**ORDINANCE #521**

**AN ORDINANCE TO AMEND TITLE 8, CHAPTERS 8.02, 8.04 AND 8.06 OF THE OFFICIAL CODE OF THE TOWN OF CASCADE**

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF CASCADE, MONTANA THAT TITLE 8, CHAPTERS 8.02, 8.04 AND 8.06 OF THE OFFICIAL CODE OF THE TOWN OF CASCADE ARE AMENDED TO READ AS FOLLOWS:

TITLE 8

ANIMALS

Chapters:

8.02 LIVESTOCK ANIMALS RUNNING AT LARGE

8.04 DOGS AND OTHER ANIMALS

8.06 ANIMALS AND ANIMAL PENS A NUISANCE

Chapter 8.02

LIVESTOCK ANIMALS RUNNING AT LARGE

Sections:

8.02.010 Running at Large

8.02.020 Herding of Animals

8.02.030 Violations

8.02.010 Running at Large. It shall be unlawful for any owner or any person or persons having the care of any cattle, horses, mules, goats, sheep, swine or any other animal liable to destroy or injure trees, shrubs, plants, garden, or lawn, to permit the same or any of them to run at large upon any private premises of another, or in the streets or other public property within the limits of the town.

8.02.020 Herding or Trailing of Animals. It shall be unlawful to herd any such animal or animals upon any vacant or unenclosed lot. The owner or persons in care of the animals must notify Town Hall 24 hours before trailing them through town.

8.02.030 Violations. Violations of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

Chapter 8.04

DOGS AND OTHER ANIMALS

Sections:

8.04.010 Definitions

8.04.020 Animal Control Board

8.04.030 Vaccination

8.04.040 License and Registration

8.04.050 License Agents

8.04.060 Tag and Collar

8.04.070 Number of Dogs

8.04.080 Kennel License

8.04.090 Animals at Large

8.04.100 Enforcement

8.04.110 Disposition of Impounded Animals

8.04.120 License Fees

8.04.130 Animal Waste

8.04.140 Rabies Exposure

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8.04.220 Confinement of Vicious Animals

8.04.230 Cruelty to Animals

8.04.240 Freeing of Confined Animals

8.04.250 Provoking of Animals

8.04.260 Licensee's Liability and Transfer

8.04.270 Reimbursement of Additional License Agents

8.04.280 Wild Animals and Hybrid Animals

8.04.290 Penalty for Violations

* + 1. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:
       1. Owner: Any person owning, keeping or harboring a dog or other animal is presumed to be the adult head of the household owning, keeping or harboring such an animal.
       2. At Large: Off the premises of the owner and not under the immediate, continuous, and effective control of its owner or some other competent person.
       3. Restraint: Controlled by a leash, at Aheel beside a competent person and obedient to the person's commands, within a vehicle with permission of the owner, or within the property limits of premises controlled by the owner or other person consenting thereto.
       4. Animal Shelter: Any premises, including the Cascade County Animal Shelter, designated by the town as the place for impounding and caring for dogs and other animals.
       5. Vaccination: (1) The inoculation of a dog or cat with anti-rabies vaccine administered under the direction of the public health officer by a licensed veterinarian or with any other vaccine approved by the public health officer and the state veterinarian. (2) The inoculation of any other animal in the interest of public health and safety whenever required by competent authority.
       6. Current vaccination: (1) The inoculation of a dog or cat with anti-rabies vaccine, having an effective immunity of one or two years. Animals vaccinated initially will receive a booster shot one year after the initial vaccination and thereafter on a bi-annual basis unless the vaccine used requires re­ vaccination sooner. (2) The inoculation of any other animal in the interest of public health and safety as determined by competent authority.
       7. Animal Control Officer: Any person or persons duly appointed by the mayor, with the consent of the town council, to perform the duties of the animal control officer including the appointment of the Cascade County Sheriffs Office.
       8. Kennel: Any premises wherein three or more dogs over six months of age are kept, harbored, or maintained, or where any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs.
       9. Service Animal: A dog or other animal individually trained to provide assistance to an individual with a disability.
       10. Police Dog: A dog that is used by a law enforcement agency, as defined in MCA 44-11-303, in the exercise of its authority; specifically trained for law enforcement or search and rescue work; and under the control of a law enforcement officer.

8.04.020 Animal Control Board The duty of the Animal Control Board will be the function of the Town Council for all actions necessary to carry out the provisions of this chapter and to perform such other duties as are hereinafter described.

8.04.030 Vaccination. It is unlawful for any person to keep, harbor or maintain any dog, cat or other animal over six months of age unless it has a current vaccination as defined herein.

8.04.040 License and Registration. It is unlawful for any person to keep, harbor or maintain any dog over six months of age unless such dog is duly registered and licensed by the Town Clerk or by duly appointed license agents, upon proof that the dog has a current vaccination against rabies, and upon payment of an annual license fee per the current resolution for neutered males and spayed females; and an annual license fee per the current resolution for unaltered animals. Such license shall expire on June 30 following its issuance. The owner shall state at the time application is made for such license, upon

forms provided for such purpose, his name and address, the name, breed, color, sex, coat and any identifying marks of the dog for which application is made, and the date and by whom vaccination was done. The provisions of this section shall not apply to nonresidents having dogs under restraint within the town less than fifteen days. Licenses for service animals and police dogs shall be furnished without charge, upon proof of vaccination as hereinabove provided. 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.

8.04.050 License Agents. The Town Clerk, or under the direction of the Clerk the assistant clerk, shall serve as the license agent and may appoint such additional license agents as may be deemed necessary or expedient.

8.04.060 Tag and Collar. Upon receipt of a proper application, proof of vaccination and payment of the prescribed license fee, the Town Clerk or license agent shall issue to the applicant a license certificate and a metallic tag. The shape of the tag shall be changed each year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every owner, is required to provide each dog with a substantial collar, to which the license tag shall be affixed at all times. 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. In the event that a dog tag is lost or destroyed, one and only one duplicate shall be issued by the Town Clerk, upon presentation of an affidavit to that effect, a receipt or duplicate receipt showing payment of the license fee for the current year, and the payment of a fee per the current resolution for such duplicate. License tags are not transferable from one dog to another and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog for which it was not issued. Any dog found with a license tag issued for another dog shall be deemed to be not licensed. No refunds shall be made on any dog license fee because of the death of the dog or the owner moving from the town before the expiration of the license period.

8.04.070 Number of Dogs. It shall be unlawful for any person, family or household to keep more than two dogs over six months of age or for the purposes of boarding, training or breeding, in or on any premises without first obtaining a kennel license as hereinafter provided.

* + 1. Kennel License. A kennel license will be required by any person, family or household owning, keeping or harboring more than two dogs over six months of age. The following conditions must be met before a kennel license may be issued:
       1. The intended facilities must be inspected by the Animal Control Board. The inspection shall include the physical facilities as well as the effect on the neighborhood.
       2. Following the inspection, the Animal Control Board will recommend to the licensing authority either approval or disapproval of the application.
       3. The applicant must pay the kennel license fee per the current resolution per year or any part thereof, for the first dog, plus a fee per the current resolution for each additional dog.
       4. Anyone wishing to establish a kennel must obtain the written consent of at least seventy-five percent of the adjoining and adjacent neighbors within two hundred feet east and west and one hundred fifty feet north and south, excluding public right-of-way.
       5. Renewals of licenses. Licenses must be renewed within sixty days prior to the expiration date or the application will be treated as a new application.
       6. The exclusions are that no fee may be required of any veterinary hospital, animal shelter or government zoological park.
       7. Separate Facilities required. Every facility regulated by this section shall be considered a separate enterprise and shall have an individual license.

All kennel licenses will expire on the 30th day of June each year unless sooner revoked. The Animal Control Board will investigate all complaints concerning unlicensed or improperly operated kennels, and may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five days written notice of such recommendation during which time the licensee may appeal to the Town Council the board's recommendation. The licensing authority will then take action as required.

8.04.090 Animals Running at Large. A. It is unlawful for any person who owns, keeps, harbors or maintains a dog, cat, or any other animal authorized to be within the town limits, or the parents or guardians of any such person under eighteen years of age, to allow such animal to run at large within the corporate limits of the town. All animals not confined within an enclosure shall be kept on a leash or tether not more than ten feet long securely fastened or held, or otherwise controlled, so as to prevent the animal from running at large.

1. It is unlawful for any firm, person or corporation owning or having control of any cattle, horses, mules, goats, sheep or swine to keep the same within the corporate limits of the town except to bring the same to market for commercial or exhibition purposes, and when brought therein for that purpose the same shall be kept and cared for by the owner or person in charge thereof at such place as directed by the Mayor. The exceptions, penalties and provisions of chapters 8.02 and 8.06 of this Title shall apply.
2. It is unlawful for an owner or keeper of any animal 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; except, that such animals owned and/or maintained by the town in the town parks are exempt from this provision.
3. Any person may take up any animal running at large in the town, 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.

8.04.100 Enforcement. Upon observing an animal running at large in the town the Animal Control Officer or other law enforcement officer will attempt to determine the owner by noting the animal's license number if possible, or by following the animal home. A citation will be issued to the owner for failure to comply with applicable sections of this chapter. If the owner cannot be determined, the animal will be taken to the Animal Shelter designated by the town. Any dangerous or vicious animal may be subdued by the use of a tranquilizer gun by the Animal Control Officer or other law enforcement officer. The Animal Control Officer will keep a complete register of every dog or other animal impounded, showing time and place of capture, breed, color, sex and distinguishing marks, and if licensed the number of the license and the name and address of the owner. Licensed animals will be kept separate from the unlicensed and males will be kept separate from females.

8.04.110 Disposition oflmpounded Animals. Unless otherwise provided in this chapter, if any dog or other animal is impounded, the owner shall redeem the same within ninety-six hours or it shall be subject to disposal by the Animal Control Officer as hereinafter provided. If such impounded animal has a license, the Animal Control Officer will attempt by at least one phone call to contact the owner and if the dog carries a designation as a service animal together with the phone number or address of the owner, the Animal Control Officer will make an attempt to immediately return the animal. The owner of any animal may redeem it within such period of time by paying all costs and assessments including an impoundment fee per the current resolution plus a fee per the current resolution for keeping the animal for each twenty-four hour period or portion thereof that the animal was kept in the Animal Shelter.

These fees may be determined by the Cascade County Animal Shelter if kept in their facility. Any unlicensed animal impounded may be redeemed only by the owner purchasing a license in addition to paying the other fees herein prescribed. 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 the City Court. If an impounded 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 Officer shall offer the same for sale to the public. Such public sales shall be held by the town at a designated place or by the Cascade County Animal Shelter, and notice of the days and times shall be prominently posted by the town or the sale shall be done according to the rules of the Cascade County Animal Shelter. Once the impounded animal is sold the purchaser shall procure a license for any animal which confers title and ownership to that animal free of all claims and interest of the previous owner. No animal without a current license and vaccination certificate will be released from the Animal Shelter. In addition, anyone redeeming an animal from the Animal Shelter who has the animal neutered or spayed and presents acceptable proof to the Animal Control Officer within thirty days will be refunded the difference in initial cost and license fee for an animal not neutered or spayed and for one which has been neutered or spayed as if the animal had been neutered or spayed at the time of redemption. If any animal is not purchased at such public auction sale, it will be subject to be put to death in a humane manner by the Animal Control Officer or according to the Cascade County Animal Shelters rules. No animal suffering from an infectious disease will be released without approval of a veterinarian.

8.04.120 License Fees. The annual licensing fees shall be established through resolution adopted by the Town Council.

8.04.130 Animal Waste. The owner of an animal shall be responsible for the immediate removal of any excreta deposited by the animal on any public walk, recreation area or private property.

8.04.140 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 released if the animal has a current vaccination history.
2. Seized and taken up by the Animal Control Officer or any law enforcement officer and securely and separately impounded if the bitten animal has not been vaccinated or if the vaccination history is obscure. Seized animals shall be quarantined at a licensed veterinarian hospital, at the owner's expense, within the County for a period of six months or euthanized and tested for rabies. It shall be the duty of the Animal Control Officer to notify the Cascade County Health Department of every such animal 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 under the direction of the Cascade County Health Department or other competent authority.

1. Any pet animal, dog or cat which bites or otherwise exposes a person or animal to rabies shall:
2. If not currently vaccinated be quarantined at a veterinarian hospital at the owner's expense for a period of at least fourteen 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 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. If the owner cannot be found at his or her residence the order may be served by leaving it with a person of suitable age and discretion or by placing it in a prominent place at the front door of the owner's residence.
3. If the animal is currently vaccinated the animal may at the discretion of the Cascade County Health Department be quarantined at the owner's home. If at any 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 at the owner's expense.
4. If the animal is a stray and no owner is identified within forty-eight hours from the time of exposure, the animal shall, at the discretion of the Cascade County Health Department, be destroyed and tested for rabies.
5. The foregoing procedure shall be suspended on order of the Cascade County Health Department where an animal exhibits symptoms of rabies.
6. Any animal other than those included in section B (dog, cat) which bites or otherwise exposes a person or animal to rabies shall, at the discretion of the Cascade County 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, or as otherwise determined by the Cascade County Health Department, 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 forty-eight hours from the time of exposure, the animal shall, at the discretion of the Cascade County Health Department, be destroyed and tested for rabies.
   3. The foregoing procedure shall be suspended on order of the Cascade County Health Department where an animal exhibits symptoms of rabies.
   4. The Animal Control Officer shall immediately report every known or reported exposure involving a wild animal to the Cascade County Health Department and law enforcement authorities.
   5. Any stray or unwanted domestic animal or wild animal that bites a person may be killed immediately and the head submitted to a laboratory for a rabies examination.

8.04.150 Emergency Rabies Control. Upon the positive diagnosis of rabies infection of any animal in the town, the Animal Control Officer upon notification by the Cascade County Health Department or other competent authority shall notify the Mayor or designee who may issue a town-wide quarantine order providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as deemed necessary or expedient for the protection of the public. All orders issued by the Mayor or designee under this section shall have the same force and effect as any town law.

8.04.160 Nuisance Animals. A. It is unlawful for any person to own, keep, harbor or maintain:

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.
3. Any animal which causes irritation or annoyance to a person by frequent and/or long continued barking, howling, yelping, or other means that disturbs the peace and repose of any person.
4. Any such nuisance animal may be taken up and impounded by the Animal Control Officer. It is unlawful for any person to own, keep, harbor or maintain any such nuisance animal and it shall be the duty of the Animal Control Officer and all law enforcement officers to issue tickets and file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may report the incident to the Animal Control Officer or a law enforcement officer to file a complaint in the City Court, charging the owner with the violation of this section where the offense is not committed in the presence of the Animal Control Officer or a law enforcement officer.
5. Violations and Fine schedule. Except as otherwise provided, a progressive schedule of fines may be imposed against the owner of any animal found to be in violation of the provisions of this section within a twelve-month period:

First offense: twenty-five dollars. Second offense: fifty dollars.

Third and subsequent offense: General penalty as provided in Section 1.08.010 of this Code.

1. Upon a third or subsequent conviction within a twelve-month period, by order of the City Court Judge the nuisance animal shall be seized by the Animal Control Officer. After notice to the owner a hearing shall be held in the City Court 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 violations, the Court may order the animal disposed of in accordance with section 8.04.110 of this chapter.

8.04.170 Dangerous Animal. It is unlawful to own, keep, harbor or maintain a dangerous animal exhibiting vicious behavior.

1. 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. An attack, without provocation, which requires a defensive action by a person to prevent bodily injury and/or property damage in a place where such person is acting peaceably and lawfully;
   2. An attack, without provocation, that results in an injury to a person in a place where the person is acting peaceably and lawfully;
   3. Any behavior, without provocation, that constitutes a physical threat of bodily harm to a person in a place where the person is acting peaceably and lawfully;
   4. An attack, without provocation, that results in injury or death to other pets not trespassing onto the property of, injuring or attempting to injure the person, family or property of the owner.
2. Lawful Presence. For the purposes ofthis section, a person is peaceably and lawfully upon the private property of an owner when in the performance of any duty imposed by the laws of this state or any city or town or county, or by the laws or postal regulations of the United States, or when on the property upon invitation, express or implied.
3. Any person may by the use of reasonable force protect their pets, property, and person, or the person of any other human being from the attack of a vicious or dangerous animal.
4. Any such dangerous animal may be taken up and 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.
5. Penalty. General penalty as provided in Section 1.08.010 of this Code, exclusive of jail, shall be imposed for violating the provisions of this section. Where it is found that a person has knowingly violated this section, then jail may be imposed.
6. Whenever an affidavit shall be made before the City Court Judge that any dog or other animal has bitten a person, and that the person bitten was not at the time trespassing upon the property of, or injuring or attempting to injure the person, family or property of the owner, the City Court Judge shall issue an order requiring the owner of such a dog or other animal to surrender the same to a licensed veterinarian for quarantine within twenty-four hours after service of said order. Such order may be served by the Animal Control Officer or any law enforcement officer and, if the owner cannot be found at his or her place of residence, the order may be served by leaving it with a person of suitable age and discretion at, or by placing it in a prominent place at the front door of, such residence. It is unlawful for any person to refuse or neglect to surrender any such vicious animal within twenty-four hours after the service of such order as herein provided, and the Animal Control Officer shall forthwith seize and impound such animal at a licensed veterinarian office at the owner's expense. In the event that the owner is unknown upon the making of such affidavit, the Animal Control Officer or any law enforcement officer shall seize and impound such animal without notice. All dogs or other animals

impounded under this section shall be quarantined at a licensed veterinarian hospital in the town for the period and under the same conditions as stated in Section 8.04.140.

1. Any dog or other animal which has bitten a person under the circumstances set forth in this section on any prior occurrence, or on a single occurrence 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 may be ordered by the court to be put to death. A court hearing will be held to determine if the animal is to be euthanized or permanently removed from the town.

8.04.180 Duties and Powers of Animal Control Officer. In addition to the duties and powers of the Animal Control Officer otherwise prescribed, the Animal Control Officer shall keep and maintain adequate records of all animals impounded and of all actions taken in the course of official duties; shall enforce the licensing and control of all animals in the town as provided in this chapter; seize and take up all animals deemed to be in violation of this chapter and maintain the animal in a suitable and humane manner at an Animal Shelter approved by the Town Council; shall where this chapter requires that an animal be put to death, accomplish this in a humane manner; shall be empowered to pursue upon

private property any animal deemed to be in violation of any provision of this chapter in his presence or when attempting to seize any animal suspected of having been exposed to rabies; shall make complaints in City Court for violations of this chapter and shall attend and testify in Court when required. The Animal Control Officer, deputies, and assistants shall have authority to issue Complaints and Notices to Appear in court for violations of this chapter.

8.04.190 Alternative to Death of Animal. Whenever an animal is ordered to be put to death under this chapter, except for infection with rabies, the owner or other person may apply to the City Court Judge for permission to remove the animal permanently from the town. The City Court Judge may, upon the showing of suitable financial responsibility and good cause suspend the order to put the animal to death and order the animal permanently removed to a distance of not less than the farthest extent of the jurisdictional limits of the town.

8.04.200 Investigation. For the purpose of discharging the duties imposed by this chapter and enforcing its provisions, the Animal Control Officer or any police officer is empowered to demand from the occupants of any premises upon or in which a dog or other animal is kept or harbored, the exhibition of such dog or other animal and the license for such dog and any required documentation for such any other animal. The Animal Control Officer may make such demand at premises where any animal is kept in a reportedly cruel or inhumane manner and examine such animal and take possession of the same, when, in his or her opinion, the animal requires treatment intervention.

8.04.210 Interference. It is unlawful for any person to hinder, detain, or interfere with the Animal Control Officer in 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 herein provided.

8.04.220 Confinement of Vicious Animals. The owner shall confine within a building or secure enclosure every fierce, dangerous or vicious dog or other animal and shall not take such dog or other animal out of such building or enclosure unless it is securely muzzled and controlled.

8.04.230 Cruelty to Animals. It is unlawful for any person to commit the offense of cruelty to animals if, without justification, they knowingly or negligently subject an animal to mistreatment or neglect by any of the following:

1. Lay out or expose any poison for the purpose of killing any animal or to aid or abet any person in so doing.
2. Overworking, beating, tormenting, injuring, or killing any animal.
3. Carrying any animal in a cruel manner.
4. Failing to provide a dog or any other animal in their custody or care with proper food, water, shelter, and protection from the elements, veterinary care for treatment of injury, provisions of immunizations, and treatment of parasites, and provision of humane care and treatment.
5. Abandonment of any dog or other animal.
6. Promoting, sponsoring, conducting, participating, or attending any fight between any animals.
7. Intentionally striking any animal with a motor vehicle.
8. Allowing any animal to breed indiscriminately or to allow such animals to breed without provision for treatment, care, feeding, and placement of any young or progeny.
9. Failure to provide for adequate disposal of solid and liquid waste matter.
10. Or to knowingly or negligently subject an animal to mistreatment or neglect in any way.

8.04.240 Freeing of Confined Animals. It is unlawful for any person to open gates or doors or otherwise cause or permit dogs or other animals to escape confinement against the wishes of the owner.

8.04.250 Provoking of 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 or results in causing it to bark or attack any person.

8.04.260 Licensee's Liability and Transfer. In all prosecutions for violations of this chapter the person who applied for and obtained the license for the animal in question shall be deemed the person responsible for any violation unless there has been a transfer of ownership prior to the violation. When a transfer of ownership takes place, the new owner must re-license the animal as a new license with the Town Clerk. The fees will be paid per the current resolution. The new owner then assumes full responsibility for the animal and any violations concerning the animal which might occur during that ownership.

8.04.270 Reimbursement of Additional License Agents. The town will provide an allowance often percent (10%) of the license fee to reimburse additional license agents for costs incurred in performing licensing duties for the town. Additional license agents will settle accounts with the town periodically, the timing and manner of which will be determined by the Town Clerk.

8.04.280 Wild Animals and Hybrid Animals - Prohibited - Defined. A. It is unlawful for any person to own, keep, harbor, maintain or sell a wild animal or hybrid animal within the town limits. No person may have a wild animal or hybrid animal in their possession or upon any private premises or public place including but not limited to public parks and public buildings .

1. Wild Animal: For the purpose of this chapter means a normally non-domesticated animal, including reptiles, whether the animal was bred or reared in captivity, or any animal for which there is no approved anti-rabies vaccination,.
2. Hybrid Animal: An animal resulting from the crossbreeding between two different species

or types of animals. These may include but are not limited to crosses between wild animal species such as

lions, tigers, wolves and coyotes and domestic animals such as dogs and cats. For the purpose of this chapter a hybrid animal will be considered a wild animal.

The provisions of this section shall not prohibit the keeping or maintaining of animals under the following conditions:

1. Wild animals or hybrid animals in bona fide, licensed veterinary offices for treatment.
2. Wild animals or hybrid animals placed on exhibit by an entity for an event showing only possessing a special permit from the Town Clerk for wild animals.
3. All applicable Federal, State and Local permits must be obtained prior to bringing a wild animal into the town. The entity must prove their ability to respond in damages to and including the amount of one million dollars ($1,000,000.) bodily injury to or death of any person or for damage to property owned by any other person, which may result from the ownership, keeping, exhibition or maintenance of such animal. Proof of liability to respond in damages may be given by filing supporting documentation with the Town Clerk. The Town Clerk shall upon the showing of all proof and the payment of a fee set by resolution of the Town Council issue a special permit allowing the animal(s) to be kept for a limited period oftime at a specified location as determined appropriate for the circumstances by the Town Council.

8.04.290 Penalty for Violations. Except as otherwise established herein violations of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

Chapter 8.06

ANIMALS AND ANIMAL PENS A NUISANCE

Sections:

8.06.010 Livestock in Town Limits Prohibited-Exceptions

8.06.020 Animal Pens and Stables a Nuisance

8.06.030 Local Law Enforcement to Abate Nuisance

8.06.040 Penalty for Violations

8.06.050 Duty of the Local Law Enforcement

8.06.010 Livestock in Town Limits is Prohibited. A. It shall be unlawful for any person to keep, harbor or maintain livestock of any kind or any other such type animal within the corporate limits or to suffer or permit any grounds or premises belonging to, or controlled by him or her as agent or tenant to be used for the keeping of such animals or fowls or to permit any premises or grounds owned or occupied by him or her to become nauseous, foul, offensive or injurious to the public health or unpleasant and disagreeable to adjacent residents or passers-by.

B. Exceptions may be granted by the Town Council upon unplotted property within town limits for grazing purposes and in cases of disabled persons requiring the assistance of service animals.

8.06.020 Animal Pens and Stables a Nuisance. It shall be unlawful for any person within the corporate limits to keep or maintain any pens or enclosures, building or yard where swine, horses or cattle, or any other animals or fowls have been kept in such condition as to be offensive to neighbors, or passers-by, or injurious to public health.

8.06.030 Local Law Enforcement to Abate Nuisance. In case any judgment of conviction shall be rendered against any person or persons for creating, keeping or maintaining a nuisance, it shall be the duty of the court before whom the conviction is had to order the defendant to forthwith abate and remove the same, and if not done within twenty-four hours after the entry of such orders by said court, the same shall be abated and removed under the supervision of the local law enforcement authorities.

8.06.040 Penalty for Violations . Violations of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

8.06.050 Duty of the Local Law Enforcement. It is the duty of the local law enforcement officers to file complaints in the City Court charging offenders with violations of this chapter. All complaints filed shall be prosecuted by the City Attorney before the City Court Judge.

This Ordinance repeals all other ordinances that are in conflict herewith.

PASSED AND ADOPTED by the Town Council of the Town of Cascade, Montana, and approved by

the Mayor of said Town this day of ,2007.

William R. Peterson, Mayor Attest: Karen Morrison, Clerk/Treasurer