

# **TITLE VIII**

## **ANIMALS**

## **ANIMAL CONTROL**

Chapters:

8.02 Animals

## CHAPTER 8.02

### ANIMALS

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**8.02.01 Definitions** The following when used in this chapter, unless the context otherwise indicates, the terms shall have the meaning ascribed to each:

- A. “Animal” The term “animal” means dogs, cats, goats, cattle swine, sheep, horses, mules, domestic fowl, pigeons, or rabbits, both male and female.
- B. “Animal Control Officer” means any person charged with the duty of enforcement of the Town’s animal control ordinances. Animal Control Officers shall be deemed peace officers for the limited purpose of discharging their functions as animal control pursuant to this ordinance.
- C. “Animal Shelter” means any premise maintained by the Town for impounding and caring for the purpose of impounding and caring for animals.
- D. “At Large” means animals found off the premises of the owner and not under the owners’ immediate, continuous and effective control.
- E. “Confined Area” means an area that restricts the movement of an animal and creates a border or area of travel that the animal must stay within. This can be achieved by fencing, animal pens, “tying” by means of a chain, rope or cable or by confining the animal to the interior of a home or other structure taking into account the animals well being.
- F. “Humane Disposition” means the humane destruction of an animal by a person who is certified in methods of euthanasia for animals to be destroyed and to be accomplished methods consistent with the American Veterinary Medical Association’s recommendations for producing instantaneous death without undue pain or distress.
- G. “Hybrid” means an animal resulting from crossbreeding between one species and another species listed within this chapter (8.02.130). For the purpose of this chapter a hybrid animal will be considered an outlawed animal.
- H. “Owner” means any person owning, keeping or harboring an animal.
- I. “Harbor” means a person who allows an animal to remain or be in or about his/her household or property.
- J. “Vaccination” means the inoculation of an animal with anti-rabies vaccine, with an effective immunity of one or two years. Animals vaccinated initially must receive a booster shot one year after the initial vaccination and thereafter on a bi-annual basis unless the vaccine used requires re-vaccination.
- K. “Resident” means a person residing on the Blackfeet Indian Reservation for more than thirty (30) days.
- L. “Non-Resident” means a person who does not reside on the Blackfeet Indian Reservation for thirty (30) days or more.
- M. “Altered” means rendered permanently incapable of reproduction by being either neutered or spayed.
- N. “Isolation” means an area where an animal to be separated from other healthy animals, which does not allow contact between the confined animal and other animals or the public; so that the confined animal can be kept under observation by the store owner, manager, veterinarian or other qualified person.

- O. “Licensing Authority” means the Town or entity charged with administering the issuance and/or revocation of permits and license under the provisions of this chapter.
- P. “Certificate” means a certificate issued to a person who intends to harbor a wild animal.
- Q. “Pet Animal” means a domesticated animal.
- R. “U.S.D.A.” means United States Department of Agriculture.
- S. “Wild Animal” means a non-domesticated animal.

**8.02.20 Vaccination required** It is unlawful for any person to harbor any dog or cat over six months of age unless it has been vaccinated as provided in Section 8.02.10.

**8.02.30 License registration** A. It is unlawful for any person to harbor within the Town limits any dog or cat over six months of age unless such dog or cat is duly registered and licensed as provided by this section.

B. Licenses shall be issued by duly appointed license agents, upon proof that the dog or cat has a current rabies vaccination and upon payment of an annual license fee. Such license shall expire one year from January 1<sup>st</sup> of the year issuance.

C. Any person seeking to license a dog or cat shall complete an application to be provided by the licensing entity showing the owners name and address, the name, breed, color, sex, coat and any identifying marks of the animal for which the application is made, and the date and by whom vaccination was done.

D. Licenses for guide dogs and governmental police dogs shall be furnished without charge, upon proof of vaccination as provided by this section. Licenses shall not be issued to any person under the age of eighteen years unless a parent or guardian signs the application as co-owner. The provisions of this section shall not apply to nonresidents having dogs under restraint within the Town for less than fifteen days. The annual dog license fee shall be ten dollars for spayed/neutered animals and fifteen dollars for non-spayed/non-neutered animals.

**8.02.40 Tag – Collar** A. Upon receipt of a properly completed application, proof of vaccination, and the license fee, the license agent shall issue to the applicant a metallic tag. The tag shall have stamped thereon a number.

B. Every owner is required to provide each dog with a substantial collar, to which the license tag shall be affixed at all times. In the event that the tag is lost or destroyed, another tag shall be issued by the licensing agent, upon presentation of an affidavit to that affect, a receipt or duplicate receipt showing payment of the license fee for the current year, and the payment of a fee of five dollars for such duplicate. No refunds shall be made on any dog license fee because of the death of the dog or the owner leaving the Blackfeet Indian reservation before the expiration of the license period.

C. Any dog found off the owner’s premises without a license tag shall be deemed to be not licensed, even though a license has been issued for such dog. License tags are not transferable from one dog to another and any dog found with a license tag issued to another dog shall be deemed to be not licensed.

D. It is unlawful for any person to cause or permit a license tag to be placed upon a dog for which it was not issued.

**8.02.50**      **Number of dogs**      It is unlawful for any person, persons, or family to harbor in or on the same premises more than the number of dogs over six months of age than an owner can provide suitable care for.

**8.02.265**      **Removal of excrement**      A. It is unlawful for any person in control of an animal to fail to remove excrement left by such animal on property not owned by such person.

B. The provisions of Section A. shall not apply to the ownership of use of seeing-eye dogs by blind persons, dogs used in police activities by the Town, or tracking dogs when used by or with the permission of the Town.

C. It is unlawful for persons to allow excrement to accumulate on private property to the point that it creates a nuisance or unsanitary condition.

**8.02.70**      **Rabies – Exposure**      A. Every pet animal, dog or cat which has been bitten by, or exposed to any animal suspected to have been infected with rabies shall be:

1. Revaccinated with an appropriate vaccine and then released if the animal otherwise has a current vaccination history.

2. Taken by the Animal Control Officer or other duly authorized law enforcement officer and securely and separately impounded. If the bitten animal has not been vaccinated within a period of six months the animal shall be tested for rabies. It shall be the duty of the Animal Control Officer to notify the public health officer any animal so impounded. If, after observation, such animal is adjudged free of rabies, the animal must then be vaccinated and held in quarantine for an additional ten days after which the owner may reclaim the animal upon payment of the regular keeping fees and upon compliance with licensing requirements. In the event that the animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders of the public health officer in that officer's absolute discretion.

B. Any pet which bites or otherwise exposes a person or animal to rabies shall:

1. If not currently vaccinated be quarantined at a veterinarian hospital at the owner's expense for a period of a least ten days after the day of exposure. The owner of such animal shall have twenty – four hours from the time of exposure to provide proof of current vaccination to the Animal Control authority or release the animal to a veterinarian for quarantine. In the event an owner will not voluntarily release the animal to a veterinarian for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the Animal Control authority's choice, at the owner's expense. The order, if the owner cannot be found at his/her place of residence, may be served by leaving it with a person of suitable age and discretion of by placing it in a prominent place at the front door of such residence.

2. If the animal is currently vaccinated the animal may at the discretion of the Animal Control authority be quarantined at the owner's home. If at the time the animal is known to run at large during the quarantine period the animal shall be impounded by the

Animal Control authority and shall remain at a veterinary hospital for the remainder of the quarantine period of the owner's expense.

3. If the animal is a stray and no one is identified within a seventy – two hour period the animal shall be euthanized and tested for rabies.

4. The euthanization procedure can only be suspended on order of the Indian Health Service Health Department where an animal exhibits symptoms of rabies.

C. Any hybrid animal or any animal other than those included in section B (dog or cat) which bites or otherwise exposes a person or animal to rabies shall, at the discretion of the Indian Health Service Health Department, be quarantined or destroyed and tested for rabies:

1. If the animal is quarantined, the animal shall be placed at a veterinarian hospital at the owner's expense for a period of at least ten days after the day of exposure. In the event an owner will not voluntarily release the animal for quarantine, the Animal Control authority or law enforcement officer shall obtain a court order to seize the animal and place it in quarantine at the veterinarian hospital of the authority's choice, at the owner's expense.

2. If the animal is a stray and no owner is identified within seventy-two hours, the animal shall be euthanized and tested for rabies.

3. The euthanization procedure can only be suspended on order of the Indian Health Service Health Department where an animal exhibits symptoms of rabies.

**8.02.80 Rabies – Emergency control.** Upon the positive diagnosis of rabies infection of any animal within the Town limits, the Indian Health Service Officer shall notify the Animal Control manager or designee who may issue a reservation wide quarantine order providing for a summary destruction of all animals known to have been exposed to rabies, or of all unconfined animals. He/she may make such other orders as he/she deems necessary or expedient for the protection of the public. All orders issued by the Town Animal Control officer under this section shall have the full force and effect of law.

**8.02.90 Contagious disease.** Upon the positive diagnosis of a contagious communicable disease in any animal within the Town limits the diagnosing veterinarian shall notify the Town Animal Control officer who may issue a reservation wide alert. Any animal displaying symptoms of the disease must be quarantined and confined either upon the premises of the owner or at a licensed veterinary hospital. The location of quarantine shall be determined by the Animal Control authority.

**8.02.100 Animal running at large.** A. It is unlawful for any person who owns, harbors, maintains, or keeps a cat or dog, or the parents or guardians of any such person under eighteen years of age, to allow such animal to run at large within the Town limits. All animals not confined within an enclosure shall be kept on a leash not more than ten feet long securely fastened or held so as to prevent the animal from running at large.

B. It is unlawful for any firm, person, or corporation owning or having control of goats, swine, cattle, horses or sheep to keep the same within residential and commercial areas within the Town limits.

C. It is unlawful to allow livestock to run at large within the Town limits at any time. The exception to this is 2 hours before a parade and 2 hours after a parade.

D. It is unlawful for an owner or keeper of any fowl or rabbits to permit them to run at large upon any street, alley, avenue, boulevard or public park or to trespass upon the premises of another person within the Town limits.

E. Any person may take up any animal running at large within the Town limits or tethered therein contrary to the provisions of this chapter, and take the same to the Animal Control Officer. Neither compensation nor reward shall be paid directly or indirectly for such taking and delivery.

**8.02.110 Proper Husbandry.** A. It is unlawful for any person to harbor:

1. Any animal which chases vehicles in public streets, ways, or parks;
2. Any female animal in heat (estrus) which is not kept in a confined area not accessible to male animals running at large.
3. Any animal which causes irritation or annoyance to a person by frequent and/or long continued barking, howling, yelping, or by any other means that disturbs the peace and repose of any person within a two block area of the animal.

**8.02.120 Dangerous Animal.** It is unlawful to own, keep, harbor or maintain a dangerous animal exhibiting “vicious behavior.”

A. Vicious Behavior Defined. Any animal, except a dog assisting a peace officer engaged in law enforcement duties, is presumed vicious if the animal demonstrates any or all of the following behaviors.

1. Attacking without provocation, which requires a defensive action by the person attacked to prevent bodily injury or property damage.
2. Attacking a person resulting in injury to that person.
3. Any behavior, without provocation, that constitutes a threat of bodily harm to a person.
4. Attacking a person without provocation.

B. Any such dangerous animal may be impounded by the Animal Control Officer. The animal may be redeemed by the owner after compliance with all licensing, and vaccination requirements if the animal is not being held for a court hearing.

C. Upon a second or subsequent conviction under this chapter or in a single instance where the facts indicate that such action is necessary for the safety of the citizens of this community or their property, the dangerous animal shall be seized by an Animal Control Officer and euthanized or permanently removed from the Town limits or within the 5-mile radius.

D. Penalty. A person who violated a provision of this title shall upon conviction thereof, be punished by a fine not exceeding five hundred dollars (\$500.00). Every day that a violation continues after the first day of the violation shall constitute a separate offense.

**8.02.130 Outlawed Animals** The following animals, breeds, mixes, and hybrids are not allowed to be cared for, harbored, owned, maintained or kept within the Town limits:

1. Wolf breed and hybrids
2. Pit-bull breeds and hybrids



3. Coyote breeds and hybrids

4. Rottweiler breeds and hybrids



5. Doberman breed and hybrids (except miniature)



6. Fox breeds and hybrids

7. Chinese Shar -Pei breeds and hybrids



Any animal that is of the general likeness of one of the above breeds and which an investigation into the origin of the animal by the Animal Control Officer reveals that the animal is of one of the above listed breeds or a hybrid of one than the animal will be removed from the property and euthanized immediately. The animal control officer will make this determination with the support of a licensed vet to whom the animal will be taken to confirm the suspicion of the animal control officer.

**8.02.140 Impounded animals – redemption – disposition** A. The owner of any pet which has been impounded, may, upon proving ownership thereof, redeem the pet from the shelter upon payment of the following:

1. License fee if the animal is not licensed; and
2. An impound fee established by the Animal Control manager for each day, or part thereof, that the dog has been held in the Animal Shelter; and
3. A fee, for rabies vaccination if the pet is not vaccinated; and
4. Any veterinary fees incurred.

B. If any dog or other animal is impounded, the owner shall redeem it within seventy – two hours, or it shall be subject to disposal by the Animal control Officer as provided in this chapter. If such impounded animal has a license, the Animal Control Officer will attempt by at least one phone call and one written notice to contact the owner, and if the dog carries a designation as a seeing eye dog together with the phone number or address of the owner, the Animal Control Officer will make an attempt to return the animal. The Animal Control Officer may issue a ticket to the person redeeming an impounded animal for violation of any provision of this chapter and file a complaint in Town Court.

C. The owner of any other animal than a pet animal (dog or cat) which has been impounded, upon proving ownership thereof, may redeem the animal from the shelter upon satisfying the following conditions:

1. A showing that the animal is legally allowed within the Town limits;
2. Proof of compliance that the animal has all required vaccinations;
3. Payment of any impoundment fee established by the Animal Control manager for each day, or part thereof, that the animal has been held in the Animal Shelter;
4. Payment of any veterinary fees incurred.

**8.02.150 Adoption of animals** If an animal is not redeemed by the owner within the prescribed time limit, the owner thereof forfeits all right, title and interest therein, and the Animal Control program may offer the same for sale to the public.

A. A person may adopt an adult cat or dog once the application has been approved, a spay/neuter contract signed, and upon payment of the following:

1. License fee. The license will be issued upon proof of compliance with the spay/neuter contract.
2. A non-refundable rabies vaccination fee as established by the Animal Control authority through resolution.
3. A non-refundable adoption fee as established by the program manager.
4. A neutering incentive fee as established by the Animal Shelter to be refunded if the animal is neutered or spayed within 30 days from the date of adoption.

B. A person may adopt a cat or dog less than six weeks old once the application has been approved, a spay/neuter contract has been signed, and upon payment of the following:

1. A neutering incentive fee as established by the program manager to be refunded if the animal is neutered or spayed within a given time specified at the time of adoption by the Animal Control Officer.
2. A non-refundable adoption fee as established by the Animal Control authority.

C. An Animal Control Officer shall issue a certificate of sale to each purchaser of an animal which confers title and ownership to that animal free of all claims and interest of the previous owner.

D. It is unlawful for any person to adopt an animal from the Animal Shelter and fail to have an animal spayed or neutered within the prescribed time limit as set by the spay/neuter contract. Violation of the agreement will result in a fine of one hundred dollars at the discretion of the court and forfeiture of the animal.

E. If an animal is not redeemed or adopted it will be put to death in a humane manner. No animal suffering from an infectious disease will be released unless the Indian Health Service Health Officer shall so order.

**8.02.160 Disposal fee – dogs and cats**

A. The Animal Shelter will dispose of dead dogs or dead cats at no charge if said owner resides within the Town limits and the animal is transported to the Animal Shelter by the owner.

B. A surrender fee of \$15.00 will be charged to an owner for unwanted animals brought to the Animal Shelter.

**8.02.170 Livestock impoundment – notice of sale**

A. Whenever any animal defined in Section 8.02.10 as a cow, pig, sheep, horse, or mule is impounded under the provisions of Section 8.02.100 or of this chapter and remains in the control of the Animal Shelter for a period of twenty-four hours without being redeemed, the Animal Control Officer shall immediately thereafter post, or cause to be posted, in three public places on the reservation, one of which shall be at the Animal Shelter in which the animal is impounded, and also publish once in the official newspaper of Browning, Montana a notice in substance as follows:

Taken up and impounded by the Town Animal Control Program the following described animal \_\_\_\_\_, which, unless redeemed, will be sold at public auction, for cause to the highest bidder, at sale Animal Shelter located at \_\_\_\_\_, within the Town limits at the hour of \_\_\_\_\_ day of \_\_\_\_\_ in the year of \_\_\_\_\_.

\_\_\_\_\_  
Town Animal Control Program Manager

B. The day of sale mentioned in the notice shall be the first day after the publication of the same, exclusive of Sundays and legal holidays, and if the same animal is not redeemed, the Animal Control Officer shall sell the same in accordance with the notice, or may adjourn the sale from the day to day and over Sundays and legal holidays.

C. Any time before the sale of the animal impounded under the provisions of this chapter, the owner thereof may redeem the same by paying a fee of twenty-five dollars, per day to cover the cost of feed, veterinary care and advertising.

D. Whenever any animal of the value of ten dollars or more is sold under the provisions of this chapter, the owner may redeem the animal within fifteen days after such sale, by paying to the purchaser the amount of the bid therefore and twenty-five dollars as additional recompense to such purchaser.

**8.02.180 Cruelty to animals – poisoning** It is unlawful for any person to willfully and cruelly inflict pain upon or injure any animal. It is unlawful for any person to provide poison for the purpose of killing any dog or other animal or to aid or abet any person in so doing.

**8.02.190 Confinement of animals – regulation** It is unlawful for any person to open gates or doors or otherwise cause or permit any animal to escape confinement against the wishes of the owner.

**8.02.200 Provoking animals** It is unlawful for any person to provoke, harangue, tease, torment or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person.

**8.02.210 Abandonment** It is unlawful for any person to abandon any animal within the Town limits. Any person violating this section shall bear all expenses incurred by the Animal Shelter for said animal and shall reimburse the program all said costs as determined by the Animal Shelter.

**8.02.220 Liability of non-owners** Every operator of a self propelled vehicle upon the streets and way of the town shall immediately upon injuring, striking, maiming, or running down any animal give aid to such animal and immediately notify the Animal Control Officer or police officer, furnishing sufficient facts relative to such injury.

**8.02.230 Wild animals** A. It is unlawful for any person to allow a wild animal to be in his/her possession in any public place, including but not limited to public parks and public buildings.  
B. It is unlawful for any person to harbor a wild animal.  
C. Wild animals placed on exhibit by a commercial business must meet all federal, state and local requirements.

**8.02.240 Steel jaw traps or snares** It is unlawful for any person to set any steel jaw traps or snares within the community of Browning, Montana.

**8.02.250 Animal Control Officer – Duties** In addition to the duties and powers of the animal control officer otherwise prescribed, the officer shall:

1. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of their duties.
2. Carry out and enforce the provisions of this chapter and amendments thereto.
3. Enforce the licensing and control of all animals on the reservation as provided in this chapter.
4. Seize and take up all animals in violation of the terms of this chapter and maintain them in a suitable and humane manner at the Animal Shelter.

5. Where this chapter requires that an animal be put to death, the officer shall accomplish this in a humane manner.

6. Be empowered to pursue upon private and tribal property any animal violating any provision of this chapter in their presence or when acting under a court order, or when attempting to seize any animal suspected of having been exposed to rabies.

7. File complaints in the Town Court System for violations of this chapter and attend and testify in court when required.

8. Make a timely notification to the Indian Health Service Health department regarding bite reports submitted to Animal Control.

9. Maintain regular hours as assigned during which the Animal Shelter shall be open and post the hours in a conspicuous place at the Animal Shelter.

**8.02.260 Animal Control Officer – Investigative authority** A. For the purpose of discharging the duties imposed by this chapter the Animal Control Officer or any police officer is empowered to demand from the occupants of any premises upon or in which an animal is harbored the production of the animal and the licenses and permits for the animal. The Animal Control Officer may make such demand at the premises where the animal is kept. He/She may examine the animal and in his/her discretion take possession of the animal.

B. For the purposes of investigating complaints of unsanitary conditions and/or inhumane treatment of animals, Animal Control Officers shall have the right to inspect any premises where animals are kept at any reasonable time.

C. On refusal of entry, the Animal Control Officer may obtain a search warrant.

**8.02.270 Animal Control Officer – Interference prohibited** It is unlawful for any person to hinder, detain, obstruct, or interfere with the Animal Control Officer or any police officer in the performance of any duty or power imposed on by this chapter, or to release, or attempt to release, any animal in the custody of the Animal Control Officer, except as provided in this chapter.

**8.02.280 Prohibited acts** A. It is unlawful for any person to take or drive any animal out of any enclosure, stable or other building with the intent that such animal shall be impounded.

B. It is unlawful for any person to break open, or in any manner directly or indirectly, aid or assist in, or counsel or advise the breaking into the Animal Shelter.

C. It is unlawful for any person to hinder, delay or obstruct any person while engaged in taking to the Animal Shelter any animal liable to be impounded under the provisions of this chapter.

**8.02.290 Copies of regulations** A complete copy of the Town Animal Control Ordinance applicable to the control of animals shall be available to all persons adopting or reclaiming an animal.

**8.02.300 Violation – Fine Schedule** Except as otherwise provided, a progressive schedule of fines may be assessed against any animal owner, individual, person or persons found to be in violation of this chapter:

First offense: \$25.00;  
Second offense: \$50.00;  
Third and thereafter offense: general penalty (8.02.120)

Upon the third or subsequent conviction under this chapter, an animal may be seized by an Animal Control Officer pending a hearing to be held in Town Court or in front of the Mayor of the municipality to show cause why the animal should not be disposed of. Should the court determine that the owner or person in possession of the animal has repeatedly failed to observe the requirements of this chapter and has failed to show any reasonable cause for excusing said violation, the court may order such animal disposed of in accordance with 8.02.120 (E).

**8.02.310 Violation – Licensee’s liability and transfer** In all prosecutions for violations of this chapter, the person applied for and obtained the license for the dog in question shall be deemed the person responsible for the violation unless there has been a transfer of ownership prior to the violation. Any transfer of ownership must be evidenced by a new license issued by the licensing authority.