

ORDINANCE NO. 2015-06

AN ORDINANCE AUTHORIZING THE AMENDMENT OF TITLE 8, CHAPTER 8.04, SECTION 8.04.080 VICIOUS ANIMALS

WHEREAS, pursuant to Mont. Code Ann. § 27-30-204, the Town Council has the authority to abate public nuisances; and

WHEREAS, the Town Council has determined that it is a public nuisance for any dog or other animal to destroy property or other pets or to bite persons not trespassing on the property of, or injuring or attempting to injure the person, family or property of the owner; and

WHEREAS, the Town Council has determined that it is necessary to amend the existing ordinance pertaining to vicious animals, 8.04.080, in order to better protect the public from such nuisance animals.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF TERRY, MONTANA, that Title 8, Chapter 8.04, Section 8.04.080, of the Town Code of Terry Montana, is hereby amended as follows:

8.04.080: Vicious Animals

A. Defined:

1. Any dog or other animal, while off the owner's property and in the absence of intentional provocation, chases or approaches any person in a menacing fashion or apparent attitude of attack or bites or causes bodily injury to any person or animal; or
2. Any dog or other animal, while on the owner's property and in the absence of intentional provocation, bites or causes bodily injury to any person or animal lawfully on the property.

B. Quarantine for dogs or other animals biting persons or animals:

Every dog or other animal which bites a person or animal shall be promptly reported to law enforcement and the Prairie County Public Health Department. Any dog or other animal which has bitten any person or animal shall be kept under quarantine under the direction and authority of the Prairie County Health Officer at an animal shelter, veterinary facility, or other adequate facility. Such quarantine shall be for a period of ten (10) days. If the owner of the dog or other animal has not appeared to claim the dog or

other animal within five (5) days of the beginning of such quarantine, the dog or other animal may be destroyed pursuant to Section 8.08.030 and examined for rabies. If, during the quarantine period, the dog or other animal is adjudged as having rabies, the dog or other animal shall be destroyed and appropriate health authorities notified. If, after completion of the quarantine period, the dog or other animal is adjudged free of rabies, the dog or other animal shall be released to its owner upon written permission of the Prairie County Health Officer unless otherwise ordered held pursuant to Section 8.08.020. Quarantine and associated costs, including costs of destruction, shall be at the owner's expense. No person shall fail or refuse to surrender any dog or other animal for quarantine or destruction as required herein when demand is made by any law enforcement officer or the Prairie County Health Officer.

C. Disposition for dogs or other animals biting or causing bodily injury or serious bodily injury to persons or animals:

Any dog or other animal, under the circumstances set forth in this Section, which bites or causes bodily injury to any person or animal on three (3) separate occasions, or bites or causes serious bodily injury to any person or animal on one (1) occasion, may be put to death by any law enforcement officer in a humane manner or removed from the Town pursuant to Section 8.08.040. Provided, however, that if any vicious dog or other animal is found running at large and cannot be safely taken up and impounded, such vicious dog or other animal may be slain by any law enforcement officer.

DATE OF EFFECT:

This ordinance shall take effect thirty (30) days from the date of its final passage by the Town Council.

FIRST READING AND PASSAGE by a majority vote of the members present this ____ day of _____, 2015

YEAS _____

NAYS _____

Mayor

ATTEST:

Town Clerk

POSTED IN THREE (3) PUBLIC PLACES AND MADE AVAILABLE TO THE PUBLIC this _____ day of _____, 2015.

Town Clerk

SECOND READING AND PASSAGE by a majority vote of the members present this _____ day of _____, 2015

YEAS _____

NAYS _____

Mayor

ATTEST:

Town Clerk