

ORDINANCE NO. 2011-10

AN ORDINANCE AUTHORIZING THE AMENDMENT OF TITLE 6,
CHAPTER 2 REGARDING DOGS, CATS and SMALL ANIMALS

WHEREAS, the City of Hardin desires to modify and change its Ordinance on Dogs, Cats and Small Animals;

WHEREAS, the City of Hardin hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of the City of Hardin and the inhabitants thereof

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF HARDIN, MONTANA, that Title 6, Chapter 2, of the Official Code of the City of Hardin is hereby amended as follows:

Title 6, Chapter 2 is deleted in its entirety and replaced with the following language:

6-2-1. Definitions

As used in this ordinance the following terms mean:

Animal—For the purpose of this ordinance, animal shall mean dog or cat.

Animal control authority—The person or persons designated to enforce this ordinance including any law enforcement agency and its personnel authorized to enforce laws within the City of Hardin.

Animal establishment—Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel or animal shelter, except this term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-511, 91-579, 94-279, 99-198, and 101-624.

Animal shelter—Facility designated or recognized by the City of Hardin for the purpose of impounding and caring for animals.

At large—A dog or cat shall be deemed to be at large when off the property of the owner and not under restraint.

Humane manner—Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Licensing authority—The City of Hardin or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neutered—Rendered permanently incapable of reproduction.

Nuisance—A dog or cat shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous," or offensive conditions; causes a disturbance by excessive

barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner--A person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

Person—Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop—An establishment engaged in the business of buying or selling, at retail, dogs or cats or other animals for profit-making purposes.

Restraint—A dog or cat shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

Dangerous" dog or cat—A dog or cat that without justification attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one or more persons or domestic animals.

6-2-2. Licensing and rabies vaccination

a) Except as provided in 6-2-3, no person shall own, keep, or harbor any dog or cat over six months of age within the City of Hardin unless such dog or cat is vaccinated and licensed. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.

b) All dogs and cats shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association.

c) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.

d) Application for a license must be made within 10 days after obtaining a dog or cat over six months of age, except that this requirement will not apply to a nonresident keeping a dog or cat within the City of Hardin for no longer than 30 days.

e) Written application for a dog or cat license shall be made to the City Clerk, City of Hardin and shall include the name and address of the owner and the name, breed, color, age, and sex of the dog or cat and such other information as requested. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

f) The licensing period shall be from January 1st until December 31st of each year. License renewal may be applied for within 30 days prior to the expiration date. New residents must apply for a license within 10 days of establishing residence.

g) A license shall be issued after payment of the fee and any penalty set by the City Council by Resolution from time to time.

h) License fees shall be waived for dogs serving the blind or deaf or government-owned dogs used for law enforcement. All other licensing provisions shall apply.

i) Upon acceptance of the license application and fee, the City of Hardin shall issue a durable license tag including an identifying number, year of issuance, city, county, and state.

Both rabies and license tags must be attached to the collar of the dog or cat. Tags must be worn at all times and are not transferable. City of Hardin shall maintain a record of all licenses issued, and such records shall be available to City personnel and other law enforcement personnel as needed.

6-2-3. Permits

a) No person shall operate an animal establishment without first obtaining a permit in compliance with this section.

b) The permit period shall be from January ^{1st} until December 31" of each year. Renewal applications for permits may be made within 30 days prior to the expiration date. Application for a permit to establish a new breeding animal establishment under the provisions of this ordinance may be made at any time.

c) Annual permits shall be issued upon payment of the fee and any penalty set by the City Council by Resolution from time to time.

d) A person who maintains a kennel of six (6) or more dogs or cats for breeding purposes may pay an annual permit fee or may elect to license individual dogs or cats as provided under 6-2-2. Every facility regulated by this ordinance shall be considered a separate enterprise, requiring an individual permit.

e) Under the provisions of this ordinance, no permit fee shall be required of any animal shelter. All other provisions shall apply. Any change in the category under which a permit is issued shall be reported to the City Clerk within 60 days. There will be no adjustment or refund of a previously paid fee.

6-2-4. Issuance and revocation of permits and licenses

a) The City of Hardin may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the City of Hardin or any other law governing the protection and keeping of animals.

b) If an applicant is shown to have withheld or falsified any material information on the application, the City of Hardin may refuse to issue or may revoke a permit or license.

c) It shall be a condition of issuance of any permit for an animal establishment that the City of Hardin shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, the City of Hardin shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit may not reapply for a period of at least 30 days. Each re-application shall disclose any previous denial or revocation and shall be accompanied by the appropriate fee.

6-2-5. Owner responsibility

a) All dogs and cats shall be kept under restraint.

b) Every "dangerous" dog or cat, as determined by the City of Hardin, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

c) No dog or cat shall be allowed to cause a nuisance.

d) The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.

e) Dog and cat owners shall ensure that their dog or cat carries identification at all times in the form of microchip, tag, or other means to allow easy determination of the owners.

6-2-6. Impoundment

a) Any dog or cat found running at large shall be impounded by the City of Hardin or any law enforcement agency authorized to enforce laws within the City of Hardin in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the City of Hardin or any law enforcement agency shall make a reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners within a period of five days shall become the property of the City of Hardin, the animal shelter, or euthanized as determined by the City of Hardin.

b) When a dog or cat is found running at large and its ownership is verified by the animal control authority or any law enforcement agency authorized to enforce laws within the City of Hardin, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

c) In the event that the City of Hardin finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering.

d) Return to the owner may be withheld until the owner shall have made full payment for all expenses incurred.

e) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

6-2-7. Redemption

a) Any animal impounded may be redeemed by the owner thereof within five (5) days upon payment of an impoundment fee as set by the City Council by Resolution from time to time.

b) Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.

c) Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of the fee set by the City Council by Resolution from time to time.

d) No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing and vaccination have been fulfilled.

6-2-8. Interference

No person shall interfere with, hinder, or molest any agent of the animal control authority in the performance of any duty as herein provided.

6-2-9 Repeal of conflicting ordinances

All other ordinances of the City of Hardin that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

6-2-10. Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

6-2-11. Penalty

Any person who violates any provision of this chapter shall be subject to the penalties set forth in Title 1, Chapter 8 of the City Ordinances. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

DATE OF EFFECT.

The amendment to this ordinance shall take effect and be in force thirty (30) days from the date of its second reading and passage by the City Council as required by law.

FIRST READING AND PASSAGE By a majority vote of the members present

this _____ day of _____, 2011.

AS _____ NAYS _____.

Joseph W. Korbelle
MAYOR

ATTEST:

[Signature]
City Clerk ^{l.} YeK.66/0Aic.

POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO

THE PUBLIC this y day of _____, 2011.

Rochelle Angevine
City Clerk (it_e)

SECOND READING AND PASSAGE By a majority vote of the members present

this 6 day of July, 2011.

YEAS 6

NAYS 7(X)

Joseph W. Korbelle
MAYOR

ATTEST:

Rochelle Angevine
City Clerk

