

TITLE 6 - ANIMALS

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6.04.010 Definitions

Unless context indicates otherwise, the following terms shall have the meanings ascribed to them in this section as used in this chapter.

- A. “ABANDONMENT” means failure to redeem an impounded animal within three (3) days of incarceration or an animal owner willfully removes an animal owned by them from property owned by them or willfully changes residence and fails to move or take the animal.
- B. “ANIMAL” means all domestic breeds of animals born and raised in captivity for purposes of being pets of either sex unless indicated otherwise.
- C. “AT LARGE” means off the premises of the owner and not under the immediate and continued control of the owner or other authorized person either by leash or voice and/or signal control, or by complete confinement within or upon a vehicle..
- D. “COMPENDIUM OF ANIMAL RABIES PREVENTION AND CONTROL” means the current document of the National Association of State Public Health Veterinarians that describes actions for rabies prevention and control.
- E. “CONFINED” means restrained on the premises or property of the owner or under the restraint of the owner or another person on a chain or leash of eight (8) feet or less or within the confines of a fence, enclosed so as to be restricted from all access and contact with the public and other animals.
- F. “ENCLOSURE” means a fence or structure of at least six (6) feet in height, forming or causing an enclosure suitable to prevent entry by young children, and suitable to confine a vicious animal in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious animal. The enclosure shall be securely enclosed and locked and designed to prevent the animal from escaping from the enclosure.
- G. “ENFORCEMENT OFFICER” means the Dillon City Enforcement Officer or designated City representative or the Dillon City Police Chief, Assistant Chief, or other law enforcement officer.
- H. “HARASS” means worries, chases, or runs after livestock, in a manner that may lead to subsequent injury to the livestock.
- I. “OWNER” means every person, partnership, or corporation who owns, feeds, or harbors domestic breeds of animals born and raised in captivity for purposes of being pets.
- J. “POUND” means a place of restraint maintained by the City of Dillon for the purpose of sheltering dogs and other animals restrained by the City of Dillon, Montana.
- K. “PUBLIC NUISANCE” means a dog which is threatening the life, safety, or property, including livestock, of other dogs or pets, and/or is responsible for

damage to or destruction of property, is an abandoned dog clearly deserted by its owner, or a vicious dog not confined.

- L. “RESTRAINT” means an animal controlled by a leash not longer than eight feet, an animal at “heel” beside a competent person and obedient to that person’s command, an animal within the passenger compartment of a parked vehicle with the permission of the owner, an animal within the bed of a parked vehicle controlled by a leash attached to the vehicle, or an animal within the property limits of the premises controlled by the owner or other person consenting thereto.
- M. “STRAY DOG” means a dog at large with or without a current license off the premises of the owner and not under restraint.
- N. “UNLICENSED DOG” means a dog without a valid current license issued by the City of Dillon.
- O. “VICIOUS ANIMALS” means:
 - 1. An animal that approaches a person in an apparent attitude of attack upon the streets, sidewalks, or public grounds or places in a vicious or terrorizing manner when unprovoked; or
 - 2. An unrestrained animal that acts in a vicious or terrorizing manner towards a person, in an apparent attitude of attack upon the streets, sidewalks, or public grounds or places when unprovoked and outside of the passenger compartment of a vehicle; or
 - 3. An animal with known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - 4. An animal that bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or
 - 5. An animal owned or harbored primarily or in part for the purpose of animal fighting or trained for fighting; or
 - a. Notwithstanding the definition of a vicious animal above, an animal may not be declared vicious if injury or damage is sustained by a person who was committing a willful trespass or other tort upon premises occupied by the owner or the keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime at the time said injury or damage was sustained.

- b. An animal may not be declared vicious if the injury or damage was sustained by a domestic animal that was being teased, abused or assaulted at the time injury or damage was sustained to the victim.
- c. An animal may not be declared vicious if it was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

P. "VISITING DOGS" means dogs not required to have a license under section 6.04.110 herein.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Amended Ord 400 January 5, 2000, Amended Ord 400 April 19, 2000, Revised Ord 454 October 4, 2017

6.04.020 License – Required – Application - Fee

- A. Dogs over the age of five (5) months within the city limits shall not be kept or harbored unless such dogs are licensed as provided in this chapter.
- B. Application for license shall be made to the City of Dillon, and shall state name and physical address and phone number of owner and name, breed, color, age and sex of the dog. License fees shall be paid when making application. A numbered receipt shall be given to the applicant, and a numbered metallic or plastic tag shall be issued to the owner.
- C. Annual license fees for dogs over the age of ninety days shall be set by a Resolution of the City Council after a public hearing.
- D. Kennels shall pay annual license fees set by a Resolution of the City Council after a public hearing for each male or female dog.
- E. Dog licenses and kennel licenses shall be issued for one (1) year beginning January 1, of each year and ending December 31, of each year. Animals not licensed by January 31, of each year are subject to a fine set by Resolution of the City Council after a public hearing.
- F. Dog licenses shall not be issued until the applicant produces proof of current rabies vaccination.
- G. Dog licenses, receipts, license tags, or evidence of vaccination for rabies shall not be used for licensing dogs other than the one documentation pertains to.
- H. In the event of a lost a license tag issued for a dog, the owner may obtain a duplicate tag upon payment of a fee set by Resolution of the City Council after a public hearing.

- I. In the event of change of ownership for a dog or kennel during the current license year, new owners shall establish a new license in his/her name within thirty (30) days of obtaining ownership of the dog or kennel.

Enc Ord 365 August 21, 1991, Enc Ord 346 July 2, 1986, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.025 Rabies Vaccination

It shall be the responsibility of each person or owner keeping, harboring, or maintaining animals over three (3) months of age to provide effective rabies vaccination for such animals and to provide proof thereof.

This provision shall not apply to:

1. Licensed veterinarians;
2. Grooming parlors;
3. Commercial kennel owners and/or operators when keeping animals owned by others.

Enc Ord 454 October 4, 2017

6.04.030 License - Tag

License tags provided shall be stamped with the number and the year for which it is issued. Shape, design or color of such tags shall be changed from year to year. Each licensed dog shall at all times wear a choke chain, collar or harness to which is attached a license tag and rabies tag.

1. Dogs found without tags shall be deemed unlicensed even though a license has been issued.
2. Guide dogs and handicapped assist dogs shall have a license issued to them without charge by the City.
3. Persons under the age of eighteen shall not license a dog or other animal without proper co-signatures of the minor's guardians who are over eighteen years of age.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.040 Restraint - Fine

- A. Owners shall keep animals under restraint at all times.
- B. A series of fines given in section 6.04.230 – Violation-Penalty shall be imposed for violation of this section.

- C. Animals shall be euthanized by lethal injection by a licensed veterinarian upon fourth violation of this section subject to the provisions of Section 6.04.180 - Alternative to death of animals.
- D. Owners reclaiming their animal(s) must agree to have animal(s) spayed or neutered and provide a certificate from a licensed veterinarian that the animal(s) has been spayed or neutered or will be spayed or neutered within two weeks after the release of the animal(s) prior to having the animal(s) returned to them.
- E. Failure to comply with this provision shall constitute a violation of this chapter.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.050 Pets in City Parks

It shall be unlawful for pets to be in Vigilante Park or Children's Park under restraint or at large. All other parks are considered "pet friendly" but pets must be under control as defined in § DMC 6.04.010 – Definitions.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.060 Animal Pound - Maintenance

The City of Dillon shall maintain a pound for confinement of dogs and other animals. Such pound shall be so constructed that animals of different kinds, size and sex may be segregated, and shall be maintained in a safe and sanitary condition. Such pound may be constructed and operated by the City or the City may enter into a contract with a veterinarian or other suitable person for supplying and operation of the same. Animals confined in the pound shall be regularly fed and watered and shall be treated in a humane manner.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.070 Impoundment - Disposition, Redemption, Destruction

- A. Stray or at large animals, and animals that are sick, injured or that constitute a public nuisance, shall be taken by the Enforcement Officer or designated City representative and impounded and there confined in a humane manner for a period of three (3) days.
- B. Immediately upon impound, the Enforcement Officer or designated City representative shall make reasonable effort to notify owners of such animals so impounded, and inform such owners of the conditions whereby they may regain possession of animals.

- C. Owners shall be entitled to regain possession of impounded animals except as provided in the case of certain animals in this chapter, upon compliance of the license provisions contained in Section 6.04.020 and payment by the owner to the City of Dillon the fine called for herein, an amount set by Resolution of the City Council after a public hearing. Prior to having the animals returned, owners, must agree to have animals spayed or neutered and provide a certificate from a veterinarian that said animal has been spayed or neutered within two weeks after release of the animal. Animals must be current with rabies vaccination or rabies vaccination must be obtained prior to release. Failure to comply with this provision shall constitute a violation of this chapter.
- D. Owners forfeit rights, title and interest therein if impounded animals are not redeemed within three (3) days from the time of impound. The Enforcement Officer or designated City representative may have animals euthanized by a licensed veterinarian or relinquish animals to an animal shelter or humane society for adoption as deemed appropriate.
- E. Dogs and cats to be euthanized shall be euthanized by lethal injection by a licensed veterinarian. Other animals to be euthanized shall be euthanized in a humane manner.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.080 Impoundment – Redemption - Destruction

Enc Ord 365 August 21, 1991, Enc Ord 355 May 4, 1988, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Repealed Ord 454 October 4, 2017

6.04.090 Confinement of Certain Animals

- A. Owners shall confine vicious animals within a building or secure enclosure and shall not take such animals out of the building or secure enclosure unless animals are securely muzzled.
- B. Female animals in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel, in such manner that said female animal cannot attract other animals.
- C. Wild animals may not be kept within the city limits, except under such conditions as shall be fixed by the City of Dillon provided.
- D. Wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the City of Dillon, Montana.

- E. Animals found at large as described in this chapter shall be impounded by the Enforcement Officer or designated City representative and may not be redeemed by owners unless such redemption is authorized by the Enforcement Officer or designated City representative.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.100 Vicious Animals

- A. If the Enforcement Officer or designated City representative has probable cause to believe an animal has bitten an individual and the injured party was not trespassing, injuring or attempting to injure the person, family or property of the owner of the animal, the Enforcement Officer or designated City representative shall issue an order requiring the animal owner to surrender the same to a licensed veterinarian or animal shelter after service of the order.
 - 1. Such order may be served by the Enforcement Officer or designated City representative.
 - 2. If the animal owner cannot be found at his/her place of residence, the order 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.
 - 3. It is unlawful to refuse or neglect to surrender such animals after service of such order. The Enforcement Officer or designated City representative shall seize and impound such animals at a licensed veterinarian's office at the owner's expense.
 - 4. In the event the owner is unknown, the Enforcement Officer or designated City representative shall seize and impound such animals without notice.
 - 5. Impounded animals shall be quarantined at a licensed veterinarian hospital.
- B. Stray animals shall be impounded for a minimum of three (3) business days to determine whether human exposure has occurred and to allow owners sufficient time to reclaim animals.
- C. The owner of an animal is liable for damages that may be suffered regardless of the former viciousness of the animal or the owner's knowledge of viciousness. If the animal bites a person without provocation while the person is on or in a public place or lawfully on or in a private place, including the property of the owner of the animal, located within the city limits then the animal shall be considered vicious. MCA 27-1-715

- D. A police service dog which bites an individual or other animal while engaged in lawful performance of duties shall not be considered vicious as defined in this Ordinance and under such circumstances shall not be subject to quarantine procedures as herein prescribed.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.105 Maintaining Vicious Animals

It is unlawful to own, harbor or maintain vicious animals within the Dillon city limits. An animal adjudicated as a vicious animal shall be euthanized by a licensed veterinarian.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.110 Exceptions to Chapter

- A. Hospitals, clinics and other premises operated by licensed veterinarians for care and treatment of animals and animal shelters are exempt from the provisions of this chapter, except where such duties are expressly stated.
- B. Licensing requirements of this chapter shall not apply to animals belonging to nonresidents of the city and kept within the city for not longer than thirty (30) days, provided such animals shall at such times while in the city be kept within a building, enclosure or vehicle, or be under restraint by the owners.
- C. Owners of impounded animals shall provide proof of rabies vaccination before animal may be released.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.120 Enforcement Officer or Designated City Representative

- A. Provisions of this chapter shall be enforced exclusively by the Enforcement Officer or designated City representative.
- B. Attempts at enforcement by individuals or entities other than the Enforcement Officer or designated City representative or law enforcement shall be a violation of this chapter and shall be punished as provided in Section 6.04.230 – Violation-Penalty.
- C. Charging an individual with an offense under Section 6.04.120 does not preclude filing of other charges against the person as authorized by Montana law.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Amended Ord 431 June 15, 2011, Revised Ord 454 October 4, 2017

6.04.130 Enforcement - Interference Prohibited

Individuals shall not interfere with, hinder, or molest the Enforcement Officer or designated City representative acting in his/her capacity, in the performance of duties of office, or seek to release such animal(s) in custody of the Enforcement Officer or designated City representative or owner except as provided in this chapter.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.140 Dog Census

- A. A complete census may be taken once every two (2) years for animals with the Dillon city limits.
- B. Individuals found to be harboring animals not licensed as required by the provisions of this chapter shall be required to immediately obtain such license or be cited into court to answer to charges of violation of this chapter.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.150 Records to be Kept

- A. It shall be the duty of the Enforcement Officer or designated City representative to keep, or cause to be kept, accurate and detailed records of licensing, impoundment and disposition of animals coming into his/her custody.
- B. It shall be the duty of the Enforcement Officer or designated City representative to keep, or cause to be kept, accurate and detailed records of bite cases reported to him/her and his/her investigation of the same.
- C. It shall be the duty of the Enforcement Officer or designated City representative to keep, or cause to be kept, accurate and detailed records of all money belonging to the City of Dillon, Montana. Such records shall be open to inspection during normal business hours, and shall be audited by the City of Dillon, Montana, annually, in the same manner as other City records are audited.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.160 Animals Exposed to Rabies

- A. Current Rabies Vaccination: Rabies is rare in vaccinated animals. Suspected rabies in vaccinated animals shall be reported to Beaverhead County Public Health. Such animals shall receive booster vaccinations and licensed veterinary medical care and shall be kept under the owner's control and observed for forty-five (45) days.

- B. Overdue Rabies Vaccination Booster with Documentation: Dogs or cats with documentation of prior rabies vaccination, shall receive a booster vaccination and veterinary medical care, and forty-five (45) days of monitoring under the owner's control. Ferrets overdue for booster vaccination shall be evaluated on a case-by-case basis by a licensed veterinarian to determine need for euthanasia or immediate booster vaccination followed by observation or strict quarantine.

- C. No Rabies Vaccination History: Animals without rabies vaccination history shall be kept in strict quarantine for four (4) months with the exception of ferrets which shall be kept for six (6) months. Direct contact with humans or other animals shall be prohibited. At the beginning of quarantine, such animals shall receive rabies vaccinations within ninety-six (96) hours of exposure. If quarantine cannot be accomplished, animals shall be euthanized by a licensed veterinarian. Quarantine shall be observed on a regular basis by the Enforcement Officer or designated City representative to ensure the owner is complying with the strict quarantine order and to observe animals for illness.

- D. Overdue Rabies Vaccination Booster without Documentation: In the absence of documentation of prior rabies vaccination or vaccination status is unknown, animals shall be treated as unvaccinated (booster vaccine and four-month strict quarantine).
or,
Under guidance of Beaverhead County Public Health, animals may undergo serologic testing to provide evidence of prior vaccination. If testing indicates adequate response to vaccination, such animals may be treated as overdue for booster vaccination and all costs shall be borne by the owner.

- E. Illness in exposed animals shall be reported immediately to Beaverhead County Public Health. Said animals shall be taken to a licensed veterinarian for assessment. In the event symptoms suggestive of rabies develop (i.e. Paralysis or seizures), such animals shall be euthanized, and the head or entire brain (including brainstem) shall be submitted for testing.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.170 Nuisance animals.

- A. It is hereby declared a public nuisance for animals to;
 - 1. Destroy property or other pets.
 - 2. Bite, or chase after individuals not trespassing or on public property.
 - 3. Injure or attempt to injure the person, family, or property of a non-owner.
 - 4. Chase vehicles or obstruct traffic in public streets or right of ways.

Such nuisance animals may be taken and impounded by the Enforcement Officer or designated City representative.

- B. A licensed or unlicensed dog is considered a public nuisance if it harasses, kills, wounds, or injures livestock while on property that does not belong to the owner or keeper of the animal and;
1. The owner of harassed, killed or wounded livestock or an agent or employee of the owner may immediately dispatch the animal while it is performing the act of harassing, killing or wounding livestock; or
 2. Owner of said animal shall have the animal euthanized by a licensed veterinarian within twenty-four (24) hours of notification when reasonably notified after due process. If the owner fails to do so, an officer may be notified and shall dispatch the dog or cause the dog to be dispatched.
 3. The owner of a dog that harasses, kills, wounds, or injures livestock is guilty of a misdemeanor and upon conviction shall be fined not more than Five Hundred Dollars (\$500). MCA 81-7-401
- C. It shall be unlawful to own, harbor, keep or maintain such nuisance animals.
1. It shall be the duty of the Enforcement Officer or designated City representative to issue tickets and file complaints for all such violations occurring in their presence.
 2. Persons aggrieved by nuisance animals may file a complaint with the Enforcement Officer or designated City representative.
 3. Upon investigation, if the Enforcement Officer or designated City representative believes there is probable cause that the animal is a nuisance, he/she shall charge the owner with violation of this section.
 4. Upon a third conviction under this section, the nuisance animal shall be seized and taken by the Enforcement Officer or designated City representative and euthanized by a licensed veterinarian.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Amended Ord 431 June 15, 2011, Revised Ord 454 October 4, 2017

6.04.171 Animals Disturbing the Peace.

- A. It is hereby declared a public nuisance for animals to howl, yelp, or bark for prolonged periods of time or by other means, cause annoyance or disturbance so as to interfere with the comfortable enjoyment of life or property by an entire community or neighborhood or by a considerable number of people.
- B. It shall be at the discretion of the Enforcement Officer or designated City

representative to issue citations or file complaints for violations occurring in their presence. Each day the disturbance continues is a separate offense.

Enc Ord 431 June 15, 2011, Revised Ord 454 October 4, 2017

6.04.172 Penalty for Animals Disturbing the Peace.

Owners who permit their animals to disturb the peace as defined in Section 6.04.171 hereof shall be fined up to five hundred (\$500.00) dollars.

Enc Ord 431 June 15, 2011, Revised Ord 454 October 4, 2017

6.04.180 Alternative to Death of Animals

- A. If an animal is to be put to death under this chapter, the owner or other person may apply to the City Court for permission to remove the animal permanently from the city limits.
- B. Upon such persons filing with the court his/her written agreement to remove said animal from the city limits, the judge may, in his/her discretion, make an order allowing said animal to be removed from the city limits instead of being put to death.
 - 1. This shall be supported by a bond, having a term of five (5) years, in the penal sum of one hundred dollars (100.00) with sufficient sureties.
 - 2. This alternative shall not comply to animals infected with rabies or animals adjudicated as vicious.
 - 3. Said animal must have current rabies vaccination before being released.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.190 Cruelty to Animals- Poisoning

- A. It is unlawful to willfully injure an animal.
- B. Animals shall be kept in a humane manner with a minimum of food, water and shelter.
- C. It is unlawful to put out or expose poison for the purpose of killing animals, other than rodents or to aid or abet in doing so.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.200 Abandoning Animals

It is unlawful to abandon animals.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.210 Provoking Animals

It is unlawful to provoke, harangue, tease, torment or disturb a dog or other animal with the intent to cause it to bark or attack.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997

6.04.220 Damages for Injured Livestock or Fowl

- A. Owners of livestock or fowl injured or killed by other animals may recover damages from the owner of the animal for the death of said livestock or fowl or injuries thereto.
- B. If two or more or animals are kept by two or more owners, and the animals injure or kill livestock or fowl, owners or keepers of said animals are jointly and severally liable for such damages.
- C. Lack of knowledge by owners or keepers of their animals whereabouts or disposition or inclination to worry, injure, or kill livestock or fowl at or prior to the time said animal injured or killed livestock or fowl shall not a be defense.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Revised Ord 454 October 4, 2017

6.04.225 Keeping of Fowl and Small Mammals

- A. Owners of turkeys, ducks, other fowl, rabbits or other domesticated small mammals prior to January 1, 2013 who continue to harbor such animals are required to maintain them in secure enclosures that are sanitary and humane in condition at all times.
- B. Animals shall not roam freely outside enclosures, encroach on city streets, right-of-ways, or property or other property not owned by said animals' owners.
- C. Owners of chickens, see Chapter 6.08 for requirements and fees related to chickens.

Enc Ord 454 October 4, 2017

6.04.230 Violation—Penalty

Individuals who violate provisions of this chapter shall be deemed guilty of misdemeanor and punished as provided in the section. If a penalty is not provided for the offense, the individual convicted of the violation shall be punished by a fine not to exceed two hundred fifty dollars (\$250.00). Each day a violation continues shall be a separate offense.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 392 March 6, 1997, Amended Ord 415 June 20, 2007, Revised Ord 431 June 15, 2011

6.04.240 Animal Waste

Failure to promptly remove and dispose of feces left by animals in a sanitary manner on property, public or private, other than the premises of the owner or handler of such dog shall be unlawful and punishable by a fine given in section 6.04.230 – Violation-Penalty.

Enc Ord 365 August 21, 1991, Enc Ord 370 May 20, 1993, Amended Ord 415 June 20, 2007, Amended Ord 431 June 15, 2011

6.04.250 Cemeteries

Domestic animals kept as pets shall not be allowed within boundaries of the City Cemetery under restraint or un-tethered. Exceptions may be service animals that enter within a vehicle and that shall not exit the vehicle. The owner shall be in violation of this code if said dog exits from a vehicle.

Enc Ord 454 October 4, 2017

6.04.260 Animal Bites to Humans from Domestic Animals

- A. Bites from domestic animals must be investigated by the Enforcement Officer or designated City representative and/or law enforcement. Attachment “A” of this ordinance shall be completed by the Enforcement Officer or designated City representative if the owner of said animal chooses to quarantine the animal at his/her residence.
- B. Animal bites must be reported to Beaverhead County Public Health immediately if rabies is suspected (i.e. stray) and within a minimum of twenty-four (24) hours. Lack of notification shall result in a case report which may be submitted to public health within two (2) days. If the animal cannot be readily located, efforts to locate and secure the animal should be made by the Enforcement Officer or designated City representative and/or law enforcement.
- C. Domestic animals include all domestic breeds of animals born and raised in captivity for purposes of being pets. Dogs that are part dog and part wolf are not considered domestic dogs and should be treated as wild animals.

- D. Rabies virus is excreted in the saliva of infected animals during illness and for only a few days before the onset of clinical signs or death. Regardless of rabies vaccination status, a healthy animal that exposes a person shall be confined and observed daily for ten (10) days from the time of the exposure (day 0). Rabies vaccination must not occur during the observation period. Rabies must be ruled out by one of the following actions:
1. Confinement: This may occur at the owner's residence provided the Enforcement Officer or designated City representative or law enforcement, in consultation with Beaverhead County Public Health officials, are confident that the owners shall be compliant.
 2. Confinement may happen if the animal is healthy and behaving normally and the owners want to keep the animal.
 3. Animals shall be declared healthy by a licensed veterinarian or suitable representative at the start of the quarantine period AND on day ten (10).
 - a. If an animal exhibits changes in behavior, develops symptoms, or dies during the ten (10) day quarantine period said animal must be examined by a licensed veterinarian.
 - b. If the veterinarian determines symptoms or behavior changes may be due to rabies, said animal must be tested for rabies.
 - c. The Enforcement Officer or designated City representative or law enforcement officer shall follow up with the animal owner to ensure said animal was seen by a veterinarian at the end of the quarantine and received documentation that said animal is healthy.
 - d. If compliance is questionable, the animal may be placed in quarantine at an animal shelter or with a licensed veterinarian at the owner's expense.
- E. If owners decide to no longer keep animals that have potentially been infected with the rabies virus or unusual circumstances occur, animals may be euthanized and the brain/head (including the brain stem) submitted to the Montana Department of Livestock Veterinary Diagnostic Laboratory for rabies testing. Expenses incurred in quarantining, impounding or euthanizing, and testing domestic animals are the responsibility of the animal owner. ARM 32.3.1201 and 37.114.571
- F. Stray or unwanted animals that expose humans may be euthanized immediately, and the head or entire brain (including brainstem) shall be submitted for testing. Expenses may be incurred by the City of Dillon.

- G. It shall be the duty of the Enforcement Officer or designated City representative to notify the City Attorney of quarantined animals.
1. If an animal is adjudged free of rabies after observation under the supervision of a licensed veterinarian, owners may reclaim said animal, upon payment of costs associated with keeping the animal and upon compliance with vaccination requirements.
 2. In the event an animal under quarantine is diagnosed as being rabid, it shall be disposed of under the orders and directions of the City Attorney with consultation of Beaverhead County Public Health.

Enc Ord 454 October 4, 2017

6.04.270 Adoption of animals from Humane Society, Animal Shelter, or Pound

Animals not redeemed by owners may not be offered for adoption, sale, or trade by a humane society or publicly operated animal shelter or pound unless the animal has been spayed or neutered. The provisions of this section do not apply to animals for which a licensed veterinarian verifies in writing that spaying or neutering would be injurious to the animal's health. MCA 7-23-42

Enc Ord 454 October 4, 2017

ATTACHMENT "A"
BEAVERHEAD COUNTY and CITY OF DILLON
ANIMAL CONTROL ORDINANCE

AGREEMENT/CONTRACT/DISCLAIMER

I, _____, acknowledge that I am the owner of the animal as described below: (Please Print)

(Description/Photo of Animal)

I acknowledge that the Beaverhead County Sheriff's Office or Dillon Police Department has identified the above animal as having bitten a human, putting the bite victim at risk for rabies. I understand that according to Administrative Rules of Montana (ARM): 32.3.1201 and 37.114.571 and the Compendium of Animal Rabies and Prevention and Control, the animal must be quarantined for 10 days (regardless of vaccination status) and vaccinated for rabies **following** the quarantine if indicated. The animal should be declared healthy by a licensed veterinarian at the start of the quarantine period AND on day 10. Documentation of these two (2) actions are required to be released to the Enforcement Officer. If the animal is deemed healthy at the initiation of the quarantine, the animal may be quarantined with the owner. If at any point during the ten (10) day quarantine the animal exhibits a change in behavior the animal must be examined immediately by a veterinarian. If the veterinarian feels the symptoms or behavior change may be due to rabies, the animal must be tested for rabies. I understand that if I cannot comply to these terms, the animal will be placed in quarantine at the animal shelter or with a licensed veterinarian at my expense. I understand that if I cannot assume responsibility for expenses associated with quarantine, I have the option of turning the animal over to the Beaverhead County Sheriff's Office or Dillon Police Department. They may euthanize the animal and submit its head to the diagnostic lab for rabies analysis **OR** keep the animal for a 10-day observation period and relinquish the animal to the animal shelter.

If I choose to quarantine my animal at my residence, I am responsible for the following:

1. I am liable if the animal escapes and cannot be found, or bites another person.

2. I may be liable for the expense and other associated costs of rabies post-exposure prophylaxis for the bite victim.
3. I will have my animal seen by a veterinarian at the beginning of the quarantine and submit the documentation of the exam to the Beaverhead County Sheriff's Office or Dillon Police Department.
4. I will keep the animal in a fenced enclosure or tied up, isolated from other animals and people for the 10-day quarantine.
5. I will report any change of behavior or signs of illness, and in such case, have the animal seen by a veterinarian immediately.
6. In case of animal death during quarantine, I will immediately take the animal to a veterinarian and notify the Beaverhead County Sheriff's Office or Dillon Police Department at that time.
7. At the end of the quarantine, I will ensure the animal is given a rabies vaccine (if necessary), an examination, and a statement from the veterinarian that the animal is rabies-free. Expenses are my responsibility. I will be responsible for providing documentation of that exam and vaccination to the Beaverhead County Sheriff's Office or Dillon Police Department.
8. I understand that my failure to comply with these conditions may subject me to additional criminal and/or civil penalties.

Responsible Party's Signature

Date

Enforcement Officer

Date

Chapter 6.08 - Chickens

Sections:

- 6.08.010 Keeping of Livestock Prohibited Except for Domestic Chickens
- 6.08.020 Limitations on Fowl for Domestic Uses
- 6.08.030 Roosters Not Allowed
- 6.08.040 Chickens Allowed Only In Specific Locations
- 6.08.050 Number of Chickens Authorized Only By Permit
- 6.08.060 General Regulations for the Keeping of Chickens
- 6.08.070 Annual Inspections Are Required for Permits and Fees
- 6.08.080 Property Shall Be Inspected Annually For Permits Keeping Five or More Chickens
- 6.08.090 Animal Control Officer Order Shall be Complied With – Appeal Process
- 6.08.100 Permit Specific To Holder and Location – Non-Transferable
- 6.08.110 Permit Specific to Number Kept – New Permit Required On Significant Changes
- 6.08.120 Any Changes To Related City Ordinances Requires Compliance
- 6.08.130 Protest and Hearing For Keeping of Five or More Chickens
- 6.08.140 Enforcement
- 6.08.150 Chickens Shall Be Properly Maintained
- 6.08.160 Revocation of Permits

6.08.010 Keeping of Livestock Prohibited Except for Domestic Chickens

Keeping of livestock in the City of Dillon is prohibited except for domestic chickens as described in this chapter or as provided in Title 17 - Zoning.

Enc Ord 454 October 4, 2017

6.08.020 Limitations on Fowl for Domestic Uses

Fowl shall not be permitted in the City of Dillon other than chickens which shall be permitted only under the limitations set forth within this chapter or as provided in Title 17 - Zoning.

Enc Ord 454 October 4, 2017

6.08.030 Roosters Not Allowed

Roosters shall not be kept or maintained within the City of Dillon or as provided in Title 17 - Zoning.

Enc Ord 454 October 4, 2017

6.08.040 Chickens Allowed Only In Specific Locations

Chickens may be kept in the following locations, subject to all other standards set within this chapter.

1. On a single-household parcel;

2. On a parcel under unitary ownership with more than one dwelling on-site;
3. On residential parcels under common ownership; and
4. In an Agricultural zone as defined in Title 17.

Enc Ord 454 October 4, 2017

6.08.050 Number of Chickens Authorized Only By Permit

Keeping of chickens is authorized only by permit obtained from the City of Dillon. The number of chickens authorized per permit shall comply with the following requirements, subject to all other standards set within this chapter.

1. For the first two-thousand, eight-hundred, seventy-five (2,875) square feet of any residential parcel, up to four (4) chickens are allowed;
2. For each additional one-thousand (1000) square feet of any residential parcel, one additional hen up to a maximum of ten (10); and
3. For parcels with multiple households, the physical area used for determining the maximum number of allowed hens is exclusive to each permit and may not overlap. This may restrict the number of permits issued on a given parcel.

Enc Ord 454 October 4, 2017

6.08.060 General Regulations for the Keeping of Chickens

1. Chickens shall not range at large within the corporate limits of the City of Dillon. Chickens shall be contained within the permittee's property boundary at all times.
2. Permittee shall provide chickens with a covered, predator-proof chicken house and enclosure that is thoroughly ventilated and of sufficient size to admit free movement of the chickens. A minimum of two (2) square feet of chicken house per chicken or chick is required. The chicken house shall be adjacent to and provide free access to the chicken enclosure. Heat sources of electrical facilities installed in a chicken house shall comply with adopted building, fire, and electrical codes of the City and State. Chicken enclosures may be movable.
3. Chicken enclosures and houses shall be kept in a neat and sanitary condition at all times, and shall be cleaned on a regular basis so as to prevent offensive odors.
4. Chickens shall be secured within the enclosure from sunset to sunrise.
5. Chickens shall have continuous access to adequate food and water and stored food shall be kept in a rodent- and predator-proof container(s).

6. Chickens shall be maintained in a healthy condition. Ill chickens shall either receive appropriate medical care or be culled.
7. Chicken houses shall not be located closer than twenty (20) feet to any structure inhabited by someone other than the chicken owner, custodian, or keeper, and shall not be closer than five (5) feet to any property line. Chicken houses may be movable but shall comply with all standards of this chapter.
8. Chickens shall not be kept in a manner so as to create noxious odors or noise of a loud, persistent and habitual nature.
9. Chickens shall not be slaughtered within public view.

Enc Ord 454 October 4, 2017

6.08.070 Annual Inspections Are Required for Permits and Fees

1. Prior to the keeping chickens, parties seeking to keep chickens shall obtain a permit from the City of Dillon. A permit fee shall be established by resolution of the City Council and may be revised. Only one permit shall be issued per household. This fee shall be due by January 31 of each year.
2. Owners of chickens shall retain a copy of all signed City approval documents for inspection upon request by the Enforcement Officer or designated City representative.
3. A permit for chickens under this chapter does not relieve parties from requirements to obtain other permits or other necessary approvals for structures, fences, lighting, heat sources, zoning, etc, as required by this Code.
4. Parties who wish to keep chickens shall submit an application to keep chickens to the City of Dillon – Animal Control department. The application shall contain the following:
 - a. An accurate sketch identifying the property boundaries, the location of all structures on the property and distances between said structures and between the property boundaries. The sketch shall also indicate the location of the chicken enclosure and chicken house.
 - b. The name, address, and signed statement of the property owner, if different from the applicant, consenting to the keeping of the applied for number of chickens on the property.
 - c. The number of chickens kept, between one (1) and four (4) or between five (5) and ten (10).

- d. A description of the enclosure and chicken house, including materials used and the square footage.
- e. A sworn statement that all statements contained in the application are true and the permit holder shall keep the chickens in compliance with the terms of the permit, application, and this chapter.

Enc Ord 454 October 4, 2017

6.08.080 Property Shall Be Inspected Annually For Permits Keeping Five or More Chickens

Prior to keeping five (5) or more chickens, up to and including the maximum number allowed by this chapter, parties wishing to do so shall have the location inspected by the City of Dillon Enforcement Officer or designated City representative. The Enforcement Officer or designated City representative shall review the enclosure, chicken house, and all matters related keeping chickens.

Enc Ord 454 October 4, 2017

6.08.090 Animal Control Officer Order Shall be Complied With – Appeal Process

During inspection(s), if the Animal Control officer determines changes are to be made to enclosures, chicken houses, or the number of chickens to be kept, or mitigation such as fencing or other screening is required for impact to adjacent properties, the applicant/permit holder shall comply with the order of the Enforcement Officer or designated City representative. A person aggrieved by a decision of the Enforcement Officer or designated City representative may appeal to the Director of Operations who shall review all applicable information and issue a decision on the appeal. Appeals from the Director of Operation's decision for applications, permits, or orders of Enforcement Officer or designated City representative decision may be made to the City Council. At the time of final approval by Animal Control, the officer shall indicate final approval on the permit and keep a record of final approval.

Enc Ord 454 October 4, 2017

6.08.100 Permit Specific To Holder and Location – Non-Transferable

A permit to keep chickens is specific to the permit holder and the location of the permit. Chicken owners who wish to move chickens to a different location within the City of Dillon shall obtain a new permit. New residents of a property who intend to keep chickens shall obtain a new permit regardless of whether chickens were kept on the property or continue to be kept on the property.

Enc Ord 454 October 4, 2017

6.08.110 Permit Specific to Number Kept – New Permit Required On Significant Changes

Approval of a permit to keep chickens authorizes the permit holder to keep the number of chickens in the manner described on the application and permit. Any increase to the number of chickens to five (5) or more up and including to the maximum number allowed, or a significant change to the manner of keeping said chickens shall require a new permit.

Enc Ord 454 October 4, 2017

6.08.120 Any Changes To Standards Requires Compliance

Changes to the standards contained in this chapter shall require permit holders to comply with new standards, regulations, or conditions. Notice to permit holders is not required prior to enforcement of new standards beyond that required for adoption of new or revised ordinances.

Enc Ord 454 October 4, 2017

6.08.130 Protest and Hearing For Keeping of Five or More Chickens

Owners or residents of two (2) or more adjacent properties may request the City Council to conduct a hearing on applications for the keeping five (5) or more chickens on adjacent properties. Adjacent properties shall include those properties adjacent by a public right-of-way and include those connected by property corners. If a hearing is held the Council may issue a permit if the Council finds:

1. The site for proposed use is adequate in size to accommodate keeping chickens, and yards, spaces, fences, and enclosures are adequate to properly relate such use with the land and uses in the vicinity;
2. The proposed use will have minimal adverse impact on adjacent properties or residents; and
3. Conditions stated in the approval are in addition to those required in this Chapter and are deemed necessary, and shall apply and be followed by applicants and property owners as a condition of approval.

Enc Ord 454 October 4, 2017

6.08.140 Enforcement

Upon receiving a complaint of a possible violation, the Enforcement Officer or designated City representative shall investigate and determine if a violation of this chapter exists. If the Enforcement Officer or designated City representative determines a violation exists, the officer may serve upon the owner or occupier of the property a warning and directive to take corrective action or may the officer may immediately issue a violation notice and citation into Dillon City Court.

Enc Ord 454 October 4, 2017

6.08.150 Chickens Shall Be Properly Kept

Chickens shall be kept in a manner that does not cause adverse impact to neighboring property owners. Potential negative impacts on adjacent properties include offensive odors and the unusual presence of insects, rodents, or feathers. Evidence of these negative impacts are sufficient if they are perceptible outside of the boundaries of the subject property. Failure to maintain the property in accordance with these requirements shall be considered a violation of this chapter.

Enc Ord 454 October 4, 2017

6.08.160 Revocation of Permits

Should a permit be revoked, all birds shall be removed from the property for a minimum of twelve (12) consecutive months before a new permit may be applied for chickens at that location. Application may be made by new property occupants after the new occupants begin living in the home prior to the time restriction.

Enc Ord 454 October 4, 2017