

## Ordinance Number 123

**An ordinance amending Title 8 Animals Chapter 8.04 Dogs by changing 8.04.005 Definitions; adding new sections 8.04.050 Stray Dogs, 8.04.060 Notice to Owner; Reclaim, 8.04.070 Control of Pets, 8.04.080 Quarantine, 8.04.090 Enforcement and Penalty and repealing 8.04.010 and 8.04.040 to conform it to Roosevelt County Ordinance No. 7.**

### **Chapter 8.04 Dogs**

#### **Sections:**

8.04.005	Definitions
8.04.010	Repealed
8.04.020	Destruction of Dogs Attaching Livestock
8.04.030	Immunization of Dogs
8.04.040	Vicious Dogs
8.04.050	Stray Dogs
8.04.060	Notice to Owner; Reclaim
8.04.070	Control of Pets
8.04.080	Quarantine
8.04.090	Enforcement and Penalty

#### **8.04.005 Definitions**

“DOG”	“DOG” means male and female canines, whether neutered or spayed.
“OWNER”	“OWNER” means any person owning or having custody or responsibility for the care of a dog.
“AT LARGE”	“AT LARGE” means off the premises of the owner, and not under control of the owner or a responsible party either by leash, cord, chain or other physical restraint. Any dog enclosed within an automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner’s or custodian’s premises.

**Applicability:** This ordinance applies to all dogs kept or maintained within the corporate limits of the Town of Bainville.

#### **8.04.010 Repealed**

**8.04.020 Destruction of Dogs Attacking Livestock.** Any dog which is found attacking legally kept livestock or fowl within the town limits, or harassing such livestock or fowl to a point of endangering their wellbeing may be destroyed by the town council's representative, as a matter of defense of said legally kept livestock.

**8.04.025 Licensing:** Each owner of a dog in the corporate limits of the Town of Bainville shall obtain a license for it each year from the Town of Bainville. A license must be obtained for all dogs which are six (6) months of age or older, and the license must be current for each year the dog is kept or maintained in Town of Bainville. No license or renewal license shall be

issued unless a current certificate of vaccination is presented at the time the license is sought. A reasonable fee for licenses and renewal licenses, established from time to time by each licensing agent, shall be collected when the license is issued if applicable.

#### **8.04.030 Immunization of Dogs.**

A) All dogs shall be vaccinated against rabies. The owner is responsible for keeping the rabies vaccination current. Certificates of vaccination shall be retained by the owner and are subject to review.

B) All dogs shall wear collars upon which is displayed a rabies vaccination tag showing the number of the certificate of vaccination and the year of expiration of the vaccination. The town license must also be on the same collar.

#### **8.04.040 Repealed**

**8.04.050 Stray Dogs:** A) Roosevelt County will utilize the City of Wolf Point's shelter, or any other approved shelter, for the collection of all unclaimed or unwanted dogs. The shelter shall provide facilities for the humane destruction of dogs not licensed or vaccinated in accordance with this ordinance.

B) Dogs shall be kept at the shelter for a period of not less than five (5) days before being destroyed. A dog may be claimed by its owner at any time before it is destroyed, and by any other person after the five (5) day waiting period and before it is destroyed. Any person other than the owner may request that a particular dog be reserved for him/her and that he/she be given a chance to claim it before it destroyed if it is not claimed by the owner during the five (5) day period.

C) Before a dog may be removed from the shelter, the claimant shall:

1. Obtain a license if it is not already currently licensed to the claimant.
2. Follow the policy and procedures of the holding shelter.
3. Pay a reasonable board fee, established by the shelter, for each day the dog has been retained at the shelter; and

D) Notwithstanding subsections B) and C) of this Section, any unlicensed stray dog which is a health hazard to the populace of Roosevelt County may be destroyed immediately.

E) This matter must be presented to a court with a sworn affidavit and a 10 day quarantine period must follow a bite before destruction. An owner is entitled to notification of quarantine. Destruction may be ordered even if an owner is unable to be notified if due diligence is used.

F) Upon petition of victim(s), prosecuting attorney or law enforcement, a judge shall consider destruction of any vicious dog for a first offense.

G) Law enforcement must notify local health officials of any biting incident, in order that procedures of ARM 37.114.571 may be followed.

**8.04.060 Notice To Owner; Reclaim:** Within twenty-four (24) hours after the impounding of any dog, the owner, if known by means of the animal's license, shall be notified. The owner of the dog must reclaim said dog within the five (5) period stated hereinabove.

**8.04.070 Control of Pets:** All owners of dogs shall prevent them from freely roaming from the owner's immediate property. Prevention of roaming shall be achieved by the owner's fencing of their property or directly securing their dog(s) by means of leash or harness, or by

any other means which adequately prevents their pets from roaming off the owner's property.

Any dog(s) whether licensed or unlicensed, which roam off the owner's property shall be considered a stray animal, and shall be considered a stray dog as provided hereinabove.

**8.04.080 Quarantine:** Any animal capable of carrying rabies which is reported to have bitten any person shall be quarantined for a period of not less than ten (10) days with a qualified veterinarian or other approved authority, such as the above-mentioned shelters. Such animal shall not be released without permission from Roosevelt County's Animal Control Officer. The owner, if known, will be responsible for all costs of quarantine.

**8.04.090 Enforcement and Penalty:** This ordinance shall be enforced by the Roosevelt County Sheriff and the Sheriff's designated agents.

Any owner found guilty of violating any provision hereof shall, upon conviction thereof, be subject to the general penalty provisions of §7-5-109 (1), M.C.A., as may be amended from time to time.

**Effective Date:** This ordinance shall be effective 30 days from adoption.

**Severability.** If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or words have been declared invalid or unconstitutional, and if for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading on the 12<sup>th</sup> day of December 2020, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent

Second reading and final adoption on the 19<sup>th</sup> day of January 2021, by a vote of 3 Ayes, 0 Nays, 0 Abstain, and 0 Absent

ATTEST

APPROVED

/s/Nikki Rogers  
Nikki Rogers, CMC  
Clerk-Treasurer

/s/Dennis Portra  
Dennis Portra  
Mayor