shall be imposed.
- B. On conviction of any violation of this chapter, it shall be the duty of the court before whom the conviction is had to order the defendant to abate such violation and/or remove such hives which are in violation, and if the same is not done by such defendant within three (3) days, the same shall be abated and/or removed.

(Ord. 2394 (part), 1985).

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**Sections:**

**6.8.0051.010    Definitions.**

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

- A. "Adequate shelter""Abandon" means a structure designed specifically to shelterforsake, desert, or absolutely give up an animal, with a roof and three (3) sides free previously under the custody, or possession, of leaks or openings a person without having secured another owner or custodian by failing to the wind and rain, and a fourth side allowing access that is protected from provide one or more of the elements. The structure must be physically located in a dry area allowing of adequate care for a period of twenty-four (24) or more consecutive hours.
- B. "Adequate care" means the reasonable practice of good animal dry keepinghusbandry, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia. This practice must be appropriate for the age, species, condition, size, and type of animal. Adequate care additionally includes the provision of veterinary care to prevent suffering, disease, or the impairment of health.
- C. "Adequate feed" means the provision of access to food that is:
1. Of sufficient quantity and nutritive value to maintain each animal in good health;
  2. Accessible to each animal without duress or competition;
  3. Prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal;
  4. Provided in a clean and sanitary manner;
  5. Placed so as to minimize contamination by excrement and pests; and
  6. Provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting for the normal species.

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- D. "Adequate shelter" means the provision of, and access outside the structure to dry ground to, shelter that:
1. Is suitable for the species, age, condition, size, and type of each animal;
  2. Provides adequate space for each animal;
  3. Is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health;
  4. Is properly cleaned to include:
    - i. clean of carcasses, debris, food waste and excrement with sufficient frequency to minimize the animal's contact with those contaminants;
    - ii. sanitized with sufficient frequency to minimize odors and the hazard of disease; and
    - iii. cleaned to prevent the animals confined therein from being directly or indirectly sprayed with a stream of water or exposed to hazardous chemicals or disinfectants.
  5. Enables each animal to be clean and dry, except when detrimental to the species.
  6. For dogs and cats, provides a solid surface, resting platform, pad, floor mat, or similar device that is ~~mud-free~~ large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner.
  7. A shelter with wire, grid, or slat floors which do not sag under the animal's weight, do not permit the animal's feet to pass through the openings, or which otherwise protect the animal's feet or toes from injury.
  8. With respect to outdoor facilities for animals, the provision of one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner and to turn about freely. In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun. Shelters in outdoor facilities for animals must:
    - i. Contain a roof and be fully enclosed with an opening to allow animal access;
    - ii. Provide the animals with adequate protection and shelter from the cold and heat, provided that no animal may be maintained in any outdoor location where the ambient temperature is under thirty-five (35) degrees Fahrenheit or higher than one hundred (100) degrees Fahrenheit or any indoor location where the ambient temperature is under forty-five (45) degrees Fahrenheit or exceeds eighty-five (85) degrees Fahrenheit;
    - iii. Provide a wind break at the entrance;
    - iv. For building surfaces in contact with animals in outdoor housing facilities, be impervious to moisture;
    - v. Not be made of metal barrels, cars, refrigerators or freezers, and similar materials; and

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- vi. Have floors which are maintained on a regular basis and made of compacted earth, absorbent bedding, sand, gravel, or grass, which must be replaced if there are any prevalent odors, diseases, insects, pests, or venom. Surfaces of outdoor housing facilities, that cannot be readily cleaned and sanitized must be replaced when worn or soiled.

**E. "Adequate space" means sufficient space to allow each animal:**

- 1. To easily stand, sit, lie, turn about and make all other normal body movement in a comfortable, normal position for the animal;
- 2. To interact safely with other animals in the enclosure. Outside dog runs must be a least ten (10) feet long and thirty-six (36) inches wide for dogs weighing up to forty-five (45) pounds, and at least ten (10) feet long and forty-eight (48) inches wide for dogs weighing forty-five (45) pounds or more;
- 3. When an animal is tethered, to engage in the above actions and is:
  - i. Appropriate to the age and size of the animal;
  - ii. Attached to the animal by a properly fitted collar, halter, or harness configured so as to protect the animal from injury and to prevent the animal or tether from becoming entangled with other objects or animals or from extending over an object or edge that could result in the strangulation or injury of the animal; and
  - iii. Is at least three times the length of the animal, as measured from the tip of the nose to the base of the tail, except when the animal is being walked on a leash or is attached by a tether to a lead line. When freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to accepted veterinary standards for the species is considered provision of adequate space, provided, however, that no animal shall be tethered for more than a reasonable period.

**F. "Adequate veterinary care" means provision of medical care to alleviate suffering, prevent disease and disease transmission, and maintain health through accepted practice by the American Veterinary Medical Association for the age, species, condition, size, and type of each animal.**

**G. "Adequate water" means the provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and suitable intervals to maintain normal hydration for the age, species, condition, size, and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species. Such water shall be provided in clean, durable receptacles that are accessible to each animal and placed so as to minimize contamination of the water by excrement or pests. Alternatively, provision of an alternate source of hydration consistent with generally accepted husbandry practices may be provided.**

**H. "Adoption" means the transfer of ownership of an animal from a releasing agency to an individual.**

**I. "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.**

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J. "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).~~

K. "Animal hoarder" means any person who possesses a large number of animals, and who:

1. Keeps animals in severely overcrowded conditions where they are unable to be in a state of good health;
2. Displays the inability to recognize or understand the nature of, or has reckless disregard for, the conditions of the animals; or
3. Lives in unsanitary, unhealthy or potentially dangerous conditions and fails to or is unable to provide the animals with adequate care as defined in this chapter.

L. "Animal Shelter" means any premise provided for ~~impounding~~intaking and caring for ~~dogs and other animals.~~ domestic animals. References in this Title to "Animal Shelter" shall mean the Great Falls Animal Shelter unless specifically stated otherwise.

~~(Ord. 2656, 1992).~~

~~"Animal Control Agency" means the agency designated by the City to administer and enforce this Ordinance, the animal shelter and animal control services;~~

M. "ARM" means the Administrative Rules of Montana.

N. "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.

O. "Collar" means a ~~restraining~~well fitted device that:

1. Encircles an animal's neck ~~or identifying band~~or torso in such a way as to avert trauma or injury to the animal;
2. Allows two fingers to be inserted between the neck and collar;
3. Is appropriate to the age and size of the animal; and
4. Is constructed of nylon, leather, metal, ~~nylon, or plastic~~placed around the neck of an animal, or similar material.

P. "Commercial kennel/cattery" means any building, structure, or premise which is used for the business of charging fees for boarding, training, or breeding of domestic animals, exclusive of medical or surgical care, or for quarantine purposes.

Q. "Companion Animal" means any domestic animal that works, provides assistance, or performs tasks for the benefit of a person with a disability, or provides emotional support that alleviates one or more identified symptoms or effects of a person's disability, the need for which is documented by a health care provider.

R. "Dangerous Animal" means any animal that displays any of the following behaviors:

- A. ~~Has inflicted~~1. inflicting bodily injury upon or has caused the death of a person or domestic animal; ~~and/or~~
- B. ~~Has demonstrated~~2. demonstrating 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;

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- ~~1. Attackedi.~~ attacking, 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;
- ~~2. Attackedii.~~ attacking, without provocation, resulting in an injury to a person in a place where such person is conducting himself peaceably and lawfully;
- ~~3. Attackediii.~~ attacking, 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; or

~~C. Has engaged~~ engaging in or been trained for animal fighting.

S. "Domestic animal" means any animal that may be legally possessed by a person and is commonly kept in or around a residence, outbuildings or business.

T. "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death or by a method that involves anesthesia, produced by an agent that causes painless loss of consciousness, and death during such loss of consciousness.

U. "Excrement" means waste from the bowels or bladders of animals.

V. "Feral cat" means any cat that is a descendant of a domesticated cat that has returned to the wild.

W. "Foster home" means a private residential dwelling and its surrounding grounds where care and/or rehabilitation are provided to domestic animals through an affiliation with the Great Falls Animal Shelter.

X. "Fowl" means any of various birds of the order alloforms, including chickens, roosters, ducks, geese, turkeys, and pheasants, or any bird that is used for food or hunted as game.

Y. "Hybrid animal" means an animal resulting from the crossbreeding between two (2) 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.

Z. "Intake" means the taking into custody of an animal either wild or domestic by Animal Control Officers or the Great Falls Animal Shelter.

AA. "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.

~~"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.~~

BB. "Licensing authority" means any designated representative of the City or Animal Control Agency Shelter charged with administering the issuance and/or revocation of permits and pet registrations under the provisions of this chapter.

CC. "Livestock" means cattle, sheep, swine, poultry domestic animals traditionally raised in an agricultural setting to produce commodities such as food, fiber, or labor. These may include, but are not limited to, cattle, sheep, swine including domestic pot-bellied pigs, poultry, fowl, ostriches, emus, goats, horses, mules and llamas.

DD. "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.



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EE. "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.

~~"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.~~

FF. "Neglect" occurs when the owner or keeper of an animal does any of the following:

1. Fails to provide an animal with adequate care as defined in this chapter;
2. Fails to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized;
3. Keeps any animal under conditions which increase the probability of the transmission of disease;
4. Allows any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled, or not ambulatory, to suffer unnecessary pain; or
5. Meets the definition of an animal hoarder as defined in this chapter.

GG. "Nuisance animal" means any animal or group of animals that behaves in a disruptive or destructive manner, including but not limited to, the following, habitually:

1. Steals, damages, soils, or defiles community or neighborhoods private property or public property;
2. Turns over garbage containers, rummages through or scattering garbage or rubbish, or damages flower or vegetable gardens;
3. Causes unsanitary or offensive conditions;
4. Chases vehicles or bicycles on public streets, ways or parks, or impedes the safety of pedestrians, bicyclists, or motorists;
5. Is inside a public area which is designated as one prohibiting animals, except for an animal that has been duly and properly trained and registered as a Service Animal as described in Section 6.1.010, or a Companion Animal as defined in this Title, may be allowed in such an area when acting in that capacity; or
6. Barks, howls, whines, bays, or makes any noise common to its species, so continuously or incessantly as to unreasonably disturb the peace, comfort, tranquility of life or property of one or more persons occupying property in the community or neighborhood, within reasonable proximity to the premises where the animal or animals are kept. The noise must be continuously or intermittently audible for thirty (30) minutes within one (1) hour period, however, the provisions of this section shall not apply to any commercial kennel permitted by zoning laws.
7. Is allowed by any person having ownership, possession, charge, custody or control of the animal to be at large during its estrous period or when in heat. During this period, the owner or person having possession of the animal must restrain the animal in a proper enclosure in such a manner that will prevent the animal from coming in contact with a male of its species. Any such animal not so confined may be taken in by Animal Control Officers or the Animal Shelter. This section shall not be construed to prohibit the intentional breeding of animals on the premises of the owners of the animals involved.

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HH. "Owner" means any person, or group of persons, corporation, organization, or association (excluding the Great Falls Animal Shelter, any non-profit releasing agency, feral cat caretaker, or veterinarian) that:

1. Has a property right in an animal;
2. Keeps or harbors an animal;
3. Has an animal in his or her care or acts as a custodian of an animal for ten (10) or more consecutive days when the true owner of the animal is unknown to such person; or
4. Has an animal in his or her care or acts as a caretaker or custodian of an animal by agreement with or without permission of the true owner of the animal.

II. "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.

JJ. "Potentially Dangerous Animal Behavior" means any of the following behaviors:

1. Without provocation, chasing or approaching a person in either a menacing fashion or having an apparent attitude of attack while the animal is off the premises of its owner;
2. Attempting to attack a person or domestic animal while off the premises of its owner;
3. While off the property of its owner, engaging in any behavior when unprovoked that reasonably would have required a person to take defensive action to prevent bodily injury; or
4. Engaging in other comparable conduct.

KK. "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.

~~"Secure enclosure" means a fence or structure designed to confine an animal in a humane manner.~~

~~"Service Animal" means an animal that is individually trained to do work or perform tasks for the benefit of a person with a disability.~~

LL. "Proof of ownership" means documentation in support of a property right in an animal that includes, but is not limited to, veterinary records, rabies inoculation certificates, licenses, photographs, bills of sale, breed registries, written transfers of ownership, and verbal or written third-party verifications.

MM. "Proper enclosure" means a place in which an animal is securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of children under the age of twelve and designed to prevent the animal from escaping. Such enclosure shall have secure sides and a secure top to prevent the animal from escaping and shall also provide protection for the animal from the elements. The enclosure shall be of suitable size for the animal.

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**NN.** "Properly restrained" means an animal that is:

1. Kept within a proper enclosure;
2. Controlled by a competent person by means of a leash not to exceed six (6) feet in length or other device; or
3. Secured within or upon a vehicle being driven or parked. Properly restrained within or upon a vehicle does not include restraint or confinement that would allow an animal to fall from or otherwise escape the confines of a vehicle or that would allow an animal to have access to persons outside the vehicle.

**OO.** "Provoke" means to goad, inflame, instigate, or stimulate an aggressive or defensive response by an animal, but does not include any reasonable actions by an individual that are intended to defend against the animal.

**PP.** "Releasing agency" means an animal shelter, humane society, animal welfare organization, society for the prevention of cruelty to animals, or other similar entity that releases animals for adoption.

**QQ.** "Relinquish or Surrender" means giving up all rights to an animal, thereby making it the property of the City of Great Falls.

**RR.** "Sanitary conditions" means space free from health hazards, including excessive animal waste, overcrowding of animals, or other conditions that endanger the animal's health. This definition does not include any condition resulting from a customary and reasonable practice pursuant to farming or animal husbandry.

**SS.** "Service Animal" Is defined by the United States Department of Justice 28 C.F.R. § 36.104, hereby incorporated by reference.

**TT.** "Stray or stray animal" means any animal that:

1. Is at large;
2. Appears to be lost, unwanted, or abandoned; and
3. Whose owner is unknown or not readily available. Feral cats and community cats shall not be considered Stray animals for the purposes of this chapter.

**UU.** "State of good health" means freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate veterinary treatment.

**VV.** "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.

**WW.** "Use of force" is justified by a person against an animal as allowed by Montana Code Annotated Title 49, Chapter 1.

**XX.** "Vaccination" means the inoculation of a dog, cat, ferret, horse or horse ~~other animal~~ 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 or other animal with anti-rabies vaccine. Animals vaccinated initially will receive a

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booster shot one (1) year after the initial vaccination and thereafter according to manufacturers' recommendations.

(Ord. 2534 §2(Exh. B(part)), 1989).

YY. "Wild Animal" means any living vertebrate animal normally found in the wild state and for which there is no ~~FDA~~USDA approved anti-rabies vaccination-. These include, but are not limited to, bears, skunks, raccoons, deer, bobcats, mountain lions, and any type of "hybrid animal."

**6.8-0101.020 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, the Montana State Law Code Annotated 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 (2) 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.~~

(Ord. 2933, 2007)

**6.8-0201.030 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.

(Ord. 2933, 2007)

**6.8-0301.040 Vaccination required.**

It is unlawful for any person to keep, maintain or harbor any dog, cat, ferret ~~or~~, horse, or other animal, over ~~six (6)~~four (4) months of age unless it has had a current vaccination, as defined in Section ~~6.8-005-1.010(WW.)~~. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.8-0401.050 Dog and cat registration.**

- A. Any person keeping or harboring any dog over ~~six (6)~~four (4) months of age must register such animal as provided for in this section. A keeper of a domestic cat over ~~six (6)~~four (4) months 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~~the Great Falls Animal Shelter, or its designee, upon payment of a registration fee. Registration fees shall be established by resolution of the City Commission. No refunds shall be made on any pet

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registration fee because of the death of the pet or owner leaving the City before the expiration of the registration period. Registration fees are not transferable.

- C. Registrations for ~~service animals~~Service Animals, Companion Animals, and governmental police dogs shall be furnished without charge.
- D. Registrations shall not be issued to any person under the age of eighteen (18) 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 (60)~~thirty (30) days.
- E. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

~~(Ord. 2933, 2007; Ord. 2534 §(Exh. B(part)), 1989).~~

**6.8.050 — Pet registration, agents, reimbursement.**

~~Registration agents shall receive partial reimbursement at a level to be established by resolution of the City Commission. 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.~~

**6.1.060 Number of Cats and Dogs.**

It is unlawful for any person, persons, or family to keep, harbor, or maintain in or on the same premises a total of more than two (2) cats and two (2) dogs of four (4) months of age or older, without first obtaining a multiple animal permit as provided in OCCGF §6.1.090.

~~(Ord. 2933, 2007; Ord. ~~2656, 1992~~2534§2(Exh B.(part)), 1989).~~

**6.8.0601.070 Tag—collar.**

**A. —The following provisions shall apply to tagging and collaring of domestic Animals:**

- A. —Upon receipt of a proper application and the pet registration fee, the ~~registration agent~~Animal Shelter 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.
- C. —In the event a registration tag is lost or destroyed, another tag shall be issued by the Animal ~~Control Agency~~Shelter 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.~~
- D. —If a dog or cat has a Microchip ~~implant~~implant, registered with the appropriate company so that the owner's information can be obtained, ~~no collar or~~ tag is required to be worn,

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however the animal is still required to be registered pursuant to the provisions of this Title.  
All microchips shall comply with MCA Title 7, Chapter 23.

GE. Any pet animal dog or cat found off the owner's owner's premises without a registration tag, or without a Microchip Implant registered with the appropriate company so that the owner's information can be obtained, shall be deemed to be not registered, even though a registration has been issued for such animal.

F. 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. Pet registration tags are not transferable from one (4) 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.

EG. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of two hundred fifty dollars (\$250.00).

~~(Ord. 2933, 2007; Ord. 2573, 1990: Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8.070 — 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 six (6) months of age and two (2) cats over six (6) months of age without first obtaining a multiple animal permit as provided in Section 6.81.080. Rental property owner authority.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

B. Owners of rental properties can may 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 five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.8.310.

6.8.080(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).

**6.1.090 Multiple-animal permit/multiple animal hobby breeder permit.**

A Multiple Animal Permit is required for any person, family, or household owning or harboring any more than the number of domestic dogs and cats permitted by Section 6.~~08-070~~1.060 for more than thirty (30) days. A Multiple Animal Hobby Breeder 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~~1.060 who intends to breed their animals. The holder of a regular Multiple Animal Permit or a person holding no Multiple Animal Permit must apply for a Multiple Animal Hobby Breeder Permit within ten (10) days of the birth of a litter. Application for these permits shall be made with the Animal Control Agency Shelter. The intended facilities are subject to inspection by an Animal Control Officer. The permit shall be issued upon the following conditions:

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A. \_\_\_\_\_

All dogs and cats must be registered;

A. \_\_\_\_\_ B. ~~\_\_\_\_\_ Cats must be registered, collared, or micro-chipped~~ Microchipped;

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

C. \_\_\_\_\_ D. ~~\_\_\_\_\_~~ The owner uses suitable means of cleaning and/or disposing of animal ~~feces~~ excrement so that it does not become a nuisance or a health hazard;

D. \_\_\_\_\_ E. ~~\_\_\_\_\_~~ That in the investigating ~~officer's~~ Animal Control Officer's opinion, the animals receive proper care, food, water, shelter, and humane treatment;

E. \_\_\_\_\_ F. ~~\_\_\_\_\_~~ Cat ~~breeders~~ Hobby Breeders are allowed to have a maximum of four (4) litters per year. Other than any animals intended to be kept as pets by the breeder, kittens must be sold or given away within four (4) months of birth. Dog ~~breeders~~ Hobby Breeders are allowed to have maximum of two (2) litters per year, and other than any animals intended to be kept as pets by the breeder, puppies must be removed within four (4) months.

F. \_\_\_\_\_ G. ~~\_\_\_\_\_~~ For a Hobby Breeder Permit, the puppies and kittens can only be sold, given as a gift or other transfer or conveyance from the location listed on the Hobby Breeder Permit.

G. \_\_\_\_\_ H. ~~\_\_\_\_\_~~ The Hobby Breeder Permit shall list the maximum number of animals over the age of ~~six (6)~~ four (4) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location.

H. \_\_\_\_\_ I. ~~\_\_\_\_\_ The Animal Control Agency~~ Animal Control Officers shall contact the persons residing in the adjoining premises to inquire their opinion regarding the application . The investigating Animal Control Officer shall consider this information in making their recommendation regarding the application; however, this information is not dispositive, only a factor in consideration of approval.

I. \_\_\_\_\_ The Animal Shelter 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~~ Shelter may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;

J. \_\_\_\_\_ J. ~~\_\_\_\_\_~~ After receiving notification of the Animal Control ~~Agency's~~ Officer's approval, the applicant must pay the Animal ~~Control Agency~~ Shelter an application fee which shall be established by resolution of the City Commission;

K. \_\_\_\_\_ K. ~~\_\_\_\_\_~~ 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~~ Officer, 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 thirty-day written notice of the Animal Control ~~Agency's~~ Officer's recommendation, ~~revocation,~~ or denial;

L. \_\_\_\_\_ A permit authorized by the Animal ~~Control Agency~~ Shelter must contain the following information:

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



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4. A Hobby Breeder Permit must state whether it is for dogs or cats or both; and
5. Identifying information for the domestic dogs or cats for which the permit is granted.
- M. If the holder of a Multiple-Animal permit or a Multiple Animal Hobby Breeder permit moves, he or she must provide written notice of their new address if it is within the city limits of Great Falls within thirty (30) days of moving. The Animal Control Agency Shelter will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence—, including but not limited to amending or revoking the Multiple Animal Permit.
- ~~N. The applicant~~N. Upon denial, amendment, or revocation of a Multiple Animal Permit, the applicant/permittee shall be given written notice of the Animal Control Officer's recommendation and the appeal procedure.
- O. The applicant or permittee may appeal the denial or revocation of a permit by filing a written request for reconsideration with the Neighborhood Council Coordinator. Deputy City Manager. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The appeal shall be heard by the Neighborhood Council for the district which includes the location of the requested permit. The Neighborhood Council shall set the matter for hearing at either the Council's next regularly scheduled meeting or a special session set at the Council's discretion. The Neighborhood Council Coordinator shall provide written notice to the person filing the appeal as well as the Animal Control Agency of the date and time of the hearing. After hearing testimony and reviewing the written appeal, the Council shall either affirm or reverse the permit decision. Deputy City Manager. The applicant or permittee may appeal an affirmation of the denial of a permit to the City Manager in the same manner as the appeal to the Deputy City Manager. Finally, the applicant or permittee may appeal an affirmation of denial by the City Manager to the City Commission by filing an appropriate written request, which shall review the application in a public meeting and uphold, reverse, or revise the decision on the application. The applicant or permittee shall have the burden of proving by clear and convincing evidence he or she is entitled to a permit.
- ~~O. If the applicant is not satisfied with the decision of the Neighborhood Council, they may file an appeal to the Clerk of Municipal Court within thirty (30) days of the date on the written denial provided by the Neighborhood Council. The written appeal must state the applicant's name and address and should clearly outline the applicant's rebuttal to the reason(s) stated for denial and should include any additional information which may be pertinent to the applicants request for a permit. The Court shall set the matter for hearing and either affirm or reverse the permit decision.~~

~~(Ord. 2933, 2007);~~

**6.8.0901.100 Commercial kennel.**

- A. A commercial kennel permit~~license~~ shall be required for any person, persons, ~~or family,~~ or entity who ~~wish,~~ wishes for compensation, wishes to engage in the boarding and/or breeding of domestic dogs, cats, reptiles, or any other pet animal ~~for compensation allowed within the City, shall be obtained through application from the Planning and Community Development Department and shall be subject to the following:~~



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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 resolution of the City Commission.
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 (60) days of the expiration date or the application will be treated as a new application.
6. License Revocation. All kennel licenses will expire one (1) 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 (5) days' written notice of such recommendation during which time the licensee may appeal the Animal Control Officer's recommendation to the Animal Control Agency Shelter. The licensing authority will then take action as required.
7. The applicant or licensee may appeal the denial or revocation of a Commercial Kennel License to the Board of Adjustment pursuant to 17.16.34.010.

~~(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 five hundred dollars (\$500.00).

~~(Ord. 2933, 2007)~~

**6.8-1001.110 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 Service Animals, dogs when used in law enforcement activities, or tracking dogs when used by or with the permission of the City.

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- 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. ~~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 forty-eight (48) hours of the effective date/hour of the notice to do so.
- F. ~~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. ~~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 lessee. If the premises where the accumulation of feces is found contains more than one (1) 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 five hundred dollars (\$500.00) and shall be ordered to remove the excrement within a reasonable time and may also be subject to the other penalties specified in 6-8-340-OCCGF 6.1.300. A premises where a violation of this section is present is declared a Nuisance as defined by OCCGF 8.49.010.

~~(Ord. 2933, 2007)~~

6.8.1101.120 Rabies—exposure.

A. Every petAnimal contacts shall be subject to the following provisions:

- A. Any non-vaccinated or not currently vaccinated domestic animal, dog, cat or ferret which that has been bitten by, or exposed to any animal a confirmed rabid, or suspected to have rabid, animal shall be administered according to the provisions of the Administrative Rules of Montana (ARM) Title 32, Chapter 3.
- B. Any currently vaccinated domestic animal that has been infected with exposed to a confirmed rabid, or suspected rabid, animal shall be administered according to the provisions of ARM, Title 32, Chapter 3.
- C. Any person having knowledge of an animal known to have or suspected of having rabies shall be report an accurate description immediately to the state veterinarian or to a deputy state veterinarian.

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1. ~~Revaccinated with an D.~~ The Animal Control Officer shall notify the City/County Health Department and the Department of Livestock of the exposure including the bite and bitten animal. The Department of Livestock may further investigate the incident and take appropriate vaccine and released if the animal has a current action including, but not limited to, destruction or further quarantines as required by this part.

**Human exposure shall be subject to the following provisions:**

- E. Upon consideration of the discretion and advice of the Local Health Officer any domestic animal, regardless of vaccination history. The animal status that bites or otherwise exposes a person to the possibility of rabies must be kept under the owner's control confined and observed for 45 days. Any in accordance with ARM Title 32.
  - F. If any sign of illness develops in the isolated animal ~~must be reported, it is to the City/County Health Department. be evaluated by a licensed veterinarian in accordance with ARM Title 32.~~
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 (6) 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 (10) 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 (10) days after the day of exposure. The owner of such animal shall have twenty-four (24) 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 (72) 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.~~
- G. Any domestic animal confined and observed pursuant to this part may be vaccinated during the ten (10) day confinement period.

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~~(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~~H. Animal rabies exposure procedures include:

- ~~1. If the owner of the animal is identified, the animal shall be quarantined~~ at a veterinarian hospital at the owner's expense for a period of at least ten (10) days after the day of exposure. ~~In the event an owner cannot be identified, the animal shall be taken and quarantined at the Animal Shelter.~~ 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 (24) 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. Human exposure to a confirmed rabid, or suspected rabid, animal shall be administered according to applicable Montana State law and regulations, including but not limited to, MCA Titles 37, and 50, and ARM Title 32.~~

~~J. A person found guilty of a violation of this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.08-3401.300.~~

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

#### **6.8-1201.130 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. All isolation of animals diagnosed of rabies infection shall comply with ARM Title 32.

~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

#### **6.8-1301.140 Contagious disease.**

Upon the positive diagnosis of a contagious communicable disease in any animal in the City which poses a community health risk, 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. All isolation shall comply with ARM, Title 32.

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~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8.1401.150     **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 (18), who owns or harbors an animal 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) 1.010 shall be kept on a leash (as defined in Section 6.08.005) 1.010 not more than ten (10) 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~~ Service Animal as described in Section 6.08.005 1.010 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 ten (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. Any animal found at large more than once in any six (6) month period may be in taken by an Animal Control Officer or the Animal Shelter.~~
- ~~1. Prior to release of the animal, a Municipal Court hearing may be held to determine whether the animal should be altered, micro-chipped, removed from the City, or any other action deemed necessary and appropriate given the circumstances. The owner of such animal shall be responsible for the expenses of the actions ordered by the Municipal Court.~~
- ~~C. It is unlawful for any firm, a person or corporation owning or having control of any goats, cattle, swine, or sheep to keep the same, harbor, or maintain livestock 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 any time, with the exception of suburban districts, as defined in OCCGF 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. D. It is unlawful for an owner or keeper of any fowl or rabbits animal 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 or Animal Shelter. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery.

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~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

~~F. F.~~ It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building against the wishes of the animal owner or with the intent that such animal shall be impoundedin taken.

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 impoundedin taken 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 five hundred dollars (\$500.00). If the animal is unaltered the minimum fine shall be two hundred dollars (\$200.00).

~~(Ord. 2933, 2007);~~

#### 6.8.1501.160 Tethering dogs and other animals.

It shall be unlawful for any person to tie or tether a dog or other animal to a stationary object under circumstances that create an unhealthy condition for the animal, a potentially dangerous condition for a pedestrian, or nuisance to neighbors as determined by an Animal Control Officer.

#### 6.1.170 Nuisance animal.

Any person owning or harboring an animal shall ensure it does not engage in any of It is unlawful to own, harbor, possess, or maintain a nuisance animal as defined by 6.1.010(EE). The City Commission establishes a procedure for enforcement of this section provided as follows:

A. To file a complaint, the complainant must call or submit a written complaint to the Great Falls Police Department which includes the following:

1. Complainant's name;
2. Address;
3. Telephone number;
4. Address of the nuisance animal;
5. Description 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

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~~investigate any complaint in its sole discretion. Evidence of violation of this section can be served by any of the following:~~

~~6. a. Documentation supporting the complaint, including but not limited to:~~

~~i. A completed bark log for not less than three (3) days;~~

~~ii. Audio and/or video recordings;~~

~~iii. Written affirmation from at least by two (2) persons having separate residences/residents within a one-block area; and/or reasonable proximity to the nuisance animal; or~~

~~b. Videotapes and/or written documentation (such as barking logs); and/or~~

~~iv. c. Dates, times, and duration of nuisance animal noise as documented/Verification of the complaint by an Animal Control Officer on the scene, or appropriate designee; and~~

~~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.~~

~~7. D. Complainant's signature.~~

~~B. Once complaints have been received, the Animal Control Officer shall review each complaint and determine whether to investigate further. If investigated further, the Animal Control Officer may require additional documentation from the complainant to assist in the investigation.~~



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- C. If a complainant chooses to remain anonymous and the complaint cannot be independently corroborated, the complaint may not be further investigated.
- D. The Animal Control Officer may, at his or her discretion, investigate any complaint;
- E. Once complaints have been reviewed, the following actions may be taken;
1. First complaint;
    - i. Animal Control shall issue a written notice to the owner of the dog or dogs advising that person of the noise complaint and requesting immediate abatement of any excessive noise.
  2. Additional Complaints;
    - i. If within fifteen (15) days from the issuance of the written notice pursuant to subsection (a) above, further complaints are received and are verified, an Animal Control Officer may issue a citation for nuisance animal.
    - ii. If further complaints are received after the fifteen (15) day notice period, Animal Control Officers may review complaints and take appropriate action including, but not limited to, additional warnings and or citations.
- F. A person found guilty of a conviction for violation of this section is guilty of a misdemeanor punishable by a maximum fine of not more than five hundred dollars (\$500.00) and may also be subject to the other. Additional penalties may include those specified in OCCGF §6.08-310. In addition if 1.300. If the animal is unaltered the minimum fine shall be two hundred dollars. (\$200.00).

(Ord. 2933, 2007); Ord. 2534 §2(Exh. B(part)), 1989).

**6.8.160—Dangerous1.180 Potentially dangerous animal- and dangerous animal.**

- A. It is unlawful for any person to own or harbor a dangerous animal as defined in Section 6.8.005.
- A. Any dangerousan animal may be immediately taken up and impounded by the Animal Control Officer. Upon a secondwho engages in Dangerous Animal Behavior 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 ordered spayed or neutered, euthanized or permanently removed from the City. potentially Dangerous Animal Behavior.
- 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



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~~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 three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00). If a person has purposely, knowingly or negligently violated this section, up to twelve (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 five hundred dollars (\$500.00).~~

~~(Ord. 2933, 2007)~~

**~~6.8.170 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 (72) 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 ninety-six (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;~~

B. 2. Proof of compliance Citation, hearing, designation, and imposition of conditions for Potentially Dangerous Animal or Dangerous Animal:

1. If an Animal Control Officer or law enforcement officer has investigated and determined that there is probable cause to believe that an animal has engaged in Dangerous Animal Behavior or Potentially Dangerous Animal Behavior, a citation shall be issued for the owner to appear in Great Falls Municipal Court to appear on the charge. Additionally, the City may request a hearing to determine whether the animal in question should be designated as a Potentially Dangerous Animal or Dangerous Animal.

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2. The Court may designate an animal as a "Potentially Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal ~~has all~~:
  - i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack while the dog was off the premises of its owner;
  - ii. attempted to attack a person or domestic animal while off the premises of its owner;
  - iii. while off the property of its owner, engaged in any behavior when unprovoked that reasonably would have required Federal, State or Local permits a person to take defensive action to prevent bodily injury; or
  - iv. ~~3. An impound fee established by the Animal Control Agency for each day, or part thereof,~~has engaged in other comparable conduct.
3. The Court may designate an animal as a "Dangerous Animal," if the Court finds by a preponderance of the evidence that the animal ~~has~~:
  - i. has, without provocation, chased or approached a person in either a menacing fashion or with an apparent attitude of attack on two (2) or more occasions with the prior twelve (12) month period while the animal was off the premises of its owner;
  - ii. attacked or attempted to attack a person or domestic animal on two (2) or more occasions within the prior twelve (12) month period while the animal was on or off the premises of its owner;
  - iii. without provocation, bitten a person or a domestic animal causing injury while off the premises of its owner; or
  - iv. is currently designated a Potentially Dangerous Animal but has not been held in-kept in compliance with the restrictions that a court of competent jurisdiction has placed on the owner of the animal, and said animal has engaged in Dangerous Animal Behavior and/or Potentially Dangerous Animal Behavior.
4. No Animal may be declared a "Potentially Dangerous Animal" or a "Dangerous Animal," if at the time of the injury or damage:
  - i. the victim was trespassing upon premises occupied by the owner or keeper of the attacking animal;
  - ii. the victim was teasing, tormenting, abusing, or assaulting the attacking animal;
  - iii. the victim was committing or attempting to commit a crime;
  - iv. the attacking animal was protecting or defending a person within the immediate vicinity of the attacking animal from an unjustified attack;

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- v. the injury or damage was sustained by a domestic animal while the attacking animal was working as a hunting animal, herding, animal, or predator control animal on the premises of, or under control of, its owner, and the damage or injury was appropriate to the work of the animal; or
  - vi. the injury to a person or domestic animal occurs while the attacking animal is being used by a law enforcement officer to carry out the officer's official duties.
- 5. Upon designating an animal as a Potentially Dangerous Animal, or a Dangerous Animal, the Great Falls Municipal Court is authorized to impose on the owner of said animal the restrictions set forth in this article and to impose such additional restrictions on said owner as the Court finds appropriate under the circumstances. The Court shall reduce such restrictions to writing and provide a copy to the owner. If the owner is absent from the hearing, he or she shall be notified by the Court in writing, by first-class mail, postage prepaid, of the decision of the Court and of any requirements and/or restrictions imposed upon that person. If an animal is declared to be a "Potentially Dangerous Animal," of a "Dangerous Animal," the owner or keeper shall comply with all the restrictions imposed by this article and by the Court.
- 6. Requirements and restrictions for Potentially Dangerous Animals. The Court may impose any or all of the following restrictions:
  - i. The animal must be kept indoors or confined on the owner's premises by a proper enclosure;
  - ii. The owner must allow inspection of the animal and its enclosure by Animal Control and must produce, upon demand, proof of compliance with all Court-imposed requirements and restrictions;
  - iii. The animal shall wear a collar and/or tag that visually identifies the animal as potentially dangerous;
  - iv. The owner and animal must attend and complete commonly accepted animal obedience methods approved by the Court;
  - v. The animal must be altered;
  - vi. An identification microchip must be implanted in the animal, and must be replaced with the appropriate company so that the owner's information can be obtained, with the serial number of the microchip supplied to the Animal Shelter; ~~and~~
  - vii. 4.—The owner of the animal shall maintain and update, annually, a record with the Animal Shelter that contains:
    - a. contact information for the animal's owner(s) or agent, emergency contact persons, veterinarian, and landlord and/or property owner;
    - b. the animal's vaccination records and license numbers;
    - c. a current photo of the animal taken by the Animal Shelter or its designee;  
and



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- xi. The owner shall submit to the Animal Shelter, in writing, the location of the animal's residence, temporary or permanent, and shall notify the Animal Shelter, in writing, in advance of any change of residence of the Dangerous Animal; or
- xii. Any other requirements or restrictions the Court deems necessary and/or appropriate.

8. The cost of all requirements or restrictions identified in this section shall be paid by the owner.

9. It shall be unlawful for any person who has been served with a citation to appear in Great Falls Municipal Court for the charge of harboring a Dangerous Animal or Potentially Dangerous Animal, or who has been notified of the City's request for a hearing for the purpose of determining whether such person's animal should be designated as a Potentially Dangerous Animal or Dangerous Animal to transfer ownership of such animal until after the City Court has issued a ruling on the currently pending matters or issues an order allowing transfer of ownership.

C. Intake and disposition of Potentially Dangerous or Dangerous Animal:

- 1. If upon investigation and Animal Control Officer or law enforcement officer determines that probable cause exists to believe that an animal poses an immediate threat to public safety, then the Animal Control Officer or law enforcement officer may immediately seize and intake the animal pending a hearing pursuant to this chapter. At the time of the intake or as soon as practicable thereafter, the officer shall serve upon the owner of the animal a citation and notice to appear in the Great Falls Municipal Court.
- 2. An Animal Control Officer or law enforcement officer may intake any Potentially Dangerous Animal or Dangerous Animal, if the officer has reasonable cause to believe that any of the requirements or restrictions upon such failure to follow the requirements or restrictions would likely result in a threat to public safety. The owner of such Potentially Dangerous Animal or Dangerous Animal shall surrender the animal to an Animal Control Officer or law enforcement officer upon demand, and the officer shall promptly serve a citation upon the owner of such animal for violation of the provisions of this chapter.
- 3. No animal that has been designated by the Court as a Potentially Dangerous Animal or a Dangerous Animal may be released by the Great Falls Animal Shelter until the owner has paid the Great Falls Animal Shelter all fees and costs that are normally charged to an owner prior to the redemption of the animal. If the owner fails to pay such fees and costs and take possession of the animal within ten (10) days of the owner's notice of the animal's designation as Potentially Dangerous Animal or Dangerous Animal, the animal shall be deemed abandoned and may be disposed of by the Great Falls Animal Shelter. Euthanasia or surrender to the Great Falls Animal Shelter of such animal does not free the owner of responsibility for all costs incurred up to and including the date of the euthanasia or surrender.

D. (Possession unlawful without proper restraint; failure to comply with restrictions:

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1. It shall be unlawful for a person to have custody of, own, or possess a Potentially Dangerous Animal or a Dangerous Animal unless such person is in full compliance with all restrictions placed upon such person by the Court that has designated such animal as a Potentially Dangerous Animal or Dangerous Animal.

**E. Removal of designation:**

1. The designation of Dangerous Animal and the requirements and/or restrictions imposed on such animal remain in effect for the life of the animal. A Dangerous Animal designation shall not be removed.
2. The designation of Potentially Dangerous Animal may be removed upon the written request of the owner if there are no additional instances of the behavior within twelve (12) months of the date of designation as a Potentially Dangerous Animal. The animal may be, but is not required to be, removed from the list of Potentially Dangerous Animals prior to the expiration of the twelve (12) month period if:
  - i. the owner or keeper of the animal demonstrates to Animal Control, and the Animal Control Officer confirms, that changes in circumstances or measures taken by the owner, such as training of the dog or confinement, mitigated the risk to the public safety; and
  - ii. the owner, or the Animal Control Officer, petitions the Great Falls Municipal Court to remove said designation, and the Court agrees to do so.

**F. Change of ownership, custody, or location of animal; death of animal:**

1. The owner of a Potentially Dangerous Animal or Dangerous Animal who moves or sells the animal, or otherwise transfers the ownership, custody or location of the animal, shall, at least fifteen (15) days prior to the actual transfer or removal of the animal, notify Animal Control, in writing of the name, address, and telephone number of the proposed new owner or custodian, the proposed new location of the animal, and the name and description of the animal.
2. In addition to the requirements in subsection (a) above, the owner or custodian shall notify any new owner or custodian of Potentially Dangerous Animal or Dangerous Animal, in writing, regarding the details of the animal's record and the requirements and/or restrictions imposed by the Court.
3. Prior to the transfer of ownership, the owner of the Potentially Dangerous Animal or Dangerous Animal and the new owner shall meet with an Animal Control Officer or their designee to verify that the new owner has been advised of all requirements and/or restrictions placed upon the animal and to ensure that the new owner understands and is prepared to comply with all the requirements and/or restrictions.

**G. Escape or death of Potentially Dangerous Animal or Dangerous Animal:**

1. If a Potentially Dangerous Animal or Dangerous Animal escapes, the owner shall immediately notify the Animal Control Officers and make every reasonable effort

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to recapture the escaped animal to prevent injury and/or death to humans or domestic animals.

2. If a Potentially Dangerous Animal or Dangerous Animal dies, the owner shall notify the Animal Control Officers no later than twenty-four (24) hours thereafter and, upon request from the Animal Control Officers, shall produce verification or evidence of the animal's death that is satisfactory to the Officers.

H. Animals designated outside City as potentially dangerous or dangerous:

1. The owner of an animal designated as a Potentially Dangerous Animal, a Dangerous Animal, or any similar designation by another lawful body is subject to the restrictions set forth in this chapter while said animal is located within the city limits of Great Falls.
2. The following persons must notify the Animal Control Officers when relocating an animal to the City of Great Falls, even on a temporary basis:
  - i. the owner of a Potentially Dangerous Animal, Dangerous Animal, or any similar designation by another lawful body other than the City of Great Falls; and
  - ii. the owner of an animal that has had special restrictions placed on it by any humane society, governmental entity or agency other than the City of Great Falls based upon the behavior of the animal.
3. No such designation as Potentially Dangerous Animal, Dangerous Animal, or any other similar such designation shall be recognized by the City of Great Falls, if such designation is based solely on the breed of the animal.

(Ord. 2933, 2007).

**6.1.190 Cruelty to animals.**

A. A person commits the offense of cruelty to animals if:

1. The person's conduct is in violation of Montana Code Annotated § 45-8-211; or
2. The person has tied or tethered a dog or other animal to a stationary object under circumstances so as to create an unhealthy situation for the animal, a potentially dangerous situation for a pedestrian, or a nuisance to neighbors as determined by an Animal Control Officer.

B. A conviction for a violation of this section is punishable by a fine an amount not to exceed \$1,000 or be imprisoned in the county jail for a term not to exceed 1 year, or both.

(Ord. 2933, 2007; 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 five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6-08.310.

(Ord. 2933, 2007)

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**6.8.180 — 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 five hundred dollars (\$500.00).~~
- ~~C. No animal suffering from an infectious disease will be released unless the public health officer shall so order.~~

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8.190 — Surrender/crematory 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. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The resident surrender fee shall be established by the Animal Control Agency and charged to the owner.~~
- ~~C. The Animal Control Agency will euthanize and dispose of dogs and cats for an owner who is a non-resident of the City for unwanted cats and dogs brought to the Animal Shelter by the owner. The non-resident surrender fee shall be established by the Animal Control Agency and charged to the owner.~~
- ~~D. These fees do not apply to persons or agencies covered by a contract with the Animal Control Agency or the City for disposal.~~

~~(Ord. 2933, 2007)~~

**6.86.1.200 — Cruelty to animals.**

~~Please refer to Montana Code § 45-8-211.~~

**6.8.210 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~~convicted of a violation~~ this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00) and/or up to six (6) months in jail.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8.220 — Abandonment1.210 Animal abandonment.**

It is unlawful for any person to abandon any animal within the City. ~~Any person violating~~After providing notice, the Animal Control Officers have the authority to seize and intake any animal that appears to be



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abandoned. A conviction for a violation this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00)), and the defendant shall bear all expenses incurred by the Animal Control Agency Shelter in caring for said animal and shall reimburse the Animal Control Agency Shelter all said costs as determined by the Animal Control Agency Shelter.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B (part), 1989; Ord. 2656, 1992).~~

**6.8-2301.220 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 who knows, or should have known, that he or she injured or struck a pet animal, shall give aid to said animal or 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 A conviction for violating this section is guilty of a misdemeanor punishable by a maximum fine of five hundred dollars (\$500.00).

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8-2401.230 Wild animals.**

A. It is unlawful for any person prohibited 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.

A. B. It is unlawful for any person to keepown, harbor, or maintain, or cause to be kept or maintained, any wild animal without first applying for and receiving a License Certificate from the a Wild Animal Control Agency. The fee for this license shall be established by resolution of the City Commission. 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 within the incorporated City limits.

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.

B. D. The provisions of this section shall not prohibit the keeping or maintaining of animals under the following conditions: as allowed by the Montana Code Annotated.

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)~~

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~~E. Any person violating this section is guilty of~~A conviction for a violation of this section is a misdemeanor punishable by a ~~maximum~~ fine of ~~five~~not less than three hundred dollars (\$~~500.00~~).

**6.8.250 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 resolution of the City Commission.~~
- ~~4. Consent. Anyone wishing to harbor wild animals must obtain the written consent of at least seventy five (75) percent of the adjoining neighbors within two hundred (200) feet east and west and 300) or more than one hundred fifty (150) feet north and south, excluding public right-of-way.~~
- ~~5. Renewals. Licenses must be renewed within sixty (60) days of the expiration date or the application will be treated as a new application.~~
- ~~6. License Revocation. All License Certificates will expire one (1) 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 (5) 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. C. Penalty. Failure to obtain a license before harboring any wild animal shall result in a maximum fine of five hundred thousand dollars (\$500.00)–1,000.00), or a term of not more than six (6) months in jail or both.~~

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B (part), 1989; Ord. 2656, 1992).~~

**6.8.2601.240 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 conviction for~~ a violation of this section is ~~guilty of~~ a misdemeanor punishable by a minimum fine of three hundred dollars (\$300.00) and a maximum fine of one thousand dollars (\$1,000.00) and/or up to six (6) months in jail.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

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**6.81.250 Unattended animal in a motor vehicle.**

- A. It is unlawful for any person to leave an animal unattended in a standing or parked motor vehicle in a manner that endangers the health or safety of the animal.
- B. A person may use reasonable force to remove from a motor vehicle an animal left in the vehicle in violation of subsection (A) if the person is:
  - 1. an Animal Control Officer;
  - 2. a law enforcement officer; or
  - 3. a professional fire and/or rescue service person.

**6.1.260 Livestock.**

- A. It is unlawful to keep livestock, as defined by 6.1.010(CC), within the incorporated City limits, except as follows:
  - 1. 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;
  - 2. at such place as directed by the Chief of Police; or
  - 3. in suburban districts as defined by OCCGF Title 17.
- B. In suburban districts, as defined in OCCGF Title 17, livestock must be kept within fences or secured in such a manner which prevents them from running at large.
- C. Veterinarian's premises are exempt from this provision.

**6.1.270 Animal ~~control officer~~—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.~~
- A. B. Carry out and enforce all of the provisions of this chapter and amendments thereto.
- ~~B. Enforce the licensing and control of all animals in the City as provided in this chapter.~~
- ~~C. Seize and take up all animals violating the terms of this chapter and maintain deliver the same in a suitable and humane manner ~~at~~ the Animal Shelter.~~
- D. E. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.
- E. 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.
- F. G. File complaints in the Municipal Court for violations of this chapter and attend and testify in court when required.

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- G. ~~H.~~ Make ~~a timely~~ an immediate notification to the City/County Health Department regarding bite reports submitted to Animal Control.
- H. ~~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.
- I. Assist the City-County Health Department with locating and quarantining animals involved in exposing humans to the potential of rabies.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.81.280 ~~Animal control officer—investigative~~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~~City of Great Falls Law Enforcement 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. ~~B.~~ For the purposes of investigating complaints of unsanitary conditions and/or inhumane treatment of animals, Animal Control Officers or any City of Great Falls Law Enforcement 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 or any City of Great Falls Law Enforcement Officer may obtain a search warrant.

~~(Ord. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.81.290 ~~Animal control officer—interference~~Interference prohibited.**

- A. ~~A.~~ It is unlawful for any person to hinder or interfere with the Animal Control Officer or any ~~police officer~~City of Great Falls Law Enforcement 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 or any City of Great Falls Law Enforcement Officer, except as provided in this chapter.

~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

- B. ~~B.~~ It shall be unlawful for any person to remove, alter, damage, or otherwise tamper with any approved traps or equipment lawfully set under the authority of Animal Control Officers, any City of Great Falls Law Enforcement Officer, or Animal Shelter 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 five hundred dollars (\$500.00) and/or six (6) months jail and may also be subject to the other penalties specified in 6. ~~8.340-~~1.300.

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**6.81.300 ~~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 from the Animal Control Agency for a fee established by resolution of the City Commission.~~

~~(Ord. 2534 §2(Exh. B(part)), 1989).~~

**6.8.310—Violation—other penalties.**

A. Violations of this chapter may result in immediate intake of the subject animal(s).

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

C. In addition to any penalties specified in this Chapter, the Court, in its discretion may ~~Order~~ order any of the following conditions:

A1. The Court may order relinquishment of ~~anany~~ 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.

B2. Upon finding of violation under the sections pertaining to animal fighting, a dangerous animal jeopardizing public safety, and animal cruelty or neglect (including provoking, poisoning, or 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).~~

E3. The Court may, in its discretion, order any animals on the premises be spayed or neutered.

4. The Court may order the animal be designated a Dangerous Animal or Potentially Dangerous Animal.

5. Any other condition deemed necessary and appropriate given the circumstances.

~~(Ord. 2933, 2007).~~

**6.8.3201.310 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. 2933, 2007; Ord. 2534 §2(Exh. B(part)), 1989).~~

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**6.1.320 In taken animal redemption.**

- A. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the Animal Shelter upon payment of the following:
1. Registration fee (for unregistered animals);
  2. An intake fee established by the Animal Shelter;
  3. A fee for rabies vaccination, if the pet is not vaccinated; and
  4. Any veterinary fees incurred.
- B. If any animal is in taken, the owner shall redeem it within seventy-two (72) hours (Sundays and holidays excluded), or it shall be subject to adoption or disposal by the Animal Shelter as provided in this chapter. If such in taken animal has a registration tag or microchip, the animal will be held for ninety-six (96) hours (Sundays and holidays excluded) before being subject to adoption or disposal. In addition, the Animal Shelter 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 Shelter will attempt to return the animal to the owner. The Animal Control Officer may issue a citation to the person redeeming an in taken animal for violation of any provision of this chapter.
- C. The owner of any animal which has been in taken, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions, and payment of the following fees:
1. The Animal is legally allowed by the Montana Code Annotated and within the incorporated City limits;
  2. Proof of compliance that the animal has all required Federal, State, or local permits;
  3. An intake fee established by the Animal Shelter for each day, or part thereof, that the animal has been held in the Animal Shelter; and
  4. Any veterinary fees incurred.
- D. A conviction for a violation of this section is a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) and may also be subject to the other penalties specified in 6.1.300.

**6.1.330 Surrender/crematory fee — dogs and cats.**

- A. The Animal Shelter will dispose of dead dogs or dead cats for a fee to be established by City Commission Resolution, if the animal is transported to the Animal Shelter by the owner.
- B. The Animal Shelter shall dispose of dogs and cats for an owner who is responsible for the payment of fees established by established by City Commission Resolution.
- C. These Fees do not apply to persons or agencies covered by a written contract with the Animal Shelter; in such case the terms of the contract shall apply.

**6.1.340 Animal Shelter Policies**

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The Great Falls Animal Shelter may create, revise and enforce policies which are consistent with this Title, for the maintenance of day-to-day operations.

Chapter ~~102~~ BEES

Sections:

6.~~102~~.010 Definitions.

"Hive" A. "Colony" means ~~the bee colony~~ bees and their hive(s) combined and all equipment used in connection with the ~~bee colony~~ hive(s).

B. "Hive" means a frame hive, box hive, box, barrel, log gum, skep, or other receptacle or container, natural or artificial, used as a domicile for bees.

C. All other terms in this Chapter shall have the meaning designated by MCA Title 80, Chapter 6, Part 1.

~~(Ord. 2394 (part), 1985).~~

6.~~102~~.020 Maintaining unlawful.

A. It is unlawful for any person, firm, or corporation to maintain honeybees, (apis mellifera) ~~on its property~~ without licensing and registering each hive with the Animal ~~Control~~ Shelter.

B. All hives shall be registered with Animal ~~Control~~ Shelter prior to April ~~1st~~ 1, of each year ~~or within 30 calendar days after the establishment of a colony, after April 1, and each hive will be assessed an annual license fee established by Commission resolution.~~

C. A one-time beekeeping permit fee shall be assessed on initial registration and established by City Commission resolution.

D. Animal Control shall inspect a hive to be registered and surrounding location, and shall have the authority to re-inspect any registered hive and surrounding location, upon complaint of violation of any provision of this Chapter.

E. Animal Control may seek consultation or opinions from third parties selected as appropriate in the City's discretion while inspecting hives, or investigating alleged violations of this Chapter.

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(Ord. 2705, 1997; Ord. 2394 (part), 1985).

6.~~402~~.030 Limit of Bee hive limitations.

A. Bee hives.

The keeping of bees shall be limited to maintained on the parcel of property upon which the bee owner ~~of bees~~ resides. No or controls. The bee owner shall maintain no more than five (5) hives of honeybees for each one-quarter (¼) acre of property ~~or less.~~

B. Bee hives shall not be maintained on premises where any ~~lot- adjoining property resident~~ has a known medically diagnosed allergic reaction to honeybee stings.

(Ord. 2394 (part), 1985).

6.~~402~~.040 Distance requirement required.

All hives must be maintained at least fifteen (15) feet from the boundary lines of the lot on which such hives are located, unless a six-foot hedge ~~or,~~ fence, or other barrier is erected between the hive(s) and the adjoining lots, with the intent of lifting bee flight patterns above six feet.

(Ord. 2394 (part), 1985).

6.~~402~~.050 Supply of water~~Water supply.~~

No ~~hive of~~ honey ~~bees~~bee hive shall be maintained unless an adequate supply of water shall be is furnished by the beekeeper on the lot within twenty (20) feet of said hive(s) at all times between from April ~~15th and 15 to~~ October ~~15th 15~~ of each year.

(Ord. 2394 (part), 1985).

6.~~402~~.060 Moveable framed hives.

A. All beehivebee hive colonies shall be maintained in ~~moveable framed~~ hives, with movable frames.

B. All hives shall be entirely moveable.

C. All hives shall be maintained to have adequate space in the hive to prevent reduce overcrowding and swarming.

(Ord. 2394 (part) 1985).

6.~~402~~.070 Colonies.

A. Colonies shall be maintained by the resident beekeeper.



Exhibit "C" (Amended from June 6, 2017)

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- B. Colonies of bees shall be re-queened ~~or~~ united with another hive, split, removed, or other such appropriate action, following any swarming or aggressive behavior.

~~(Ord. 2394 (part), 1985).~~

**6.402.080** Hive restrictions.

- A. Non-moveable frame hives or ~~feral honeybee colonies~~ unmanaged hives (honeybees which live in ~~trees~~, sides of houses, attics, decks, sheds etc.) are prohibited within the City limits.
- B. Feral honeybees may occupy tree cavities, if they do not constitute a public nuisance as defined by OCCGF Title 8.

~~(Ord. 2394 (part), 1985).~~

**6.402.090** ~~Hours~~ Night manipulation prohibited.

~~The~~ Bee hives ~~of bees~~ may not be manipulated ~~between the hours of~~ later than one hour after sunset and earlier than one hour before sunrise, unless the hives are being moved to or from another location.

~~(Ord. 2394 (part), 1985).~~

**6.402.100** ~~Adjoining property owners' written authorization.~~

~~Any person, firm or corporation maintaining honeybees on its property shall obtain written permission to maintain such hives from persons owning and/or residing on the adjoining properties if those persons have a medically diagnosed allergic reaction to honeybee stings.~~

~~(Ord. 2705, 1997; Ord. 2394 (part) 1985).~~

**6.10.110** — Penalties.

- A. Any violation of this chapter shall be punishable ~~pursuant to Section 1.4.070 of this Code. No jail sentence shall be imposed by a fine not to exceed five hundred dollars (\$500.00).~~
- B. ~~On conviction of any violation of this chapter, it shall be the duty of the court before whom the conviction is had to~~ The Court, within its discretion, may order the defendant ~~bee hive owner~~ to abate ~~such the~~ violation ~~and/or~~ remove ~~such hives which are any hive found to be~~ in violation, ~~and if the same is not done by such defendant within three (3) days, the same shall be abated and/or removed of this Chapter.~~

~~(Ord. 2394 (part), 1985).~~

(Ord. 3160; 2017; Ord. 2933, 2007; Ord. 2705, 1997; Ord. 2656, 1992; Ord. 2573, 1990; Ord. 2534, 1989; Ord. 2394, 1985)