

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, July 13, 2011 8:00 AM – 9:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

Members Present: Dave Strohmaier, Pam Walzer, Cynthia Wolken, Bob Jaffe, Lynn Hellegaard, Dick Haines, Renee Mitchell, Ed Childers

Members Not Present: Jon Wilkins

Other Present: Jim, Nugent, Marty Rehbein, Jim Carlson, Ed Franceschina

I. ADMINISTRATIVE BUSINESS

1. Approve minutes from [June 22, 2011](#). Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

Dave Strohmaier suggested that the held and on-going agenda items pertaining to the 'Missoula Cat Ordinance' (Item 4) and 'Animals' (Item 5) be removed from the held and on-going agenda as these items are going to be addressed as part of the current agenda item.

MOTION: The committee recommends that items 4 and 5 be removed from the Public Safety and Health Committee's held and on-going agenda items.

Pam Walzer moved to remove Items 4 and 5 from the held and on-going agenda items. Motion passed unanimously.

IV. REGULAR AGENDA ITEM

1. Consider an ordinance amending Title 6 Missoula Municipal Code entitled "Animals" repealing Chapters 6.02, 6.04, 6.09, 6.12, 6.16, 6.20 and 6.22, enacting Chapter 6.07 entitled "Animal Ordinance" and renaming Chapter 6.08 entitled "Dogs and Pet Shops" to "Pet Shops, Pet Sales and Boarding Kennels" to generally amend, recodify and update the city's regulations pertaining to animals, increase license fees and increase fines pertaining to violations. ([memo](#))—Regular Agenda (Marty Rehbein) (Referred to committee: 06/27/11)

Dave Strohmaier reviewed the scheduled committee meetings pertaining to this agenda item.

Jim Carlson provided an overview of the proposed amendments to the Title 6 Missoula Municipal Code entitled "Animals"

Bob Jaffe asked for clarification regarding an animal that is tied up on private property, but occupying public property.

Jim Carlson indicated that it would be considered an enforcement issue.

Pam Walzer requested a clarification of the term 'owner' in regards to ownership of the property versus ownership of the animal.

Cynthia Wolken thinks that property owner should be clarified to read 'occupant'.

Jim Carlson discussed changes to the definition of 'bruise'.

Ed Franceschina described the definition of boarding kennel and vaccination requirements.

Bob Jaffe inquired about the definition of 'barking'.

Jim Carlson described the issue and definition of leashes.

Dave Strohmaier feels that the leash definition section should not include language that is prescriptive.

Bob Jaffe and Dick Haines agree with Dave.

Jim Carlson discussed the definition of livestock.

Bob Jaffe feels that a comprehensive list of animals might be excessive. He suggested a more general definition with examples.

Renee Mitchell asked about the inclusion of rabbits.

Dick Haines feels that some animals should not fall under livestock.

Jim Nugent pointed out that State definitions of livestock are not consistent.

Ed Childers expressed his concerns regarding the definition of 'livestock'.

Marty Rehbein discussed the issue of annexation and 'grandfathered' livestock use on those parcels.

Jim Carlson clarified the issue of livestock within the City limits.

Pam feels that specific definitions for livestock and domesticated animals is necessary.

Marty suggested removing the first device in the definition of muzzle.

Jim Carlson described the definition of nuisance / barking dog.

Ed Childers feels that 'unreasonable degree' should be removed from the definition nuisance / barking dog. He feels that 'neighborhood' could also be removed.

Lynn Hellegaard asked about extenuating circumstances such as a squirrel or a deer causing a dog to bark.

Bob Jaffe feels that the cause of the barking generally should not be relevant.

Pam Walzer suggested inserting language that would deal with provoked barking.

Ed Franceschina stated that provoked barking would be a judgment call by enforcement.

Dick Haines feels that defining 'provoked' has value to the ordinance.

Lynn Hellegaard would like 'unreasonable degree' and 'neighborhood' to remain in the definition.

Pam Walzer asked about difficulties enforcing the barking dog issue.

Ed Franceschina described the current system of using the 'bark log'.

Pam feels that the current language is subjective.

Jim Carlson feels that issues regarding the language can arise with involved parties.

Bob Jaffe agrees with Lynn, and feels that 'unreasonable' should remain in the definition.

Jim Carlson discussed vaccinations, quarantines, and restraint.

Pam Walzer asked about provocation.

Jim Carlson responded that provocation is included for the purpose of determining whether or not a bite was provoked.

Ed Childers inquired about the length of time that a rabies vaccination was valid for.

Jim Carlson responded that national standards are used.

Dick Haines inquired about unprovoked vicious dogs.

Jim Carlson replied that Dick's inquiry would fall under the definition of dangerous dogs.

Bob Jaffe expressed concern about the court not having the ability to waive a fine. He feels that 'public space' in regards to animal waste could be better defined. He questioned the definition of cruelty to animals and the slaughter of chickens within the city limits.

Marty Rehbein clarified that the definition of 'cruelty to animals' follows that definition under State law.

Ed Franceschina clarified the issue of rabies vaccination for Ed Childers.

V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)
4. An [ordinance](#) amending Missoula Municipal Code Chapter 6.09 entitled "Missoula Cat Ordinance" section 6.09.010 through 6.09.090 to amend definitions, to limit the number of cats over the age of four months that a person, family, or household can harbor, keep, or maintain to five and to enact other general amendments. ([PS&H](#)) (Returned from Council floor: 01/12/09)
5. An [ordinance](#) amending Missoula Municipal Code Title 6 entitled "Animals" generally amending Chapter 6.04 entitled "Animals Running at Large" and Chapter 6.08 entitled "Dogs and Pet Shops," increasing the fee when an animal is impounded and establishing a fee for a boarding kennel license. ([PS&H](#)) (Returned from Council floor: 01/12/09)
6. Eat Smart Coalition information. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee: 07/11/11)

V. ADJOURNMENT

The meeting adjourned at 9:00 AM. Submitted by Gregg Schonbachler.