

**ORDINANCE NO. 453**  
**ANIMAL CONTROL ORDINANCE**  
**AN ORDINANCE REPLACING ORDINANCE 431**  
**AND ALL PRECEEDING ANIMAL CONTROL ORDINANCES**  
**CITY OF MALTA, PHILLIPS COUNTY, MONTANA**

**ANIMALS**

Chapters:

- 6.01    Animal Control Officer
- 6.04    Animals Running at Large - Impoundment
- 6.08    Dogs & Cats – Licensing
- 6.12    Rabies Control
- 6.16    Nuisance & Vicious Animals
- 6.20    Penalties
- 6.21    Cruelty to Animals
- 6.23    Animal Prohibitions

Chapter 6.01

Animal Control Officer

Sections:

- 6.01.010      Animal Control Officer – Supervision
- 6.01.020      Duties
- 6.01.030      Term Clarification

- 6.01.010      Animal Control Officer – Supervision: The animal control officer shall be appointed by the Mayor and shall not be a law enforcement official of the department of public safety, a consolidated city-county law enforcement agency.
- 6.01.020      Animal Control Officer – Duties: The animal control officer shall:
- A. Take up all animals violating the terms of this title and maintain them in a humane manner at the city impound.
  - B. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of his duties.
  - C. Enforce the licensing and control of all dogs and cats in the city as provided in this title.
  - D. Have authority to make out and issue tickets for violations of this title.
  - E. Have all the duties and powers prescribed in this title.
- 6.01.030      Term Clarification. All references contained in the chapter:
- A. To “pound master”, “license agent” and “dog catcher” shall mean the “animal control officer”.
  - B. To “law enforcement officer” or “Sheriff” shall mean the personnel of the city-county consolidated department of public safety.
  - C. “Sexed” animal shall mean an animal that has not been spayed or neutered.
  - D. “Unsexed” animal shall mean an animal that been spayed or neutered.

## Chapter 6.04

### Animals Running at Large – Impoundment

#### Sections:

- 6.04.010 Dogs or cats running at large – prohibited
- 6.04.020 Impoundment
- 6.04.030 Notice to owner of impoundment – Redemption
- 6.04.040 Disposition of unclaimed or infected dogs, cats or other animals
- 6.04.050 Confinement of Certain dogs or cats

6.04.010 Dogs or cats running at large – Prohibited. No owner or keeper of any dog or cat shall permit such animal to run at large at any time within the corporate limits of the city, whether such dog or cat is licensed or unlicensed.

Any persons who shall violate any of the provisions of this chapter for which another penalty has not been provided shall upon conviction thereof be guilty of a misdemeanor.

6.04.020 Impoundment: The Animal Control Officer shall take dog, cats or other animals found at large, to the City Impound. Any dangerous or vicious dog or animal may be taken up and impounded by the Animal Control Officer, or by any law enforcement officer, by appropriate means, including lethal force. The City Impound shall keep a complete register of every dog or other animal impounded, showing the time and place of taking, the breed, color, sex and distinguishing marks of such dog or other animal and if licensed, the number on the license and the name and address of the owner. It is the duty of every owner of the dog or other animal to know the whereabouts of said dog or other animal at all times.

6.04.030 Notice to owner of impoundment – Redemption: After impounding of any dog, cat or other animal, the owner if known, shall be notified. The owner of any impounded dog or other animal may redeem the same within such a period of time by appearing before the City Judge, accepting a citation for violation of this chapter of the City Code for which the owner be properly charged, posting the required bond and paying \$30.00 per day that the animal is held in impoundment. The owner is required to procure a city animal license before redeeming any unlicensed dog/cat.

6.04.040 Disposition of unclaimed or infected dogs, cats or other animals: It shall be the duty of the animal control officer to keep all dogs, cats or other animals impounded. *If* such dog, cat or other animal has not been redeemed, it may be sold or given away at the discretion of the City Judge. Any dog, cat or other animal, which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released, but may be forthwith euthanized.

6.04.050 Confinement of certain dogs/cats or other animals: No animal of fierce, dangerous or vicious propensities shall be released from confinement, except upon approval of the animal control officer after payment of the fees provided for in this chapter. The animal control officer or law enforcement officer may slay any dangerous, fierce or vicious dog, cat or animal.

Any person who shall violate any of the provisions of this chapter for which another penalty has not been provided shall, upon conviction thereof, be guilty of a misdemeanor.



## Chapter 6.08

### Dogs and Cats – Licensing

#### Sections:

- 6.08.010 Definitions
- 6.08.020 Registration and Vaccination Required
- 6.08.030 Registration Certificate and Tag

6.08.010 Definitions. As used in this chapter, unless the context otherwise indicates:

- A. “At large” means off the premises of the owner, and not under the control of the owner or a member of his immediate family or a person authorized by the owner, by either leash, cord, chain or otherwise.
- B. “Control” means controlled by leash, at “heel”, beside a competent person, obedient to a competent person’s command, or with the proper limits of premises controlled by the owner or other persons consenting thereto.
- C. “Dog” or “Cat” means both male and female.
- D. “Owner” means any person or persons, firms, associations or corporation owning, keeping or harboring a dog(s) or cat(s).

6.08.020 Licensing and vaccination required. All dogs or cats kept, harbored or maintained in the city shall be vaccinated and licensed as provided in this chapter on or before January 1 of each year. Registration tags shall be issued by the city clerk’s office upon proof of vaccination for rabies immediately prior to the time such registration is applied for and upon payment of a registration fee of ten dollars (\$10.00) per year for every dog or cat. The owner shall state at the time of the application for registration and upon printed forms provided for such purpose, his/her name, address and the name, breed, color, and sex of each dog or cat owned or kept by him/her. License tags shall be issued by the city clerk’s office upon proof of a current yearly rabies vaccination for rabies and upon payment of licensing fee.

6.08.030 Tag and collar. Upon providing proof of rabies vaccination and payment of the licensing fee as provided in this chapter, the city clerk shall issue to the owner a license certificate and a metallic tag for each dog or cat so registered. The tag shall be changed every year and shall stamped thereon the year for which it was issued, a number corresponding with the number of the certificate.

## Chapter 6.12

### Rabies Control

6.12.010 Rabies Control. Animals exposed to rabies. Every dog or cat or other animal which has been bitten by, or exposed to any animal suspected to have been infected with rabies, shall be forthwith seized and taken up by the animal control officer or any law enforcement officer and securely and separately impounded in the city impound. All such animals shall be quarantined in the impound or at a licensed veterinary hospital for a period of ten days. It shall be the duty of the animal control officer to notify the public health officer of every animal such impounded. If, after observation, under the supervision of the public health officer for such a period, any such animal is adjudged free of rabies, the owner may reclaim the animal, upon

payment of the regular keeping fees and upon compliance with licensing requirements. In the event that any animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the public health officer in his absolute discretion.

## Chapter 6.10

### Nuisance and Vicious Animal

#### Sections:

6.16.010 Nuisance animals

6.16.020 Vicious animals

6.16.010 Nuisance animals. “Nuisance” means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term “nuisance” shall include”

1. Any animal that is found running at large.
2. Any dog in any section of a park or public recreation area, which is not controlled by a leash, similar physical restraint or electronic controlled devices.
3. Any animal that damages, soils, defiles, or defecates on any property other than its owners.
4. Disturbing the peace. Any animal that makes disturbing noises including, but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored. 10:00pm to 7:00am shall be quiet hours.
5. Any animal in heat that is not confined to prevent attraction or contact, with other animals.
6. Any animal, whether or not on the property of its owner, that without provocation, molest, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
7. Any animal that chases motor vehicles in a public right-of-way:
8. Any animal that attacks domestic animals.
9. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.
10. Any barn, stable building, shed, yard or other place that is suffered to become filthy or offensive with animal waste to neighbors, or pass byers or impervious to the health of any neighborhood or tends contaminate the atmosphere in any place in the city is declared to be nuisance.
11. The owner or custodian of every animal shall immediately retrieve and remove all excrement deposited by his or her animal while off the owner’s property.

Any person who shall violate any of the provisions of this chapter for which another penalty has not been provided shall, upon conviction thereof be guilty of a misdemeanor.

If the animal control officer or law enforcement officer does not witness any “nuisance” as described in ordinance, then a signed complaint must be received from the complainant before any action will be taken.

6.16.020 Vicious animals. Whenever affidavit is made before the city judge that any dog or other animal has bitten a person and that the person bitten was not at the time trespassing upon



the property of, or injuring or attempting to injure the person, family or property of the owner. The city judge shall issue an order requiring the animal control officer to have said animal euthanized at the owner's expense. Any dog or other animal which has bitten a person under the circumstances set forth in this section, shall be ordered euthanized by the city judge at the owner's expense. If the dog or other animal that has bitten someone is suspected of having rabies then said dog or animal seized as stated in Chapter 6.12. The owner of any dog or animal seized under this chapter or Chapter 6.12 shall be afforded notice of said seizure at the house of the owner if known. Any person may protect his pets, his property, his person or the person of any other human being from the attack of a vicious or dangerous dog or other animal by force, even to the extent of slaying the same, if reasonably necessary.

## Chapter 6.20

### Penalties

#### Sections:

6.20.010 Penalties designated. Unless a penalty is otherwise provided, any owner found violating any provision of Chapters 6.01.010 – 6.23.020 shall be guilty of a misdemeanor and upon conviction thereof shall be punished as follows;

#### 1. Impoundment

- (a) First Offense – Animal impounded - impounding fee of \$100.00, as well as all expenses incurred by impoundment.
- (b) Second Offense – Animal impounded – impounding fee of \$150.00, as well as all expenses incurred by impoundment.
- (c) Third Offense – Animal impounded – impounding fee of \$200.00, as well as all expenses incurred by impoundment.
- (d) Fourth Offense – Animal euthanized as well as all expenses incurred by impoundment and having the animal euthanized.

#### 2. Disturbing the Peace

- (a) First Offense – Disturbing the Peace - \$100.00 fine.
- (b) Second Offense – Disturbing the Peace - \$200.00 fine
- (c) Third Offense – Disturbing the Peace – The animal will be impounded and \$500.00 fine
- (d) Fourth Offense – Disturbing the Peace – The animal will be euthanized.

#### 3. Any animal ticketed as an animal at large, as an unlicensed animal.

- (a) First Offense – Unlicensed Animal - \$50.00
- (b) Second Offense – Unlicensed Animal - \$75.00
- (c) Third Offense – Unlicensed Animal - \$100.00

#### 6.20.020 Failure to appear when a citation is issued.

If, after the issuance of a summons or notice to appear, the judge becomes satisfied that the person has not appeared or will not appear as commanded, the judge may at once issue an arrest warrant.

## Chapter 6.21

### Cruelty to Animals

#### Sections:

6.21.010 Offense designated

6.21.010 Offense designated.

1. A person commits the offense of cruelty to animals if without justification; he knowingly or negligently subjects an animal to mistreatment or neglect by;
  - (a) Overworking, beating, tormenting, maiming, injuring or killing an animal;
  - (b) Carrying any animal in a cruel manner; or
  - (c) Failing to provide an animal in his custody with proper food, drink, or sanitary shelter; or
  - (d) Abandoning any helpless animal or abandoning on any highway, railroad, and public thoroughfare or in any other place within the city where it may suffer injury, hunger or exposure or become a public charge.
2. If an animal is being mistreated or neglected, as herein above provided, and if the owner of said mistreated or neglected animal is known, then the animal control officer shall be required to issue a complaint and summons for violation of this section.

## Chapter 6.23

### Animal Prohibition

#### Sections:

6.23.010 Animal Prohibition - Declared

6.23.020 Animal Prohibition – Owner Penalty

6.23.030 Limits

6.23.010 Animal Prohibition. It is unlawful for any person, within the developed city limits, to keep or maintain swine, cattle, horses, hooved animals or other large animals or raise fowl.

6.23.020 Animal Prohibition – Owner Penalty. Any persons owning or possessing, within the developed city limits, any swine, cattle, horses, hooved animals or other large animals or raise fowl is guilty of a misdemeanor and punishable by a fine of not less than fifty (\$50.00) nor more than one hundred (\$100.00) dollars.


Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any Court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

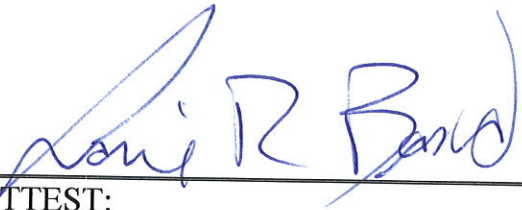
6.23.030 Limits.

1. It is unlawful for any persons, family, or group of people, or other entity in the same building, dwelling or business premises to keep, harbor, or maintain in public views or audible range more than three (3) dogs and/or three (3) cats over the age of six (6) months.

2. This section does not apply to pet stores in the city limits if they are properly licensed.
3. Any persons who shall violate any of the provisions of the section for which another penalty has not been provided shall, upon conviction thereof, be guilty of a misdemeanor.


FIRST PASSED AND APPROVED by the City Council of the City of Malta, at a regular Council Meeting thereof held on the 13<sup>th</sup> day of November 2018.

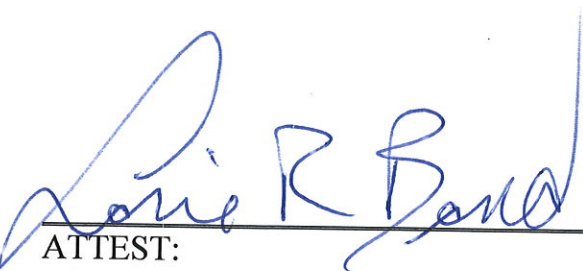
  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
ATTEST:  
Clerk



FINALLY, ADOPTED AND APPROVED at a regular Council Meeting thereof held on the 27<sup>th</sup> day of November 2018 by the City Council of the City of Malta.

  
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Mayor

  
\_\_\_\_\_  
ATTEST:  
Clerk

