

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ENNIS, STATE OF MONTANA, PROVIDING FOR THE LICENSING AND CONTROL OF ANIMALS IN THE TOWN LIMITS OF ENNIS; AND IMPOSING PENALTIES.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ENNIS:

8.02.010 Definitions.

- A. "Animal" means any living vertebrate creature, whether wild or domestic.
- B. "Animal Shelter" means the place provided by the animal warden for the impounding of dogs and other animals.
- C. "Animal Warden" shall be a person appointed with the power and duty of picking up stray dogs, dogs running at large, or other animals, and shall be considered the police officer of Ennis for the purposes of enforcing this chapter.
- D. "At Large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family or his agent either by leash, cord or chain.
- E. "Cat" means any commonly domesticated feline animal.
- F. "Dog" means any commonly domesticated canine animal.
- G. "Domestic Animal" is any animal which is tame by nature and includes dogs, cats, and livestock.
- H. "Leash" includes leashes, cords, ropes, and chains or the similar devices of suitable strength to humanely restrain the dog to which attached.
- I. "License" means the current year registration issued by the city clerk for the specific dog for the fee set by the town council.
- J. "Livestock" means any commonly domesticated hoofed animal kept on a farm or ranch or raised for sale and profit.
- K. "Nuisance" means an annoying or disturbing thing or practice.
- L. "Owner" means any person, group of persons, or corporation owning, keeping or harboring a dog or dogs or other animals.
- M. "Stray Dog" includes any dog or other animal loitering in a neighborhood or any public place without an apparent owner or home.
- N. "Wild Animal" means any animal or reptile which is wild by nature and is not commonly domesticated.

8.02.020 Large Animals Prohibited.

No horses, cows, goats, pigs, sheep, llamas or other bovine or equine livestock may be kept within the city limits of the Town of Ennis unless the property has been used for such purposes prior to September 1, 1993. Upon sale of the property, or the abandonment of such nonconforming use, for a period in excess of one year, such nonconforming use shall cease immediately.

8.02.030 Owner Responsible for Animals.

It shall be the duty of every person owning or keeping domestic animals within the limits of the city, to provide for the keeping of the same within or upon his or her premises at all times, save when necessarily or temporarily passing through the streets, and then such animals must be attended by someone to take care of them and prevent their doing damage to person or property. Animals include dogs, cats, and livestock.

8.02.040 Offense.

The act of permitting any such animal to run at large shall be deemed a separate offense and each day or portion of a day that said act of permission or suffering animal to run at large shall be deemed to constitute a separate offense.

8.02.050 Controlled Herds.

This act shall not apply to the animals named when passing through Town under the direct control of a herder or herders provided that such herders be sufficient to control the said animals.

8.02.060 Violations; Penalty.

Upon conviction of the offense mentioned in the forgoing sections, such persons shall be punished by a fine of not less than twenty-five (\$25.00) nor more than fifty dollars (\$50.00).

8.02.070 Review Ordinance.

All fines, fees, and penalties will be reviewed annually by the Town Council.

8.02.080 Mental State.

All violations of the chapter shall be deemed to be strict liability offenses, requiring no proof of mental state on the part of the owner of the animal.

Sections:

8.04.010	Licensing and Registering
8.04.020	Licensing and Registration
8.04.030	Exceptions
8.04.040	Dogs or Cats Running at Large: Impounding Fee
8.04.050	Notice of Impoundment
8.04.060	Dog or Cat Fees Due and Payable
8.04.070	Offenses
8.04.080	Dog or Cat Ownership
8.04.090	Kennel License
8.04.100	Dog or Cat Shows
8.04.110	Dogs in Vehicles

8.04.010 Licensing and Registering.

Every person, other than owners or keepers of dog kennels, owning, keeping or harboring any dog or cat over six months of age within the Town of Ennis, shall cause said dog or cat to be registered, numbered and licensed annually with the Town of Ennis, and shall pay for such license ten dollars (\$10.00) for each neutered male dog or cat and each spayed female dog or cat, and twenty dollars (\$20.00) for each unneutered male dog or cat and unspayed female dog or cat. No license shall be issued for a spayed female or neutered male without presentation of proof of such spaying or neutering. No license of any type shall be issued with out proof of vaccination against rabies disease. The licenses herein provided shall be due and payable on January 1st of each year and delinquent on January 31st of each year, and all licenses shall expire on December 31st of the year of issuance. A five-dollar (\$5.00) late licensing fee will be assessed upon all renewal licenses issued after January 31st of the current license year.

8.04.020 Licensing and Registration.

On payment to the Town of Ennis of the amount of such license fee, it shall be the duty of the clerk to issue a license to the person applying for the same, providing that all other requirements have been met, and the clerk shall provide and furnish with each license a metallic tag upon which shall be stamped or engraved the register number of the dog or cat and the year registered. The Town shall keep a suitable record to be designated

"Dog or Cat License Register", in which shall be recorded the data and number of such license and the name of the person to whom issued. Every owner of a dog or cat within the Town shall place and keep around the neck of each dog or cat owned, a collar or harness to which shall be securely fastened the metallic tag issued to him by the Town and to which shall also be attached a tag showing that said dog or cat has been vaccinated for rabies. In the event that a tag is lost or destroyed, a duplicate shall be issued for the current year, and the payment of a fee of Two Dollars (\$2.00) for such duplicate. No person shall use any dog or cat license receipt, or license tag issued for another dog or cat.

8.04.030 Exceptions.

The licensing and vaccination requirements of this Ordinance shall not apply to any dog or cat belonging to a nonresident of the Town and kept within the Town for not longer than (7) days, provided all such dogs or cats shall at all times, while in the Town, be kept within a building, enclosure or vehicle, or be under leash restraint by a competent person.

8.04.040 Dogs or Cats Running at Large: Impounding Fee.

If any dog or cat is found running at large, every such dog or cat shall be taken by the law enforcement officer and impounded, and if the owner does not claim such dog or cat within (72) hours after such impounding and pay the officer impounding fees for each and every day such dog or cat shall have been impounded, at the expiration of said (72) hours after notice is given, the officer shall dispose of the dog or cat.

8.04.050 Notice of Impoundment.

It shall be the duty of the law enforcement officer to give each and every person who is the owner of an impounded dog or cat, as provided in Section 8.04.040, at least seventy-two (72) hours notice of the impounding of their dog or cat by posting a notice of the impoundment. If the owner cannot be found or determined, the Town shall dispose of the dog or cat.

8.04.060 Dog and Cat Fees Due and Payable.

The license fee specified in Section 8.04.010 shall hereafter become due and payable at any time when there shall be found within the Town any dog or cat upon which such fee has not been paid, and if such fee is not paid within ten (10) days after demand therefor shall be made by the law enforcement officer upon the owner thereof, the law enforcement officer shall take such dog or cat and proceed in all respects as provided in Section 8.04.040 and 8.04.050 hereinbefore set forth. All dog or cat license fees shall become due and payable during the month of January of each and every year.

8.04.070 Offenses and Penalty Clause.

Any person who knowingly or purposely shall permit a dog or cat owned by him or under his control and care to run at large or be in the Town without having the license tag referred to in Section 8.04.010 attached to the said dog or cat, or in the case of a nonresident owner, a tag indicating a rabies vaccination has been given the dog or cat and bearing the name of the owner, shall upon conviction be fined in an amount not less than twenty-five dollars (\$25.00) nor more than fifty dollars (\$50.00)

8.04.080 Dog or Cat Ownership.

It is unlawful for any person, group of persons in the same dwelling, or family to keep, harbor, or maintain any number more than three (3) dogs or cats over six months of age, in or upon any property, single-family residence, apartment, townhouse, condominium, or any building not used as a dwelling.

8.04.090 Kennel License.

A kennel license is not required for licensed veterinarian hospitals, but it is intended to apply to keeping or maintaining a dog kennel, and breeding dogs, which are hereby declared to be nuisances, unless licensed after permission granted by the Town Council after application and hearing. Such hearing shall be held after investigation of the premises of said kennel by an Animal Warden, who shall make a recommendation to the Town Council. A kennel license shall be required where the applicant owns, harbors or keeps more than three (3) dogs and shall be authorized or refused in the sole discretion of the Town Council. The license fee shall be Fifty Dollars (\$50.00) per calendar year, or any part thereof, and the license shall expire on the 31st day of December, unless sooner revoked. Upon complaint being made to the Town Council that a licensed kennel is being operated in an "improper manner", the Town Council may revoke the license of said kennel, after a proper hearing and notice to the licensee.

8.04.100 Dog or Cat Shows.

The Town Council may provide for dog or cat show exhibitions or training courses within the city provided that all participating dogs or cats are controlled by competent attendants.

8.04.110 Dogs in Vehicles.

It shall be unlawful to leave a dog unattended in or on a vehicle on Main Street or any side street within one (1) block of Main unless all dogs within or upon such vehicles shall be enclosed within the vehicle, such that the dog cannot get out. Penalties are set forth in Section 8.04.070.

Sections:

- 8.06.010 Nuisance Animals Defined
- 8.06.020 Impounding Nuisance Animals
- 8.06.030 Impounding Fees
- 8.06.040 Licenses Required
- 8.06.050 Length of Impoundment of Unclaimed Animals
- 8.06.060 Unlawful Animal Shelter Entry
- 8.06.070 Penalties and Fines
- 8.06.080 Review

8.06.010 Nuisance Animals Defined.

A "nuisance animal" shall be an animal that fits into any one of the categories listed below:

1. An animal which bites.
2. An aggressive animal which is alone or in packs impedes the progress of citizens upon the streets or sidewalks.
3. An aggressive animal either alone or in packs which attacks an animal under the direct control of its owner or in that owner's yard.
4. A barking or howling animal which persists for a period of time that becomes annoying or interferes with residents.
5. An animal which tears into garbage sacks and strew the contents onto public or private property.
6. An animal at large. "At large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his family or his agent either by leash, cord or chain.
7. A bitch in heat at large.
8. An animal on the school grounds.

8.06.020 Impounding Nuisance Animals.

Any animal which falls into one of the above-listed categories of a nuisance animal may be picked up by the Animal Warden at any time, with the following exceptions:

1. Howling or barking animals.
2. An animal that tears into and strews garbage.

In the case of the howling or barking animal, a written complaint must be filed with the Town Clerk or a law enforcement officer stating the hours of disturbance, location of the animal and name and address of the owner, if known.

In case of an animal that tears into and strews garbage, a written complaint must be filed with the Town Clerk or a law enforcement officer stating when the animal was getting into the garbage and a complete description of the animal and name and address of the owner, if known.

8.06.030 Impounding Fees.

There shall be a seven dollar (\$7.00) fee for pickup of any animals.

There shall be a seven dollar (\$7.00) per day fee for boarding of animals impounded.

These fees are due and payable prior to the release of the animal from the animal shelter.

8.06.040 Licenses Required.

Any dog or cat impounded, that does not have a current license issued by the Town must be licensed prior to release from the animal shelter. If the owner cannot verify that the animal has had a rabies shot, this will be required prior to releasing the animal.

License fees shall be paid prior to the release of the dog or cat.

8.06.050 Length of Impoundment of Unclaimed Animals.

It shall be the duty of the law enforcement officer to give each and every person who is the owner of an impounded nuisance animal, notice of the impounding of such animal if the owner is known.

The maximum length of time an animal will be held will be 72 hours. If an animal is unclaimed in that period of time, the animal shall be disposed of by the law enforcement officer.

If the owner of the unclaimed nuisance animal is known, such owner shall be liable for the pick up fee, boarding fees, and a disposal fee set by the Town Council.

8.06.060 Unlawful Animal Shelter Entry.

Any person breaking open or taking any animal from the Animal Shelter shall be guilty of a misdemeanor. Penalty shall be not less than twenty five dollars (\$25.00) nor more than forty five dollars (\$45.00)

8.06.070 Penalties and Fines.

For the first offense of a nuisance animal, the owner shall be responsible for the pick up fee, boarding fees, and will be issued a warning citation.

For additional offenses, the owner shall face fines, pick up fees, boarding fees, and disposal fees set by the Town Council.

8.06.080 Review.

All penalties, fees, and fines will be reviewed annually by the Town Council.

8.08.010	Definitions
8.08.020	Wild Animals Banned from Town
8.08.030	Wild Reptiles Banned from Town
8.08.040	Provisions for keeping of Wild Animals

8.08.010 Definitions.

A. A “Wild Animal” is an animal which is wild by nature and not customarily domesticated and includes any warm-blooded mammal which is known to carry or be susceptible to the rabies virus and cannot be effectively vaccinated against that virus with any vaccine. This definition does not include birds or small rodents commonly used for educational or experimental purposes or for pets.

B. A “Wild Reptile” is a reptile which is wild by nature and not customarily domesticated and includes any of a group of cold-blooded vertebrates that crawl on their bellies, as snakes, or creep on short, stubby legs, as lizards, crocodiles and alligators. This definition does not include small nonvenomous reptiles commonly used for educational or experimental purposes or for pets.

8.08.020 Wild Animals Banned from Town

Offspring of wild animals bred with domestic dogs or cats are considered wild animals. This includes “Coyote”, a member of the species *Canis Latrans*, including any canine hybrid, and “Wolf”, a member of the species *Canis lupis* including any canine hybrid. Canine hybrid meaning crossing with *Canis lupis* greater than 1/32.

For the purpose of this chapter, animals to be included in these wild animal regulations shall include:

1. Marsupials (Opossums, kangaroos)
2. Chiroptera (bats)
3. Endentata (anteaters, armadillos)
4. Rodents (porcupines, squirrels)
5. Carnivora (wolves, coyotes, foxes, bobcats, lynx, lions, bears, skunks, raccoons)
6. Or any hybrid wild animal.

8.08.030 Wild Reptiles Banned from Town

For the purposes of this chapter, reptiles to be included in these wild reptile regulations shall include:

1. Non-venomous Lacertillians (lizards)
2. Non-venomous Serpentes (snakes)
3. Crocodilians (alligators, crocodiles)

No person shall keep a venomous reptile within the Town of Ennis.

Non-venomous reptiles may be kept by individuals if not for breeding or sale purposes.

8.08.040 Provisions for keeping of Wild Animals

No person shall have, own, keep, house, transport, or maintain any wild animal within the Town unless all Federal, State, and Local licenses are secured, and adequate provisions are made for its confinement and control to insure the maintenance of public peace, health, and safety.

Sections:

8.10.010 Running at large prohibited.

8.10.010 Running at large prohibited.

It is unlawful for chickens, ducks, geese, turkeys or other barnyard fowl to run at large within the corporate limits of the city, and anyone allowing any such fowl to run at large and trespass upon the public streets and places of the town or upon the property of another to his hurt or annoyance shall be guilty of a misdemeanor and shall upon conviction thereof be fined for every such offense not less than ten dollars (\$10.00) nor more than forty-five dollars (\$45.00)

Sections:

8.12.010 Severability

If any provision of this Ordinance is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Ordinance and the applicability thereof to other persons and circumstances shall not be affected thereby.

8.12.020 Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. These are: Ordinance No. 18, entitled "An ordinance providing for a License for Dogs and Bitches within the Town of Ennis," finally passed on August 7, 1961; Ordinance No. 62, entitled "An ordinance pertaining to the licensing of Dogs", finally passed on December 13, 1979; Ordinance No. 81, entitled "An ordinance to add section 8.06 to the Ennis Town Codes for the purpose of defining nuisance animals, impounding nuisance animals, penalties and fines for nuisance animals," finally passed April 12, 1984 and Ordinance No. 108 entitled "An ordinance amending Section 8.01 of the Ennis Town Code to read as follows: Large Animals prohibited, finally passed on November 11, 1993.

PROVISIONALLY PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Ennis, Montana, this 14th day of September, 1995.


MAYOR

ATTEST:


TOWN CLERK

FINALLY PASSED, ADOPTED AND APPROVED by the Town Council of the Town of Ennis, Montana, this 12th day of October, 1995, and effective thirty (30) days after said date.


MAYOR

ATTEST:


TOWN CLERK

AFFIDAVIT OF PUBLICATION

STATE OF MONTANA }
County of Madison } SS.

Daryl L. Tichenor

being duly sworn says that he is publisher and printer of The Madisonian, a weekly newspaper published in the City of Virginia City, County of Madison, State of Montana; that the annexed notice is a true copy which was published in said newspaper for a period of 1

successive weeks, commencing on the 21st

day of September, 1995,

and ending on the 21st day of

September, 1995

Daryl L. Tichenor

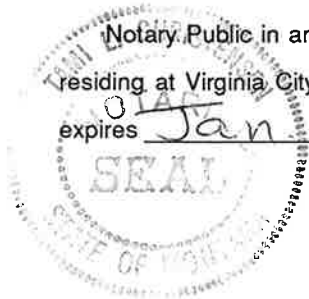
Publisher and Printer.

Subscribed and sworn to before me this 4th

day of October, 1995

Jami L. Christensen

Notary Public in and for the State of Montana,
residing at Virginia City, Montana. My commission
expires Jan 31, 1996.



ORDINANCE NO. 121

An ordinance of the Town Council of the Town of Ennis, State of Montana, providing for the licensing and control of animals in the town limits of Ennis; and imposing penalties.

I, Pamela M. Allison, Town Clerk of the Town of Ennis, Montana, do hereby certify that the foregoing is the true and correct title and number of Ordinance No. 121 provisionally passed and adopted at a regular session thereof held on the 14th day of September, 1995.

Public input will be received at a regular session of the town council on October 12th, 1995, on this ordinance.

Pamela M. Allison
Town Clerk
(Pub: Sept. 21, 1995) et