

**ORDINANCE NO. 1-2019**

**ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HARLOWTON, MONTANA, AMENDING CHAPTER 8.09 OF THE CITY OF HARLOWTON MUNICIPAL CODES CONCERNING THE REGULATION AND CONTROL OF DOGS WITHIN THE CITY LIMITS, TO CLARIFY AND CHANGE SECTIONS THEREIN CONCERNING LICENSING, PENALTIES, AND UNCLAIMED DOGS, AND TO CORRECT TYPOGRAPHICAL ERRORS.**

**RECITALS**

**WHEREAS**, the City Council has found that the existing Municipal Codes Section 8.09.030 concerning the registration and licensing of dogs do not clearly specify the practice in use for registration and licensing of dogs residing within the City of Harlowton and which are brought into the City of Harlowton; and

**WHEREAS**, the City Council has found that the existing Municipal Codes Section 8.09.060 contains a typographical error in a sentence which also needs clarification; and

**WHEREAS**, the City Council has found that the existing Municipal Codes Section 8.09.080 requires impounded dogs be destroyed within three days of impoundment if unclaimed and all applicable charges unpaid, and the period of time before destruction should be lengthened; and

**WHEREAS**, the City Council has found that the existing Municipal Codes Section 8.09.090 contains a reference to the Harlowton Chief of Police, which should be amended to reflect the current law enforcement status; and

**WHEREAS**, the City Council has found that the existing Municipal Codes Section 8.09.100 describing penalties should be amended to increase certain penalties and to include penalties for dogs causing an annoyance or disturbance; and

**WHEREAS**, the City Council finds that it is in the best interest of the City of Harlowton to amend Sections 8.09.030, 8.09.060, 8.09.080, 8.09.090, and 8.09.100, as provided below:

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council, City of Harlowton, Montana, as follows:

Section 1: Action

- A. The City Council proposes that Section 8.09.030 (Registering and Licensing) be amended to read as follows:

“The owner or keeper of any dog of an age of six (6) months or older on the last day of February of each year and residing within the corporate limits of the City of Harlowton, shall, before the first day of March each year, cause said dog to be registered and licensed by the City and shall pay to the City the appropriate licensing fee. If the dog license is purchased on or before the last day of February of each calendar year, the licensing fees shall be five dollars (\$5.00) for each neutered male or spayed female dog and ten dollars (\$10.00) for each unneutered male or unspayed female dog. If the license is purchased on or after March 1 of each calendar year, the licensing fees shall be fifteen dollars (\$15.00) for each neutered male or spayed female dog and thirty dollars (\$30.00) for each unneutered male or unspayed female dog.

“If a dog reaches the age of six (6) months, or is brought into the City of Harlowton and had reached the age of six (6) months by the first day of March of the calendar year, the fees described above for licensing by the first day of March of the calendar year shall apply, provided the dog license is obtained within 30 days of the dog reaching the age of six (6) months or being brought into the City of Harlowton.

“Failure of a dog owner or dog keeper to register and license a dog as provided herein with the City by the first day of March of each calendar year shall constitute a misdemeanor offense, punishable as described in Section 8.09.100.”

Upon payment of the above-provided fee, and upon satisfactory proof of current rabies vaccination, the City shall cause the dog to be registered and deliver to the owner a dog tag, which dog tags shall be numbered consecutively and issued in order of registry and the number of such dog tag shall be noted on the registration slip to be completed for each dog so registered. Each tag so issued will be of a different color than that of the preceding year and shall be stamped with year of issue.

“Each dog licensed as provided herein shall at all times wear around its neck a well-made, strong collar of leather, chain or other durable material.

“The dog tags so issued shall be securely fastened to the dog’s collar and shall constitute a license for said dog for one year.

“The City shall not license or register any dog that is not currently vaccinated for rabies.

“The maximum number of dogs allowed at any municipal residence is two (2). In order to have more than the two (2) dog maximum limit, regardless of who owns the dog or dogs at a residence, the owner, tenant or occupants of the premises must apply for and receive a kennel license. The restriction applies regardless of the fact that the dog or dogs are spayed/neutered or not spayed/neutered. The kennel license is in addition to an individual license for each dog.

“Said kennel license must be purchased from the City on or before the first day of March of each year. The fee for said license shall be fifty dollars (\$50.00). Persons applying for a kennel license must provide proof of current City dog license and rabies vaccination for each dog over six (6) months of age on the premises.

"Failure of a dog owner or dog keeper to obtain a kennel license as provided herein, shall constitute a misdemeanor offense, punishable as described in Section 8.09.100.

B. The City Council proposes that Section 8.09.060 (Vicious Dogs) be amended to read as follows:

"It shall be unlawful for any person to keep, feed, harbor or allow to remain upon the premises occupied by said person within the City of Harlowton any vicious, unruly, or ferocious dog.

"Any dog which bites or attempts to bite any human being without provocation, and said person at the time being engaged in lawful conduct, and any dog which harasses, chases, bites or attempts to bite any other animal, which includes all livestock and any domestic pet, is hereby declared to be vicious, unruly or ferocious. The City Judge hereby has the authority to order any such dog destroyed. The City Judge has the further authority to order any such dog impounded as specified by a doctor of veterinary medicine to determine the health condition of the dog. If the doctor of veterinary medicine recommends that the dog should be destroyed based on its health condition, it shall be so ordered."

C. The City Council proposes that Section 8.09.080 (Destroying Unclaimed Dogs) be amended to read as follows:

"If any dog is impounded for violation of any sections of this ordinance and is not claimed within five (5) days from the date of impoundment and all impoundment charges, including kennel charges, rabies inoculation and City license paid by the person or owner claiming the dog, the City shall have the dog destroyed at City expense unless a doctor of veterinary medicine requires or orders that the dog be held for a longer period of time for determination of the presence or absence of rabies. If the City has received grant money with which to pay for impoundment of unclaimed dogs, the period of time before a dog is destroyed may be extended to ten (10) days."

D. The City Council proposes that the first sentence of Section 8.09.090 (Impounding of Dog for Determining Rabies) be amended to read as follows:

"If any dog shall bite a human being or appear to be rabid, and said dog is not ordered destroyed by the City Judge, and the City Judge or the City's chief law enforcement officer shall order the dog to be impounded at its owner's cost and expense for a period of time designated by a doctor of veterinary medicine for determination of the presence or absence of rabies."

E. The City Council proposes that Section 8.09.100 (Penalties) be amended to read as follows:

"Running at Large: Conviction or a plea of guilty by the owner or keeper of a dog for his/her first violation of the Running at Large ordinance (Section 8.09.050) shall result in a fine of fifty dollars (\$50.00). Conviction or a plea of guilty by an owner or keeper of a dog of the second offense of said ordinance shall result in a fine of one hundred dollars (\$100.00). A third or

subsequent offense of this ordinance shall be punished by a fine of three hundred dollars (\$300.00).

“Vicious Dog: Conviction or a plea of guilty by the owner or keeper of a dog of his/her first violation of the Vicious Dog Section of this ordinance (Section 8.09.080) shall result in a fine of one hundred dollars (\$100.00). Conviction or a plea of guilty by an owner or keeper of a dog of the second offense shall result in a fine of two hundred dollars (\$200.00). A third or subsequent offense of this provision of the ordinance shall result in a fine of four hundred dollars (\$400.00) and said dog shall be destroyed.

“Dogs Causing Annoyance or Disturbance: Conviction or a plea of guilty by the owner or keeper of a dog for his/her first violation of the Dogs Causing Annoyance or Disturbance ordinance (Section 8.09.070) shall result in a fine of fifty dollars (\$50.00). Conviction or a plea of guilty by an owner or keeper of a dog of the second offense of said ordinance shall result in a fine of one hundred dollars (\$100.00). A third or subsequent offense of this ordinance shall be punished by a fine of three hundred dollars (\$300.00).

“Failure to Register and License Dogs: Failure of a dog owner or dog keeper to register and license a dog with the City, as provided in Section 8.08.030, by the first day of March of each calendar year shall constitute a misdemeanor offense, punishable by a fine of thirty five dollars (\$35.00) upon conviction or a plea of guilty by the owner or keeper of a dog.

“Failure to Obtain Kennel License: Failure of a dog owner or dog keeper to obtain a kennel license as provided in Section 8.09.030, shall constitute a misdemeanor offense, punishable by a fine of fifty dollars (\$50.00) for each dog over the age of six months, upon conviction or a plea of guilty by the owner or keeper of a dog.”

## Section 2: Repealer

All resolutions, ordinances and sections of the City of Harlowton Municipal Code in conflict herewith are hereby repealed.

## Section 3: Severability




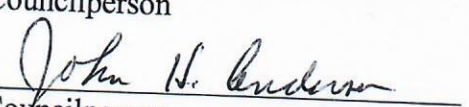
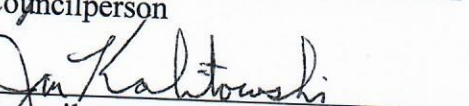

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provision or application and, to this end, the provision of this ordinance is declared to be severable.

## Section 4: Effective Date

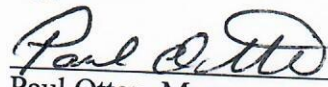
The First Reading of this ordinance occurred on, and is reflected in the minutes of the City Council dated January 22, 2019.

This ordinance shall be in full force and effect 30 days after passage of the Second Reading.

**PASSED AND ADOPTED, ON THIS SECOND READING,** by the City Council of the City of Harlowton this 26<sup>th</sup> day of February, 2019.

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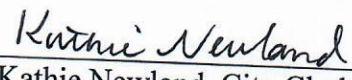
Approved:

  
Paul Otten, Mayor

Approved as to Form and Content

  
Karen Finstad Hammel, City Attorney

ATTEST:

  
Kathie Newland, City Clerk

