

Draft dated 8/26/2011
Ordinance

AN ORDINANCE OF THE MISSOULA CITY COUNCIL 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.

BE IT ORDAINED THAT CHAPTERS 6.02, 6.04, 6.09, 6.12, 6.16, 6.20 AND 6.22 ARE HEREBY REPEALED, CHAPTER 6.07 IS ENACTED AND CHAPTER 6.08 IS AMENDED AS FOLLOWS:

Title 6 ANIMALS

Chapters:

- [6.02 Repealed.](#)
- [6.04 Repealed.](#)
- [6.07 Animal Ordinance.](#)
- [6.08 Pet Shops, Pet Sales and Boarding Kennels.](#)
- [6.09 Repealed.](#)
- [6.12 Repealed.](#)
- [6.16 Repealed.](#)
- [6.20 Repealed.](#)
- [6.22 Repealed.](#)

Chapter 6.02 Feeding of Certain Wildlife Prohibited (Repealed)

(Codifier's note: In 2011, this chapter was repealed and recodified as Chapter 6.07, Part 12)

Sections:

- [6.02.010 \(Repealed\)](#)
- [6.02.020 \(Repealed\)](#)
- [6.02.030 \(Repealed\)](#)
- [6.02.040 \(Repealed\)](#)
- [6.02.050 \(Repealed\)](#)
- [6.02.060 \(Repealed\)](#)
- [6.02.070 \(Repealed\)](#)

6.02.010 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1200)
(Ord. 3330, 2006)

6.02.020 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1210)
(Ord. 3330, 2006)

6.02.030 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1220)
(Ord. 3330, 2006)

6.02.040 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1230)
(Ord. 3330, 2006)

6.02.050 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1240)
(Ord. 3330, 2006)

6.02.060 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1250)
(Ord. 3330, 2006)

6.02.070 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1260)
(Ord. 3330, 2006)

Chapter 6.04 ANIMALS RUNNING AT LARGE

(Codifier's note: In 2011, section 6.04.010 was repealed and recodified as 6.07.410;
In 2011, sections 6.04.020, 6.04.060, and 6.04.070 were repealed and recodified in Chapter 6.07, Article V;
The remaining sections were repealed prior to 2010 and remain repealed.)

Sections:

[6.04.010](#) (Repealed)

[6.04.020](#) (Repealed)

[6.04.030](#) (Repealed)

[6.04.040](#) (Repealed)

[6.04.050](#) (Repealed)

[6.04.060](#) (Repealed)

[6.04.070](#) (Repealed)

[6.04.080](#) (Repealed)

[6.04.090](#) (Repealed)

6.04.010 Repealed. (Codifier's note: In 2011, this section was renamed and recodified as Section 6.07.410)
(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2041 §1, 1979; prior code §4-1).

6.04.020 Repealed. (Codifier's note: In 2011, this section was combined with 6.04.060 and 6.04.070 and recodified as Section 6.07.1600)
(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2041 §4, 1979; prior code §4-6).

6.04.030 Repealed.
(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2041 §5, 1979; prior code §4-8).

6.04.040 Repealed. (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2041 §6, 1979; prior code §4-10).

6.04.050 Repealed. (Ord. 3310, 2005; Ord. 3226, 2003; Prior code §4-12).

6.04.060 Repealed. (Codifier's note: In 2011, this section was combined with 6.04.020 and 6.04.070 and recodified as Section 6.07.1600)
(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2041 §7, 1979; prior code §4-11).

6.04.070 Repealed. (Codifier's note: In 2011, this section was combined with 6.04.020 and 6.04.060 and recodified as Section 6.07.1600)
(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2049 §8, 1979; prior code §4-15)

6.04.080 (Repealed). (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 2041 §9, 1979; prior code §4-16).

6.04.090 (Repealed). (Ord. 3310, 2005; Ord. 3226, 2003; Prior code §4-17).

CHAPTER 6.07 ANIMALS

Articles:

- I. General Provisions
 - Part 1. Reserved
- II. Reserved
 - Part 2. Reserved
 - Part 3. Reserved
- III. Keeping, Using or Caring for Animals
 - Part 4. Animals Generally
 - Part 5. Reserved
 - Part 6. Dogs
 - Part 7. Dog Licensing and Permitting
 - Part 8. Missoula Cat Ordinance
 - Part 9. Reserved
 - Part 10. Keeping Livestock and Fowl
 - Part 11. Keeping of Apiaries
 - Part 12. Feeding of Certain Wildlife Prohibited
 - Part 13. Reserved
- IV. Rabies Control
 - Part 15. Reserved
- V. Impoundment
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- VI. Administration and Enforcement

ARTICLE I GENERAL PROVISIONS

Sections:

- 6.07.010 Purpose
- 6.07.020 Definitions
- 6.07.030 Penalties and fines

6.07.010 Purpose. The purposes of this ordinance are to promote the public health, safety and general welfare of the citizens of the city of Missoula and to ensure the humane treatment of animals by regulating the care and control of animals within the city.

6.07.020 Definitions. Unless the context clearly indicates otherwise, the following definitions apply to the provisions of this chapter:

- A. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic including, but not limited to, all livestock and any domestic pets.
- B. "Animal Control Officer" means all peace officers as that term is defined in Montana state law as well as all duly appointed animal control officers and animal control supervisors appointed by either the city or county to carry out and enforce each entity's respective animal control ordinances. Parks and recreation employees may be trained and appointed to enforce certain aspects of the animal control ordinance on city parks, recreation and conservation lands.
- C. "Animal control shelter" means any premises provided by either city or county local government independently or jointly for the purpose of impounding and temporarily caring for dogs and other animals.

- D. "Animal shelter" means a facility used to house or contain dogs or cats or other domestic animals and owned, operated or maintained by an incorporated humane society, animal welfare society for the prevention of cruelty to animals or other recognized 501 (C) (3) non-profit organization devoted to the welfare, protection and humane treatment of such animals.
- E. "Service animal" means any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.
- F. "At large" means a dog "off leash" and off the premises of the owner, keeper or custodian of the dog, and the owner, keeper, or custodian is not physically present with the dog, or left tied up and unattended on public property or on private property without the permission of the property owner or occupant.
- G. "Bite" means a wound, laceration, bruise or puncture inflicted on a person or animal by the teeth of an animal, or an impression or bruise on the skin made by the closure of an animal's teeth, or a seizure made by the teeth of an animal.
- H. "Boarding Kennel" means a facility licensed by the city under the provisions of Chapter 5.08 Missoula Municipal Code where dogs and cats are brought for short term boarding and animals are not owned by the kennel. Pet day care centers are included in this definition. Veterinary hospitals are excluded from this definition.
- I. "Dangerous dog" means any dog that is capable of inflicting death or serious injury on any person or other animal and that has:
 1. without provocation, bitten a person engaged in a lawful activity; or
 2. anywhere, without provocation, chased, confronted or approached a person in a menacing fashion, so an average person would fear an attack; or
 3. anywhere, exhibited a propensity, tendency or disposition to attack, cause injury or otherwise threaten the safety of persons or other domestic animals without provocation; or any dog that has attempted to bite or to attack one or more persons. A dog may be deemed to be attempting to attack if it is restrained by a leash, fence or other means, and it is apparent from the dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the dog from making an immediate attack upon the person or animal. In making determinations as to whether or not a dog is dangerous, the adequacy of the means of restraint shall be taken into consideration; or
 4. anywhere acted in a manner that causes or should cause its owner to know that it is potentially dangerous.

No dog may be declared dangerous for harming a person who, at the time, was abusing or assaulting the dog or has, in the past, been observed or reported to have abused or assaulted the dog.

- J. "Days" unless otherwise provided, the term shall mean calendar days.
- K. "Dog" means any commonly domesticated canine animal that is a member of the species canis familiaris, and includes both the male and female sex of the species.
- L. "Domestic animal" means any animal that is tame by nature and includes but is not limited to dogs, cats, rabbits and livestock.
- M. "Kennel" means any animal cage or fenced enclosure specifically intended solely for the confinement of dogs
- N. "Leash" means any common hand held leash, cord, rope, chain or other similar devices of sufficient strength to restrain and control the dog to which it is attached. "Livestock" means cattle, sheep, swine, poultry, fowl, ostriches, emus, peacocks, goats, horses, mules, asses, llamas, alpacas, bison, and rheas. Bees are not livestock.
- O. "Multiple dog permit" means a permit authorizing a household, individual or family unit to keep, harbor or maintain more than two dogs over four months of age for noncommercial purposes.
- P. "Muzzle" means a humane leather, wire or nylon restraining device, when fitted over an animals' snout, that prevents biting and eating. The muzzle shall be of the type that permits the animal to pant and drink..
- Q. "Nuisance dog" means any dog that is allowed to:
 1. Steal or damage either private or public property; or
 2. Defecate on private land without permission of the land owner, or is allowed to defecate on public land without the person in care of the dog cleaning up and disposing of the waste immediately; or

3. Chase after persons not trespassing on the property of the owner, or injuring or attempting to injure, the person, family or property of the owner; or
 4. Chase vehicles, bicycles, skateboarders, etc. in public streets, alleys, parks or public ways; or
 5. Rummage through or scatter garbage or rubbish; or
 6. Repeatedly run at large; or
 7. Run at large and is an un-neutered male; or
 8. Be in heat (estrus) without being kept in a confined area not accessible to any male dogs that may be running at large in violation of 6.07.600; or
 9. Be inside a public area where food is being served or consumed which is designated with signs which prohibit dogs, except when licensed as an assistance dog as described in Sections 6.07.700 (C) (2).
- R. "Nuisance Barking Dog(s)" means any dog(s) that barks, howls, yelps, whines, bays or makes other noises at repeated intervals or incessantly for a total of thirty minutes in a twenty-four hour period that annoys any person to an unreasonable degree.
- S. "Off Leash" means a dog off the premises of the owner, keeper, or custodian of the dog and is not under physical restraint on a leash--as previously defined in 6.07.020 (N), even though the owner, keeper, or guardian is accompanying the dog.
- T. "Outdoor food service establishment" means a booth, stall or mobile cart preparing, selling or serving food or beverages.
- U. "Owner" means any person or custodian possessing, harboring, keeping or having control or custody of a dog or any person having any financial interest, right, or property in the dog. This definition also includes any person who permits a dog to remain or about any premises occupied by that person.
- V. "Person" means any individual, partnership, firm or corporation, trust, association or other legal entity.
- W. "Pet Daycare Center" means a general retail sales and services use that regularly provides care for animals which may include boarding. Veterinary hospitals are excluded from this definition.
- X. "Provocation" means any teasing, abusing or assaulting of any animal.
- Y. "Quarantine" means confined inside a secure locked building, cage, kennel or pen to prevent possible spread of communicable disease. Isolation shall be required so that contact between the confined animal and any person or other animal is not possible, and so that it can be observed daily under the supervision of a licensed veterinarian or animal control officer.
- Z. "Rabies vaccination" means the inoculation of an animal with anti-rabies vaccine that has been approved for that species, having an effective immunity of at least one year, and administered by a licensed veterinarian in accordance with the current edition of the "Compendium of Animal Rabies Control", published by the National Association of State Public Health Veterinarians, Inc.
- AA. "Safekeeping Animals" means any animal held by Animal Control for an owner that is temporarily unable to care for the animal due to emergency hospitalization, temporary incarceration, or for the protection of the animal.
- BB. "Serious or severe injury" means any physical injury that results in lacerations or wounds requiring either surgery or one or more stitches, or broken bones, or results in any death to person or animal including but not limited to putting another animal to death as a result of injuries received.
- CC. "Without Provocation" means an action by an animal not in immediate response to the animal being teased, abused or assaulted by any person, or not in response to pain or injury suffered by the animal.
- DD. "Vicious dog" means any dog that in the opinion of an Animal Control Officer:
1. has caused death or serious or severe injury to a person engaged in a lawful activity; or
 2. has attacked or bitten without provocation a person engaged in a lawful activity; or
 3. has; while off the property of its owner and without provocation, killed or seriously injured another animal; or
 4. has ever been trained for dog fighting or has ever been owned, kept or harbored for the purpose of dog fighting.
- EE. "Voice Restraint" means that the dog's owner or custodian can see the dog and is personally within seventy-five (75) feet of the dog and is able to effectively control and recall the dog at all times and is not allowing the dog to fight with other dogs or chase or harass wildlife or approach to within five feet of other people. Any dog under voice restraint must move immediately to its owner, keeper, or custodian when commanded by its owner, keeper, or custodian to do so. Exception: governmental service dogs and a sheep dog owned by a city contractor while it is performing shepherding activities are exempt from this definition.

- FF. "Voice Restraint Area" means an area designated by the City Council pursuant to 6.07.618 MMC for the exercise of dogs under voice restraint.
- GG. "Wild animal" means skunks, foxes, raccoons, bats, wolves, wolf-hybrids, coyotes, bobcats, bears, mountain lions and any other species of normally non-domesticated animals known to be capable of transmitting rabies and that do not have a proven anti-rabies vaccine.

6.07.030 Penalty--Fines. Any violation of any of the separate provisions in this title constitutes a separate offense. In addition, each day an offense exists shall also constitute a separate offense pursuant to this title. The city of Missoula Municipal Court judge shall assess fines for violations of this title as set forth in this section.

- A. Any person that is found guilty of a violation of Section 6.08.450 or 6.07.1820 MMC shall be fined from one hundred dollars (\$100.00) up to five hundred dollars (\$500.00).
- B. Except as otherwise stated any person that is found guilty of a violation or violations of Chapter 6.07. (all sections), Chapter 6.08, (Pet Shops, Pet Sales and Boarding Kennels, all sections) shall be fined as follows:

Offense	Minimum Fine
1 st offense	\$50.00 + court costs
2 nd offense (within one year of the 1 st offense)	\$75.00 + court costs
3 rd offense (within one year of the 1 st offense)	\$225 + court costs
4 th and subsequent offenses (within one year of the 1 st offense)	\$300 + court costs

- C. An owner [as defined in 6.07.020 (W)] who is found guilty of any violation of this title shall be fined an amount not less than fifty dollars (\$50) or more than five hundred dollars (\$500) plus court costs.
- D. A person convicted of the offense of interference with a police dog under 6.07.650 may be fined an amount not to exceed \$500.00 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

ARTICLE II RESERVED

Parts 2 & 3 Reserved

ARTICLE III KEEPING, USING OR CARING FOR ANIMALS

Part 4 Animals Generally

Sections:

- [6.07.400 Animals given to humane society](#)
- [6.07.410 Animals running at large—declared unlawful](#)
- [6.07.420 Freeing confined animals](#)
- [6.07.430 Animal waste](#)
- [6.07.440 Animals barred from food service establishments](#)
- [6.07.450 Provoking animals](#)
- [6.07.460 Cruelty to animals--Penalty](#)
- [6.07.470 Protection from and for wild animals kept in captivity](#)
- [6.07.480 Diseased animals](#)

6.07.400 Animals given to humane society. Any animal given by Animal Control to the humane society or other 501 (C) (3) animal rescue organization as an alternative to destruction, shall be given free of charge.

6.07.410 Animals running at large--declared unlawful. See 6.07.1000 Missoula Municipal Code.

6.07.420 Freeing confined animals. It is unlawful for any person to open gates or doors or otherwise cause or permit animals to escape confinement against the wishes of the owner, custodian, or keeper.

6.07.430 Animal waste. The owner or custodian of an animal is responsible for the immediate removal of any excreta deposited by his or her animal on any public walk, park, boulevard, trail, recreation area, conservation area or other public right-of-way, or any private property outside the owner's or custodian's own property. The owner or custodian of an animal is responsible for periodic removal of excreta in a kennel and on the owner's or custodian's property.

6.07.440 Animals barred from food service establishments. It is unlawful for the owner, custodian or keeper of any animal to allow the animal within fifteen feet of any outdoor food service establishment except properly licensed assistance animals as defined in section 6.07.020 (E).

6.07.450 Provoking animals. It is unlawful for any person to tease, abuse, assault, or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person.

6.07.460 Cruelty to animals.*

- A. A person commits the offense of cruelty to animals if that person knowingly, negligently or purposely subjects an animal to mistreatment or neglect by:
1. Overworking, beating, tormenting, injuring, or killing any animal except as provided below; or
 - a. This provision does not prohibit:
 - i. a person humanely destroying an animal for just cause;
 - ii. the use of commonly accepted agricultural and livestock practices on livestock;
 - iii. lawful wildlife management practices;
 - iv. lawful fishing activities
 - v. lawful scientific or agricultural research or teaching that involves the use of animals;
 - vi. services performed by a licensed veterinarian;
 - vii. lawful control of rodents and predators and other lawful animal damage control activities.
 2. Carrying or confining any animal in a cruel manner; or
 3. Failing to provide an animal in the person's custody with proper food, drink, or shelter; or
 4. Failing to provide an animal in the person's custody with, in cases of immediate, obvious, serious illness or injury, the services of a licensed veterinary or other appropriate medical care; or
 5. Abandoning any helpless animal or abandoning any animal on any highway, railroad, or in any other place where it may suffer injury, hunger, or exposure or become a public charge; or
 6. Laying out or exposing any poison for the purpose of killing, sickening, or crippling any dog, cat, domestic pet or livestock, or aiding and abetting any person doing so; or
 7. Promoting, sponsoring, conducting, or participating in an animal race of more than 2 miles, except a sanctioned endurance race; or exposing any animal to leg hold traps or snares.
 8. Owning, possessing, keeping, or training any animal with the intent that the animal fight or be engaged in an exhibition of fighting with another animal; or
 9. Allowing or causing any animal to fight with another animal or causing any animal to menace or injure another animal for the purpose of sport, amusement or gain; or
 10. Participating in or attending any exhibition in which animals are fighting for the purpose of sport, amusement, or gain.
 11. Engaging in companion animal hoarding defined as possessing an excessive quantity of animals so that any of the conditions outlined in 6.07.460 (A) (2) through (5) exist.
 - 12.
- B. If, after performing an investigation, the Animal Control Officer feels that an animal is being subjected to any one of these violations, the officer shall have the power to immediately impound the animal to ensure that it receives proper care and/or veterinary attention at the owner's expense.

* For statutory provisions relating to cruelty to animals, see Montana Code Annotated §§ [45-8-210](#), [45-8-211](#) and [45-8-217](#).

6.07.470 Protection from and for wild animals kept in captivity.

- A. Findings. Wild animals pose serious threats to human health and safety while the wild animal is in captivity and if it escapes from captivity. Wild animals have very specific biological requirements best met in their natural habitat and, therefore, whenever wild animals are confined in captivity, they should be confined under the supervision of qualified zoological or otherwise competent professional caretakers. Furthermore, it is unsuitable and cruel to involve wild animals in any display, act or exhibit which causes them to be harassed, or be made to act in any naturally uncharacteristic way or otherwise engage in unnatural behavior. Also, since wild animals kept in captivity could cause city property owners and residents much concern, expense and inconvenience if they escape or are inadvertently set free, their presence inside the city while kept in captivity shall always be made known to city police and animal control officials.
- B. Wild Animal Defined--Exclusions. For purposes of this section, "wild animal" means an animal wild by nature, as distinguished from the common domestic animals, whether the animal was bred or reared in captivity, and includes birds and reptiles, except the following:
1. The species *Canis familiaris* (domestic dogs, excluding hybrids with wolves, coyotes, or jackals);
 2. The species *Felis catus* (domestic cats, excluding hybrids with ocelots or margays);
 3. The species *Equus caballus* (domestic horses);
 4. The species *Equus asinus* (asses/donkeys);
 5. The species *Bos taurus* (cattle);
 6. The subspecies *Ovis ammon aries* (sheep);
 7. The species *Capra hircus* (goats);
 8. The subspecies *Sus scrofa domestica* (swine);
 9. Domesticated races of the species *Gallus gallus* or *Meleagris gallopavo* (poultry);
 10. Domesticated races of the species *Mesocricetus auratus* (golden hamsters);
 11. Domesticated races of the subspecies *Cavia aperea procellus* (guinea pigs);
 12. Domesticated races of rats or mice (white or albino, trained or laboratory-reared);
 13. Domesticated races of the species *Oryctolagus cuniculus* (rabbits);
 14. All captive-bred members of the species of the families *Psittacidae* (parrots, parakeets), *Anatidae* (ducks), *Fringillidae* (finches), and *Columbidae* (doves and pigeons);
 15. All captive-bred members of the species *Serinius canaria* of the class *Aves* (canaries);
 16. Domesticated races of the species *Carassius auratus* (goldfish);
 17. Captive-bred members of the superorder *Teleostei* of the class *Osteichthyes* (common aquarium fish);
 18. All species of the class *Insecta*, except Africanized bees.
- C. Prohibitions:
1. No resident person may own, possess or have custody of any wild animal, unless that person obtains a permit from the Montana Department of Fish, Wildlife, and Parks pursuant to Title 87, Chapter 4, Part 8, Montana Code Annotated; except for licensed veterinarians and incorporated humane societies or animal shelters tending to injured or sick wild animals.
 2. No roadside menagerie or zoo involving one or more wild animals, including birds, reptiles and the like kept in captivity for the purpose of exhibition or attracting trade shall be established and maintained inside the city unless a permit has been obtained from the Montana Department of Fish, Wildlife, and Parks pursuant to Title 87, Chapter 4, Part 8, Montana Code Annotated.
 3. No person may sponsor, promote or train a wild animal to participate in, contribute to the involvement of a wild animal in, or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically, unless and except where the activity is part of either an educational or instructional program conducted by a wild animal caretaker who has a state permit allowing possession or custody of a wild animal(s), or the activity is part of a circus performance and the act is part of a circus act performed under the direction of a competent professional wild animal caretaker or trainer.
- D. Enforcement Authority. The city police department and Animal Control Officers shall have authority to make investigations or inspections and issue appropriate warnings and complaints concerning wild animals held in captivity within the city; and further shall have, at all reasonable times, access to all locations and facilities where wild animals are held.

6.07.480 Diseased Animals No diseased or sickly horse, cattle, swine, sheep, dog or cat or other animal, nor any that have been exposed to any disease that is contagious among such animals, shall be brought into the city, except for treatment at a veterinary clinic or animal hospital.

A person keeping, using or maintaining any stable, pen, kennel, lot or premises within the city as a hospital for sick or diseased horses, cattle, dogs, cats, hogs, or other animals, where the animals are confined or kept in foul, offensive or malodorous conditions which may cause an annoyance to any community, family or person, or where an animal control or health officer determines the conditions may be detrimental to the health of the community shall be guilty of maintaining a nuisance.

Part 5 Reserved

Part 6 Dogs

Sections:

6.07.600	Dogs at large or off leash
6.07.605	Leash length
6.07.610	Designated dogs not allowed areas
6.07.614	Procedure to designate voice restraint areas
6.07.618	Designated voice restraint areas
6.07.620	Rules for dogs under voice restraint in designated voice restraint areas
6.07.630	Nuisance, dangerous and/or vicious dogs
6.07.640	Investigation and disposition of nuisance, dangerous or vicious dogs—Unlawful conduct
6.07.650	Interference with a police dog

6.07.600 Dogs at large or off leash.

- A. It is unlawful for the owner, custodian or keeper of a dog to knowingly, purposely or by neglect allow the dog to be at large or off leash unless:
 - 1. the dog is located in a vehicle with the permission of the vehicle's owner.
 - 2. the dog is actually participating in dog shows or instructional dog obedience training classes. A dog may be temporarily off of a leash for these purposes as long as the dog's owner or custodian is personally present and able to effectively control the dog at all times.
 - 3. Any dog under actual [voice restraint](#) in a Designated Voice Restraint Area, subject to the conditions established in 6.07.618, shall not be deemed off leash or at large.
- B. Tying a dog to an object such as a light pole, parking meter, bicycle rack, tree, or other object, etc while the dog is on public property, or on private property without the permission of the property owner and leaving the dog unattended is considered to be a dog at large and is a violation of this section.
- C. An animal control officer may return a licensed dog to the custody of its owner in lieu of impoundment, however all at large dogs are subject to immediate impoundment.

6.07.605 Leash length.. An owner, keeper, or custodian of a dog must maintain a dog on a leash with no more than 6 feet of the leash's length being utilized with the following exceptions:

- A. a retractable leash extending a maximum of sixteen (16) feet is allowed in open areas away from streets, alleys, paved or un-paved trails, or sidewalks.
- B. an obedience trained dog shall be allowed to participate in obedience training, field trials, dog shows or competition.

An owner, keeper or custodian violates this section if the length of the leash violates the provisions specified herein.

6.07.610 Designated "dogs not allowed areas." It shall be unlawful for the owner, custodian or keeper of any dog to allow a dog:

- A. In any area posted by city/county staff as a "dogs not allowed" or "no dogs" pursuant to 12.40.010 (C), except governmental service dogs and sheep dogs owned by a city contractor herding sheep may be in a "dogs not allowed" area while acting in those capacities
- B. Other public and private properties posted as "dogs not allowed" or "no dogs" or other property with signage indicating that dogs are not allowed

6.07.614 Procedure to designate "[voice restraint](#)" areas. When considering whether or not to designate a [voice restraint](#) area, the City/County Animal Control Board and the city Park Board shall provide due notice and may hold a public hearing on the matter first. After the public hearing, the boards shall forward a recommendation to the City Council for a final decision. If the City Council designates [voice restraint](#) areas, they may restrict usage in any manner. All usual entry points into designated [voice restraint](#) areas shall be marked with appropriate signage.

Option 1 (Proposed by Animal Control and Parks and Recreation. Very similar to current practice with #4 added to the list of "leash required".)

6.07.618 Designated [voice restraint](#) areas. The City Council hereby designates the following areas as [voice restraint](#) areas:

- A. City conservation lands including: Mount Jumbo, North Hills, city-owned portions of Mount Sentinel (the south face of Mt. Sentinel), Tower St conservation lands, the eastern portion of the Kim Williams Trail starting 1,100 feet east of its intersection with the Van Buren pedestrian trail, except as posted, or when closed pursuant to 12.40.010 (C) subject to the following exceptions/conditions:
 - 1. All dogs must be on leash at all open space/conservation lands trailheads including ~ the first 200 yards from any trailhead or private property or as posted.
 - 2. All dogs must be on maximum 6 foot leash on the Mount Jumbo "L" trail.
 - 3. All dogs must be on maximum 6 foot leash on the Mount Sentinel "M" trail. (Managed by UM)
 - 4. All dogs must be on maximum 6 foot leash at the North Hills/Waterworks trailhead and along the entire ridgeline of the North Hills to protect rare native Missoula Phox and other sensitive cushion plants.
 - 5. Parks and Recreation is authorized to close and post any trail or land and/or require dogs to be on leash in [voice restraint](#) areas for human safety, protection of wildlife or sensitive plant species, or for maintenance work, including but not limited to forest thinning, trail construction, herbicide treatments, sheep grazing, etc.
- B. Designated fenced dog parks and training areas as posted.

Option 2 (Current practice per all web, education, outreach and enforcement activity)

6.07.618 Designated [voice restraint](#) areas. The City Council hereby designates the following areas as [voice restraint](#) areas:

- A. City conservation lands including: Mount Jumbo, North Hills, city-owned portions of Mount Sentinel (the south face of Mt. Sentinel), Tower St conservation lands, the eastern portion of the Kim Williams Trail starting 1,100 feet east of its intersection with the Van Buren pedestrian trail, except as posted, or when closed pursuant to 12.40.010 (C) subject to the following exceptions/conditions:
 - 1. All dogs must be on leash at all open space/conservation lands trailheads including ~ the first 200 yards from any trailhead or private property or as posted.
 - 2. All dogs must be on maximum 6 foot leash on the Mount Jumbo "L" trail.
 - 3. All dogs must be on maximum 6 foot leash on the Mount Sentinel "M" trail. (Managed by UM)
 - 4. ~~All dogs must be on leash at the North Hills/Waterworks trailhead and along the entire ridgeline of the North Hills.~~
 - 5. Parks and Recreation is authorized to close and post any trail or land and/or require dogs to be on leash in [voice restraint](#) areas for human safety, protection of wildlife or sensitive plant species, or for maintenance work, including but not limited to forest thinning, trail construction, herbicide treatments, sheep grazing, etc.
- B. Designated fenced dog parks and training areas as posted.

Option 3 (Voice restraint ONLY at designated dog parks. This option means that a leash would be required in all areas of the city including conservation lands)

6.07.618 Designated [voice restraint](#) areas. The City Council hereby designates as [voice restraint](#) areas all designated fenced dog parks and training areas as posted.

6.07.620 Rules for dogs under [voice restraint](#) in designated voice restraint areas. It is unlawful for the owner, custodian or keeper of any dog:

- A. to fail to keep their dog(s) within [voice restraint](#) in a [voice restraint](#) area*.
- B. to release their dog(s) from a leash within 600 feet (200 yards) of a trailhead or private property
- C. to fail to comply with any posted signage.
- D. to have more than two (2) dogs per person under [voice restraint](#) in a [voice restraint](#) area.
- E. to fail to have a leash in his/her physical possession for each dog under [voice restraint](#).

Exemption: Governmental service dogs and sheep dogs owned by a city contractor herding sheep are exempt from these rules.

*For designated as [voice restraint](#) areas, see [6.07.618](#).

6.07.630 Sterilization of unaltered nuisance, dangerous and/or vicious dogs.

- A. If an unaltered dog is determined to be either a dangerous or vicious dog by an Animal Control Officer or by a judge, it shall be required to be sterilized or neutered at the expense of the dog owner within thirty days. If an animal control officer determines that a dog is either dangerous or vicious and orders the dog to be sterilized, the dog owner shall be given a notice of right to appeal. The dog owner has ten (10) days from the date of the notice to appeal sterilization order to municipal court. The order of sterilization shall be stayed until appeal time has expired.
- B. If an unaltered dog that is six months of age or older has been impounded twice within a twelve-month period, the dog owner, custodian, or guardian shall be required to purchase a spay/neuter certificate when the dog is reclaimed. The owner, custodian, or guardian shall be required to pay for a spay/neuter certificate that shall expire within 30 days and is redeemable at a veterinarian of the dog owner's choice. The owner must pay any additional veterinarian fees accrued and all other impound and board fees before the dog is released. If the unaltered dog is picked up for a third impound within twelve months, or five times over the life of the dog, the mandatory sterilization rule will be strictly enforced and the dog shall be transported by animal control for spay or neuter to a veterinarian of the dog owner's choice. The dog owner shall be responsible for all veterinarian fees and shall pay all impound fees before the dog will be released to the owner.
- C. If a dog is deemed to be a nuisance while in heat, under section 6.07.020 (Q) (9) the dog may be required to be altered within thirty days.
- D. Failure to alter an animal that has been found in violation of this section shall be deemed unlawful conduct and the owner, keeper or custodian shall be subject to a fine as provided in 6.07.030 (C).

6.07.640 Investigation and disposition of nuisance, nuisance barking, dangerous or vicious dogs-- Unlawful conduct.

- A. Upon receipt of a complaint by one or more persons setting forth the nature and the date of the alleged dangerous or vicious dog act(s), the location of the animal, and the description of the animal doing such act(s), an animal control officer shall investigate the complaint to determine if, in fact, the animal is a potentially dangerous or vicious dog.
- B. It shall be the responsibility and duty of an animal control officer to conduct an investigation and determine if a dog is a "dangerous dog" or a "vicious dog" within the provisions of this chapter. Any determination that a dog is either a "dangerous dog" or "vicious dog" shall be made in writing and a copy of the written determination must be provided to the dog's owner or keeper. If the property on which the dog is kept is not in compliance with the provisions of this chapter pertaining to the keeping of "vicious" or "dangerous" dogs, the animal control officer may issue an order requiring that the property be brought into compliance with the provisions of this chapter pertaining to the keeping of "vicious" or "dangerous" dogs within fourteen days.
- C. Upon receiving a complaint of possible nuisance barking dog conduct at any given address within the city of Missoula, Animal Control will respond and leave a notice of violation/warning and/or a verbal warning with the dog owner or temporary owner and provide them with written or oral information on how to correct the alleged nuisance barking dog conduct. The complainant will be mailed a Nuisance Barking Dog Conduct Log Form describing what information needs to be collected in order to seek a possible citation being issued against the owner, temporary owner or custodian should the notice of violation or

warning not correct the problem. The complainant is also encouraged to talk with the dog(s) owner in an effort to work things out prior to lodging a formal complaint. Complainant and dog(s) owner will also be advised of possible mediation remedies.

Upon receiving an accurately completed Nuisance Barking Dog Conduct Log Form, along with complainant's signature indicating their willingness to testify in court as to the truthfulness of the log, Animal Control will determine if the log reflects an accurate description of a nuisance dog(s) in violation of this section and may issue a citation in an effort to correct the problem.

- D. It is unlawful for the owner, custodian or keeper of any dog to allow the animal:
1. To engage in any nuisance dog conduct or behavior as defined in section 6.07.020 (R) to fail to take the necessary steps required to correct nuisance conduct or behavior. Any nuisance animal may be taken and impounded by the animal control officer whenever a violation has occurred in the animal control officer's presence, or whenever a citizen has registered a citizen complaint, that in the opinion of an animal control officer adequately establishes probable cause, the animal control officer shall cite the animal owner, keeper or custodian with a violation of this section .I If the dog continues to be a nuisance during the pendency of that complaint or the urgency of the situation requires immediate action, the dog shall be impounded. Any person aggrieved by an alleged nuisance animal may make application to the city attorney's office seeking to charge the animal's owner with any alleged violations;
 2. To allow a dog to be a nuisance barking dog. EXCEPT: that such sounds made at animal shelters, commercial boarding kennels, and veterinary hospitals which meet proper zoning requirements shall be exempt.
 - a. No person shall be charged with violating this section unless any employee of the city or county gave a written warning to the owner(s) within the past thirty days. No person shall be convicted at trial of violating this section unless two or more witnesses testify to the loud, persistent and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness on this element.
 3. To engage in any dangerous dog conduct or behavior as defined in section 6.07.020 (I) or in any vicious dog conduct or behavior as defined in section 6.07.020 (GG).Any dangerous animal may be taken in and impounded by the animal control officer whenever a violation has occurred in the animal control officer's presence or whenever a citizen has registered a citizen complaint, that in the opinion of an animal control officer adequately establishes probable cause, charging the animal owner with a violation of this section and after performing a thorough investigation the animal control officer is of the opinion that the situation requires that the dog be impounded to protect the safety and well being of humans or other animals;
- E. It is unlawful:
1. For the owner custodian or keeper of a dangerous dog to have the animal on their own property without taking the following steps:
 - a. Securing the dog from the public, which includes but is not limited to persons that have access to that property such as mail carriers, meter readers, etc., by confining the dog in a securely locked, fenced yard that will prevent the entry of the general public and to preclude any release or escape of the dangerous dog and is adequate to confine all dogs living or staying on the premises;
 - b. Warning the public about the presence of the dangerous dog by posting visible legible signage on and around the property reading either "dangerous dog" or "beware of dog".
 2. For the owner, custodian, or keeper of a vicious dog to:
 - a. Have the animal on their property without securing the dog from public contact by keeping the dog in a confined kennel approved by the animal control officer that includes a secure roof and sides that shall be securely locked to prevent the entry of the general public and to preclude any release or escape of the vicious dog;
 - b. Have the animal on their property without warning the public about the presence of the vicious dog by posting visible legible signage on and around the kennel reading either "vicious dog" or "beware of dog";
 - c. have the animal off their property unless the dog is securely muzzled and adequately restrained on a leash;
 - d. Have, possess, or own the animal unless they are at all times able to produce evidence of liability insurance in an amount not less than twenty-five thousand dollars covering any damage or injury

that may be caused by such vicious dog during the period for which the dog is within the city, and the liability insurance policy shall contain a provision requiring the municipality to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance for the vicious dog.

6.07.650 Interference with a police dog.

- A. As used in this section, the following definitions apply:
 - 1. "Law enforcement officer" means a person who is a peace officer as defined in 46-1-202, MCA.
 - 2. "Police dog" means a dog that is:
 - a. used by a law enforcement agency, as defined in 7-32-201, MCA, in the exercise of its authority;
 - b. specifically trained for law enforcement work; and
 - c. under the control of a law enforcement officer.
- B. A person commits the offense of interference with a police dog if he purposely or knowingly, provokes, grabs, strikes, interferes, or injures a police dog being used by a police K-9 handler in the performance of his or her official duties.
- C. A person convicted of the offense of interference with a police dog shall be subject to the penalty provided in Section 6.07.030 (D).

Part 7 Dog Licensing and Permitting

Sections:

- [6.07.700 License and registration](#)
- [6.07.710 Tag and collar](#)
- [6.07.720 Number of dogs](#)
- [6.07.730 Multiple dog permit](#)
- [6.07.740 Licensee's liability – transfer of license](#)
- [6.07.750 License agents](#)
- [6.07.760 Reimbursement of additional license agents](#)

6.07.700 License and registration.

- A. It is unlawful for any person to own, keep, harbor, or maintain in the city, any dog over four months of age unless the dog is duly registered and licensed as provided in this article. Licenses shall be issued by the City Treasurer, by animal control officials at the animal control shelter or by duly appointed license agents upon presentation of the following:
 - 1. Written proof that the dog has been vaccinated by a licensed veterinarian against rabies and that the period of effective immunization has not expired; or the dog has a rabies exemption certificate as allowed for [in 6.07.1400 B](#);
 - 2. If applicable, written proof that the dog has been spayed or neutered;
 - 3. Payment of a license fee as specified in this part. Dog license fees shall be as follows:

Altered Dog	Amount	Unaltered Dog	Amount
One Year License	\$16.00	One Year License	\$31.00
Two Year License	\$31.00	Two Year License	\$61.00
Three Year License	\$46.00	Three Year License	\$91.00
Senior Citizen Discount			
Any resident sixty-five years of age or older shall receive a senior citizen discount of half price on any of the license fees listed above with the exception of late fees, transfer fees, duplicate fees and multiple dog permits. Proof of age must be presented to receive the discount.			

OTHER	Late Fee	Transfer	Duplicate	Multiple	Puppy	Reinstatement
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FEES/LICENSES:		Fee	Fee	Dog Fee	License	Fee
AMOUNT:	\$5.00	\$5.00	\$5.00	\$50.00	\$15.00	\$10

Puppy licenses may be issued to dogs between the ages of 4 months and 6 months if they receive their rabies vaccination during that time.

Licenses shall run concurrently with the dog's rabies vaccination; all licenses shall expire the same date the rabies vaccination expires, but no license shall exceed a total of three years. A late fee will be assessed if the license is not renewed by license expiration date ; plus a 30 day grace period. At least one notice of license expiration will be sent to the license holder within one month prior to the date of expiration. Dog owners who move into the city with an unlicensed dog or who acquire an unlicensed dog, have a sixty (60) day grace period from the date the dog is brought to the city to license the dog before being in violation of this section. Pro rated licenses may be offered for newly acquired dogs or for dogs having moved to the city or county of Missoula within the last 60 days. Other licenses will not be prorated.

When calculating license fees, the fees are to be figured from the date of vaccination to date of expiration of vaccine (no more than 3 years) or can be calculated for a period of 1 or 2 years from date of vaccination as long as vaccination is valid during that time. The owner shall state at the time the application is made for the license and upon forms provided for that purpose, his or her name, address, the dog's name, breed, color, sex, age, coat and any identifying marks of the dog for which the application is made, the date and by whom the rabies vaccination was given, and the number of the rabies tag. The provisions of this section shall not apply to nonresidents having dogs within the city less than days.

- C. The following dogs shall be licensed upon written proof of vaccination as set forth in this section, but shall be exempt from the annual license fee:
 - 1. Assistance animals (see [section 6.07.020 \(E\)](#);
 - 2. Any government police service dog;
 - 3. Any dog licensed on or before September 10, 2003 by a senior citizen will continue to receive a free license for that particular dog until the demise of said dog.
- D. 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.
- E. The animal control supervisor may, after ten days written notice, revoke any license if the person holding the license fails or refuses to comply with any provision of this
- F. The owner of any dog whose license is revoked shall, within ten days thereafter, remove the dog from the city or humanely dispose of the dog at a licensed vet clinic, and no part of the license fee shall be refunded.
- G. The withholding or falsification of any required information on any application shall be grounds for refusal to issue a license or for revocation of a license which has been issued.
- H. If a license has been revoked, a person may reapply for a license by showing that the ordinance violation has been corrected and/or by agreeing to comply with the ordinance provision, and paying an additional reinstatement fee for the license.
- I. In any prosecution for a violation of this section, any dog found off the owner's premises without a license tag shall be deemed unlicensed, even though a license has been issued for that dog, and shall be a prima facie evidence that the dog has not been legally licensed, unless the dog is leashed and accompanied by a person who has a copy of the license certificate in his or her immediate possession.
- J. If during a license period a dog is sold or title or ownership of a dog is transferred to a new owner, the new owner shall apply to an authorized dog license agent for a transfer of such animal's license and pay a transfer fee. Upon receipt of the transfer fee, a certificate of transfer bearing the name and address of the new owner shall be issued. The license will then remain valid for the duration of the original license. Until the certificate of transfer has been issued to the new owner, the original owner, at the discretion of Animal Control, may be responsible for any violations of this title and may pay any fines or fees charged as a result of the violations.
- K. No refunds shall be made on any license because of the death of the dog or the owner leaving the city before the expiration of the license.

6.07.710 Tag and collar.

- A. Upon receipt of a proper application, proof of vaccination, and the license fee, the owner shall receive a license certificate, and a metallic tag displaying a license number. The shape and color of the tag may be changed periodically and shall be stamped with a 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.
- B. In the event that a dog tag is lost or destroyed, a duplicate shall be issued by an authorized dog license agent upon presentation of an affidavit to that effect and a payment of the duplicate fee.
- C. License tags are not transferable from one dog owner to another, unless such transfer is done by an authorized dog license agent
- 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. Any dog found with a license tag issued for another dog shall be deemed unlicensed.
- E. It is unlawful for an owner to cause or allow a dog to be off the owner's premises when the dog is not wearing a collar and license tag issued for that dog, unless the dog is leashed and accompanied by a person who has a copy of the license certificate in his or her immediate possession.

6.07.720 Number of dogs. It is unlawful for any person, family or household to keep, harbor or maintain more than two dogs over four months of age for sixty days or more in or on any premises without first obtaining a multiple dog permit from the Animal Control Board as provided in section 6.07.730.

6.07.730 Multiple dog permit. A multiple dog permit is required by any person, family, or household owning, keeping, or harboring, more than two dogs over the age of four months for sixty days or more. Application for the permit shall be made with Animal Control. The following conditions must be met before the permit can be issued:

- A. All dogs must have valid licenses;
- B. The intended facilities must be inspected by the Animal Control Board or its designee. The permit shall not be issued unless the inspection reveals that the following have been met and must continue to be complied with:
 1. There is an adequate enclosure of the dogs on the premises,
 2. A minimum of five neighbors have been contacted, at least two of which whose property lies adjacent to the applicant's property, and who have no objections to the issuing of the permit;
 3. The owner uses suitable means of disposing of the dog excreta so that it does not become a nuisance or a health hazard,
 4. That in the investigating officer's opinion, the dogs will receive proper food, water, shelter and general care.
 5. There have been no valid nuisance barking or at large complaints lodged for this owner within the past two years.
 6. The owner agrees to manage the dogs such that valid barking complaints are not filed, If found guilty of a barking complaint the multiple dog permit shall be immediately revoked for a period of one year.
- C. Following the inspection, based on the information submitted by the applicant and on the recommendation of the investigating officer, the Animal Control Board shall approve or deny the application. The board may issue a conditional permit but must state the permit conditions on the document and ensure that the applicant is advised of the conditions.
- D. After receiving notification of the board's approval, the applicant must pay Animal Control a multiple dog permit fee of fifty dollars per year, unless that fee is waived by the Animal Control Board based on information submitted by the applicant and the investigating officer. The permit fee may be waived for reasons including, but not limited to, the size of the dogs, their age and/or health status or special care conditions.
- E. All premises for which a multiple dog permit is issued are subject to annual inspections by the animal control office, board or its designee. The inspections may also be instigated by a complaint filed by an interested person. The board on determining that such premises are not being maintained and/or the conditions of the permit are not met, may recommend a revocation or denial of the permit if it is deemed necessary. The permittee shall be given a 30 day written notice of board's recommendation/revocation/denial during which s/he may appeal the board's recommendation to the City Council. The City Council shall revoke or reinstate the permit by a majority vote.

- F. A permit authorized by the board must contain the following information:
1. Name and address of the person to whom the permit is granted;
 2. The number of dogs for which the permit is granted;
 3. Any special conditions required by the board.

6.07.740 Licensee's liability --Transfer of license. In all prosecutions for violations of this chapter the person who 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 transfer license issued by furnishing the name and address of the transferee to the City Treasurer and paying a transfer fee.

6.07.750 License agents. The City Treasurer may appoint the animal control officer as a license agent and may appoint additional license agents as he or she may deem necessary or expedient.

6.07.760 Reimbursement of additional license agents. When the city authorizes additional agents for the purpose of issuing dog licenses, the costs of licenses procured through such agent will be five dollars more than the regular fee, the five dollars (\$5.00) to be awarded to the agent for the costs incurred in performing licensing duties. License agents will settle accounts with the city periodically.

Part 8 Missoula Cat Ordinance

Sections:

6.07.800	Purpose
6.07.810	Definitions
6.07.820	Unlawful conduct
6.07.830	Breeder's license
6.07.840	Investigation and complaints
6.07.850	Citations, orders and impoundment
6.07.860	Penalties—Fines
6.07.870	Public education

6.07.800 Purpose. The purpose of this ordinance is to encourage responsible pet ownership. Requiring the spay and neuter of cats is intended to reduce the feline birth rate thereby reducing the number of unwanted and homeless cats and the number of cats that must be euthanized at animal shelters.)

6.07.810 Definitions. As used in this part unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. "Altered" means any animal that has been spayed or neutered.
- B. "Breeder's License" means a license issued to an owner of cats that are kept for the purpose of breeding or of cats which are allowed to reproduce.
- C. "Cat" means any commonly domesticated feline animal and includes both the male and female sex of the species.
- D. "Domestic Animal" means any animal as defined in 6.02.020.(I),
- E. "Free Roaming" means any cat that is not restrained and is off of the property of the owner.
- F. "Nuisance Cat" means
 1. Any cat that is free roaming and is not altered.; or
 2. Any cat that is a vicious animal in that it may cause injury to any person/s animal or property or may be a hazard to public safety; or
 3. Any cat that causes unreasonable fouling of the air by odors; or
 4. Any cat that causes unsanitary conditions in enclosures or surroundings; or
 5. Any cat which defecates on any public sidewalk, park or building or on any private property without the consent of the owner of such property, unless the person owning, having a proprietary interest in, harboring, or having care, charge, control, custody, or possession of such animal shall remove any such defecation to a proper trash receptacle; or

6. Any cat that whines calls or makes other disturbing noises in an excessive, continuous or untimely fashion; or
7. Any cat that attacks other domestic animals; or
8. Any cat that is determined by an Animal Control Officer to be offensive or dangerous to the public health, safety or welfare.

G. "Owner" for the purposes of this part means an adult person or temporary or permanent custodian possessing, harboring, keeping, feeding, sheltering or having control or custody of a cat or any person having any financial interest, right, or property in the cat and also includes any person who knowingly permits a cat(s) to remain on or about any premises occupied by that person.

6.07.820 Unlawful conduct.

- A. It is unlawful to be the owner of a nuisance cat(s).
- B. It is unlawful for any person to feed a stray or homeless cat(s) without taking full responsibility for the cat(s) by providing the cat(s) with continued humane treatment which shall include proper food, water, shelter, veterinarian care, rabies vaccination, and altering the cat(s). It is not unlawful for a person to feed a stray or homeless cat while using a humane trap or to sustain a cat for transport to a shelter during those periods of time when local animal shelters are closed to receiving animals from the public.
- C. It is unlawful for any owner to own a pair of cats of opposite sex of breeding age (six months of age or older) without one or both of the cats being altered even if the cat(s) are not free roaming. Animal shelters are required to comply with M.C.A. 7-23-4202.
- D. It is unlawful for any person to offer for sale or for free any cat(s) without the cat(s) being altered, with the exception of licensed cat breeders, veterinarian clinics, pet stores with a current city business license and animal shelters. Animal shelters are required to comply with M.C.A. 7-23-4202.
- E. It is unlawful for a person to own a breeding cat(s) without a valid breeder's license.

6.07.830 Breeder's License.

A. A breeder's license will be issued upon presentation of current rabies certificates for all cats four months and older to be included on the license and after successfully passing a facility inspection by an animal control officer indicating full compliance with part C of this section.

Breeder's license annual fee - \$ 50.00

- B. All licensed cat breeders and breeder's license applicants located within the city of Missoula shall have an inspection of their facility by an Animal Control Officer. An animal breeder shall allow inspection of the facility by an officer during any reasonable time of day. Whenever an Animal Control Officer visits a breeder's facility, a physical copy of the officer's findings will be provided to the owner.
- C. All owners applying for or possessing a city of Missoula breeder's license shall provide all cats in their care with the following:
 1. Proper food, water, vaccinations, shelter and any needed veterinary care.
 2. If cat(s) are kept in enclosures, enclosures shall be constructed to provide sufficient space to allow each animal to exercise normal postural movements. Enclosures shall be structurally sound and maintained in good repair to protect the animals from injury. Enclosures shall provide the animal contained within them adequate ventilation to avoid any discomfort associated with lack of proper air circulation.
 3. Kittens shall not be housed in the same enclosure with adult cats other than their nursing queen.
 4. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. The facility shall have ample light, by natural or artificial means, or both, of good quality and well distributed.
 5. Housing for the animals shall be sufficiently heated or cooled when necessary to protect the animals from cold or overheating, and to provide for their health and comfort.
 6. Enclosures shall be cleaned as often as needed to maintain sanitary, healthy conditions for the animals.

7. Animals shall be provided with sufficient clean, dry bedding to meet the needs of each individual animal.
 8. Food and water containers shall be kept free from contamination of any foreign debris.
 9. Animal waste shall be removed from any enclosure daily and shall be disposed of in accordance with local garbage disposal laws.
- D. The cat breeder will be given 10 days from notice of failed inspection to bring their facility into compliance before action will be taken to either deny or revoke their breeder's license.
 - E. Failure to comply with any provision of this section shall result in revocation and/or denial of the breeder's license by animal control.
 - F. A revoked breeder's license may be reinstated only after successfully passing a facility inspection and paying an additional \$25.00, above the annual fee of \$50.00.
 - G. License revocation appeal hearing
 1. Any person subject to an order by Animal Control that results in the revocation of a breeder's license may request a hearing before the Animal Control Board.
 2. The Animal Control Board shall schedule a hearing within thirty (30) days after receipt of a written request and shall notify the applicant of that hearing.
 3. Public hearings must proceed in the following order:
 - a. first, the department shall present a staff report, if any.
 - b. second, the person who requested the hearing shall present relevant evidence to the Board; and
 - c. third, the Board shall hear any person in support of or in opposition to the revocation and shall accept any related letters, documents or materials.
 4. Within seven days after a hearing regarding a revocation of a breeder's license, the Animal Control Board shall issue a final decision that affirms, modifies or rescinds the revocation.

6.07.840 Investigation and Complaints.

- A. Upon receipt of a complaint by one or more persons alleging the presence of possible nuisance cat(s) and the description of the suspected cat(s), an animal control officer may investigate the complaint to determine if in fact the animal is a nuisance cat.
- B. Persons bothered by a nuisance cat may humanely trap the cat(s) on complainant's property. Complainants may deliver the cat to the animal control shelter during those times when the shelter is open to the public. Humane traps will be available at animal control for a nominal fee and/or refundable deposit. Persons using animal control traps shall be provided instructions regarding use of humane traps.

6.07.850 Citations, Orders & Impoundment.

- A. The department shall order the owner of a nuisance cat to have the animal altered at the owner's expense.
- B. A citation or order may be issued to the owner of a cat or licensed breeder for failure to comply with any applicable section of this part.
- C. Animal control may set humane traps, resulting from complaints, where free roaming nuisance cat(s) are suspected and a secure trapping site is available.
- D. Cats may be impounded at the city/county animal control shelter.
- E. Any unaltered cat that is impounded shall be spayed or neutered prior to return to owner. All costs associated with the impound, including but not limited to alter expense, impound fees, and boarding fees, shall be the responsibility of the owner. These costs shall be paid in full prior to reclaiming the cat. If the owner fails to reclaim the cat, the owner shall still be responsible for those costs. Animal control shall transport the cat to owner's choice of veterinarian clinics within the city limits.

6.07.860 Penalty-Fines.

An owner who is found guilty of any violation of this section shall be subject to the penalties provided in 6.07.030 (B).

6.07.870 Public Education.

Missoula City/County Animal Control shall engage in a continuing education program to explain the purposes and requirements of this ordinance.

Part 9 Reserved

Part 10 Keeping livestock and fowl

Sections:

- 6.07.1000 Livestock Prohibitions
- [6.07.1010 Regulations concerning keeping livestock and domestic fowl](#)
- [6.07.1020 Notice of violation and order to take corrective action](#)
- [6.07.1030 Penalty and fines](#)

6.07.1000 Livestock Prohibitions

- A. It is unlawful for any person to keep or maintain any livestock within the corporate limits of the city on a parcel of land that is one acre or less in size.

Exemption: This section shall not apply to real property annexed into the city after January 1, 1989; this exemption terminates when the keeping of livestock otherwise unlawful pursuant to this part has ceased or been abandoned for at least two years. It is the duty of the owner or keeper of livestock to maintain sufficient records relating to their exemption at a particular location in order to maintain their rights to keep livestock.

This section shall not apply to persons engaged in the transportation of livestock to market or to participate in an exhibition, event or parade or a Missoula County Fair at the Missoula County Fairgrounds.

- B. It is unlawful for any person who is the owner, keeper or temporary custodian of any livestock-- domestic or exotic to allow the same to be at large within the city limits by being off of the premises owned or leased by the owner, keeper or temporary custodian.
- C. It is unlawful to keep or maintain in an unclean or unhealthful state or unsanitary condition any house, barn, shed, pen or other structure in which the livestock are held in captivity. Places where the livestock are kept in captivity within the city shall at all times be subject to inspection for cleanliness, health and sanitation purposes by the city health officer or city animal control officer, and if the officer determines the premises are not being maintained in a clean and sanitary manner, he/she shall declare the same a nuisance and order it abated.

6.07.1010 Regulations concerning keeping of livestock and domestic fowl.

- A. Requirements for all livestock
 1. Livestock which are kept, harbored, housed, corralled or otherwise maintained within the city limits shall be securely confined within an enclosed area. The enclosure shall be adequate to prevent the escape of the animals.
 2. The owner, keeper or custodian must provide a windbreak and shade for the livestock.
 3. The owner, keeper or custodian shall provide adequate food and water to the livestock in sufficient quantities to ensure the health of the livestock.
- B. Requirements for livestock maintained in an enclosure less than one (1) acre in size.
 1. The smallest enclosure in which any livestock may be kept shall be a land area at least one-half acre in size. The enclosure may include a barn, stable or other shelter intended for use by the animal(s). It shall not include any other building structures.
 2. Animal excreta shall be removed weekly, at a minimum, from the area where livestock are kept.
 3. Adequate vegetative cover and/or frequent water irrigation sprinkling shall be provided where livestock are kept between April 1st through October 31st to alleviate or eliminate dust as a potential nuisance problem for nearby neighbors.
 4. The requirements outlined in 6.07.1010 (B) do not apply to the keeping of any of the above-identified fowl, animals or livestock at the Missoula County Fairgrounds, so long as the activity is authorized and supervised by Missoula County or its agents.

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- C. Special requirements for chickens, geese, ducks, turns or other domestic fowl or birds (excluding birds purchased as house pets through a commercial store).
1. Structures used to house the animals shall be set back at least twenty feet from a structure used for human habitation
 2. Structures used to house the animals shall be set back at least fifty feet from any real property line.
 3. The city health officer, animal control officer or police department is given authority to order structures located in violation of the setbacks listed in 6.07.1010 (C) (1) and (2) moved or removed, upon written notice of not less than ten days, or longer if the officer deems it reasonable. If the structure is not moved or removed as provided in the notice or within the time required set forth in the notice the officer may cause the structure to be removed.
- D. Special requirements for rabbits.
1. A rabbit or rabbits may be kept in cages or other structures in an area that is within or adjacent to a rabbit owner's personal residence as long as the rabbit cages or structures are not within thirty feet of another structure or dwelling unit used for human habitation that is not owned by the rabbit owner or within twenty feet of any common real property line between private property owners.
 2. There shall be no common property line restriction if the adjacent property on the other side of a common property line is public-owned land.
 3. It is unlawful for the owner, keeper or custodian of rabbits to possess at the same premises at the same time more than five rabbits that are more than six weeks old, unless the real property is one-quarter acre or larger in size.

Chickens. The prohibition to keeping chickens in this section does not apply to the keeping of up to six (6) female chickens while the animals are kept in such a manner that the following standards are complied with:

1. The chickens must be kept on a single-family parcel(s), and chickens may be kept on a parcel(s) under one ownership with more than one dwelling if all residents and the owner consent in writing to allowing the chickens on the property. When chickens are kept on a multi-dwelling parcel(s) the owner of the chickens shall keep a copy of the signed approval document for inspection upon request by animal control personnel.
2. The owner must obtain an annual permit from the City Treasurer. The permit shall be \$15.
3. The chickens shall be provided with a covered, predator-proof chicken house that is thoroughly ventilated, of sufficient size to admit free movement of the chickens, designed to be easily accessed, cleaned and maintained by the owners and be at least 2 square feet per chicken in size.
4. No chicken house shall be located closer than 20 feet to any residential structure occupied by someone other than the chicken owner, custodian, or keeper.
5. The chickens shall be shut into the chicken house at night, from sunset to sunrise.
6. During daylight hours the adult chickens shall have access to the chicken house and, weather permitting, shall have access to an outdoor enclosure on the subject property, adequately fenced to contain the chickens and to prevent access to the chickens by dogs and other predators.
7. Stored feed must be kept in a rodent- and predator-proof container
8. It is unlawful for the owner, custodian, or keeper of any chicken to allow the animal(s) to be a nuisance to any neighbors, including but not limited to: noxious odors from the animals or their enclosure; and noise of a loud and persistent and habitual nature. Animal Control will determine whether or not a nuisance exists on a case-by-case basis.
9. Enforcement. Upon receiving a complaint of a possible violation Animal Control will investigate, determine if a violation exists and when appropriate leave a notice of violation and order to take corrective action with the owner, custodian, or keeper and provide them with written notice of the violations that require correction. Animal Control will revisit the owner's address 10 days or more after the notice of violation is issued. If the owner, custodian, or keeper has failed to comply with the ordinance, Animal Control may issue a citation to the owner, custodian or keeper for failure to comply with any applicable requirement of this section.

6.07.1020 Notice of Violation and Order To Take Corrective Action. When Animal Control determines that a violation of the code has occurred, Animal Control may issue written notice to the owner, custodian

or keeper, either personally or by certified mail. Such notice shall specify the provision or provisions of this part alleged to have been violated along with a short and plain statement of the facts that constitute the violation. The notice shall include an "order to take corrective action" requiring compliance within a reasonable time as stated in the order.

6.07.1030 Penalty--Fines. An owner, custodian, or keeper of an animal who is found guilty of any provision of this part shall be guilty of a misdemeanor and shall be subject to the penalties provided for in Section 6.07.030 (C).

Failure to comply with a properly issued Notice of Violation and Order to Take Corrective Action shall be counted as a separate offense from a citation issued after the compliance date described in the order.

Part 11 Keeping of Apiaries

Sections:

[6.07.1100 Purpose](#)

[6.07.1110 Definitions](#)

[6.07.1120 Unlawful conduct](#)

[6.07.1130 Registration of apiary sites](#)

[6.07.1140 Land and site requirements for apiaries](#)

[6.07.1150 Minimum management requirements for hobby apiaries](#)

[6.07.1160 Notice of violation and order to take corrective action](#)

[6.07.1170 Penalty and fines](#)

6.07.1100 Purpose

- A. The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.
- B. The encouragement or management of small hives of native wild bees not for the purpose of honey production, such as bee motels, is permissible and not covered under this part.
- C. Temporary, educational exhibition of observation hives is permissible and not covered under this part.
- D. Pollination apiary sites regulated under MCA 80-6-112 are permissible and not covered under this part.

6.07.1110 Definitions. As used in this part unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. "Aggressive Behavior" means is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.
- B. "Apiary" means the assembly of one or more colonies of bees on any tract of land.
- C. "Bee" means all life stages of the common domestic honey bee, *Apis mellifera* species.
- D. "Beekeeper" means a person who owns or has charge of one or more colonies of bees.
- E. "Beekeeping equipment" means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
- F. "Colony or hive" means an aggregate of honey bees consisting principally of workers, but having, when perfect, one queen and at time many drones, including brood, combs, honey and the receptacle inhabited by the bees.
- G. "Hobby apiary" means an assembly of no more than two colonies of bees on any tract of land.
- H. "Nuisance behavior" means any swarming or the congregation of large numbers of bees at swimming pools, pet watering bowls, bird baths or other water sources where they may harmful cause human, bird or domestic pet contact.
- I. "Tract" means a contiguous parcel of land under common ownership.

6.07.1120 Unlawful conduct

Notwithstanding compliance with the various requirements of this chapter, the following is prohibited:

- A. Maintaining an apiary or to keep any hive on any property whose bees exhibit aggressive behavior, creates a nuisance, or in such a manner that threatens public health or safety,.
- B. Any swarm of bees or colony that does not reside in a hive structure intended for beekeeping.
- C. Any swarm of bees or colony residing in a hive which, by virtue of its condition, has obviously been abandoned by the beekeeper.
- D. The keeping of the African honeybee, *Apis mellifera scutellata* species, or any hybrid thereof.

6.07.1130 Registration & licensing of apiary sites

- A. All apiary sites must also be registered with the Missoula City/County Animal Control and licensed annually.
- B. The Missoula City/County Animal Control shall develop and implement registration, annual licensing, and apiary inspection administrative rules for the purpose of verifying the requirements of this part and shall charge \$25.00 for initial registration and inspection and \$15.00 for renewals at the same location.

6.07.1140 Land and site requirements for apiaries

- A. Any apiary located within the Bear Buffer Zone as defined by City Council resolution must be protected from bears with an electrified fence adequate to exclude bears. All equipment used to manage hives, bees, honey, honeycomb, or wax must be kept securely away from bears and must not be an attractant. Apiaries that result in conflict with bears will not be permitted.
- B. Apiaries operated as commercial agriculture are only allowed as permitted by the underlying zoning regulation.
- C. Apiaries of three or more hives:
 - 1. May only be kept on tracts of land of one acre or more in size.
 - 2. Must be setback at least 25 feet from all property lines.
 - 3. Must have a fresh or recirculating supply of water within twenty (20) feet of the apiary site between April 15th and October 15th.
- D. Hobby apiaries are permitted on residential lots upon which the beekeeper resides and.
 - 1. May only be sited in the side or rear yards of the residence;
 - 2. When sited closer than 25 feet to a property line, must maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, dense vegetation or combination thereof that is parallel to the side property line and extending twelve (12)feet beyond the colony in each direction so that all honey bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary; and
 - 3. Must have a fresh or recirculating supply of water within twenty (20) feet of the apiary site between April 15th and October 15th that minimizes any nuisance behavior created by bees seeking water on neighboring property.

6.07.1150 Minimum management requirements for hobby apiaries

- A. All colonies must be maintained in moveable and framed hives that are in good condition with adequate space to prevent overcrowding or swarming.
- B. No beekeeping equipment other than properly cared for hives may be left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

6.07.1160 Notice of violation and order to take corrective action. When Animal Control determines that a violation of the code has occurred, Animal Control may issue written notice to the owner, custodian or keeper, either personally or by certified mail. Such notice shall specify the provision or provisions of this part alleged to have been violated along with a short and plain statement of the facts that constitute the violation. The notice shall include an order to take corrective action requiring compliance within a

reasonable time as stated in the order. Failure to comply with a properly executed notice of violation and order to take corrective action within the time limit specified shall cause the apiary registration/license to expire.

6.07.1170 Penalty and fines. An owner, custodian, or keeper of an apiary who is found guilty of any provision of this part shall be guilty of a misdemeanor and shall be subject to the penalties provided for in Section 6.07.030 (C). Failure to comply with a properly issued Notice of Violation and Order to Take Corrective Action shall be counted as a separate offense from a citation issued after the compliance date described in the order.

Part 12 Feeding of Certain Wildlife Prohibited

Sections:

6.07.1200	Purpose
6.07.1210	Definitions
6.07.1220	Conduct declared unlawful
6.07.1230	Exceptions
6.07.1240	Investigation and complaints
6.07.1250	Citations
6.07.1260	Penalties—Fines

6.07.1200 Purpose. Citizens of Missoula value wildlife and want to maintain healthy and wild populations of deer, bear, and other wildlife that are not dependent upon or hazardous to humans. Feeding deer, bear, and other wildlife results in artificially high concentrations of animals, increases human-wildlife conflicts, and compromises the health and safety of humans and wildlife.

6.07.1210 Definitions. As used in this part unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:

- A. "Wildlife" means skunks, foxes, raccoons, bats, wolves, wolf-hybrids, bobcats, bears, mountain lions, deer, elk, and any other species of normally non-domesticated animals.
- B. "Animal Control Officer" means a person or persons as defined in 6.07.020 (B).
- C. "Attractant(s)" means any substance, including but not limited to, food, garbage, or salt lick, which draws wildlife to a particular location.
- D. "Feed" means a substance composed of grain, mineral, salt, fruit, vegetable, hay, or any other food material or combination of these materials, whether natural or manufactured, that may attract wildlife.
- E. "Feeding" means the depositing, distributing, or tending of feed in an area frequented by wildlife.

6.07.1220 Conduct declared unlawful.

- A. It is unlawful to feed, provide feed or other attractants, excluding ornamental plants, vegetable gardens and properly hung feeders, to wildlife within the city limits.

6.07.1230 Exceptions.

- A. It is legal to feed birds, other than waterfowl and upland game birds, utilizing a bird feeder that can be accessed only by birds. Birdfeeders that are accessed by other animals other than birds or squirrels are in violation.
- B. This ordinance is not intended to prohibit feeding livestock in normal agricultural operations.

6.07.1240 Investigations and Complaints.

- A. Upon receipt of a complaint by one or more persons alleging the illegal feeding of wildlife, an animal control officer may investigate the complaint to determine if there has been a violation of this ordinance.

6.07.1250 Citations.

- A. The animal control officer shall order the responsible party or parties providing feed and attractants to wildlife to stop the procedure immediately. A Notice of Violation (NOV) will be issued for a first offense.
- B. A repeat offense will result in a citation being issued.

6.07.1260 Penalty-Fines.

- A. Each day an offense exists shall constitute a separate offense pursuant to this part. The Missoula Municipal Court judge shall assess animal violation fines as set forth in this section.
- B. All responsible party or parties found guilty of a first offense of this part shall be fined an amount of not less than Fifty dollars (\$50.00), with a \$100.00 fine for subsequent offenses.

Part 13 Reserved

ARTICLE IV RABIES CONTROL

Sections:

- [6.07.1400 Vaccination requirement](#)
- [6.07.1410 Animal bites and rabies control—generally](#)
- [6.07.1420 Animals exposed to rabies](#)
- [6.07.1430 Emergency rabies control](#)

6.07.1400 Vaccination requirement.

- A. Vaccination required. It is unlawful for any person to keep, maintain, harbor, sell, adopt out, or give away any dog, cat, ferret or any other animal that has had a rabies vaccine approved for its species, over four months of age unless such animal has been vaccinated against rabies by a licensed veterinarian. All animals under one year of age at the time of initial rabies vaccination must be revaccinated thereafter in accordance with the current edition of the “Compendium of Animal Rabies Control” and after the booster shot when the animal is at least one year old must be revaccinated every three years thereafter.
- B. Vaccination exception. If, after an animal receives one initial and one booster rabies vaccination, a licensed veterinarian determines that an additional rabies vaccination would endanger the animal's life due to disease or other medical considerations, the animal may not be required to receive additional rabies vaccinations while the condition exists. The licensed veterinarian must complete and submit to the department an exemption from rabies vaccination on a form approved by the City. After receipt of such form, the department shall issue a rabies vaccination exemption certificate, copies of which shall be provided to the veterinarian and the owner of the dog or cat exempted from rabies vaccination and animal control.
- C. Vaccination at shelters. Governmental animal control shelters and animal shelters incorporated and operated under section 501(c)(3) of the Internal Revenue Service Code need not vaccinate for rabies while an animal is under their care but may not sell, adopt out or give away an unvaccinated animal except as provided below. The animal control shelter or animal shelters as defined in 6.07.020 (C) and (D) respectively may, as an alternative to rabies vaccination, sell a rabies certificate to the person purchasing or adopting the animal which requires the vaccination. The certificates must cover the cost of a rabies vaccination at a rate acceptable to more than one-half of the veterinarians practicing in the city. The issuing shelter must redeem the cost of the face value of the certificate to the veterinarian within 30 days of receiving an invoice from the veterinarian for vaccination services rendered.

6.07.1410 Animal bites and rabies control--Generally.

- A. If any dog or animal bites any person in the city, and the bite punctures the victim's skin, such dog or animal bite shall be reported within twenty-four hours to 911 or an animal control officer by the

animal's owner, keeper, or custodian, and/or the victim, or his or her parents or guardian. Failure to do so shall be deemed unlawful conduct.

- B. Whenever it is reported to an animal control officer that any dog or other animal has bitten a person puncturing their skin, and it cannot be proven that the animal has a current rabies vaccination, the animal control officer may issue an order requiring that the owner, custodian, or keeper of such dog, cat or other animal to immediately surrender the same to a licensed veterinarian or animal control shelter to be quarantined. The owner, keeper or custodian shall be responsible for the cost of the quarantine regardless of whether or not the animal is reclaimed at the end of the quarantine period. If it can be proved that the animal has a current rabies vaccination, the owner of the animal may either surrender the same to a licensed veterinarian, the city animal control shelter for quarantine, or himself keep the dog, cat, or animal quarantined in an adequate locked secure enclosure approved by the animal control officer subject to daily animal officer inspections.
- C. All quarantine periods pursuant to this section shall be for a time period of at least ten calendar days from the date of the bite. The quarantine 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, an 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 the building or residence. In such instances the animal control officer may also immediately impound the dog or other animal for quarantine purposes in the public interest for public health, safety and welfare reasons.
- D. If any animal dies during the quarantine period, for any reason whatsoever, the animal control officer shall have the head of such animal sent to a diagnostic laboratory for rabies testing at the owner's expense.
- E. It is unlawful for any person to refuse or neglect to surrender any such biting animal when requested to do so by an animal control officer. In the event that the owner is unknown or not available upon the making of such affidavit, the animal control officer or any law enforcement officer may seize and impound the animal without notice.
- F. Any dog or other animal may be destroyed by order of the animal control supervisor twenty-four hours after the end of the quarantine period if the owner fails to reclaim the animal at that time.
- G. It is unlawful to keep, harbor or otherwise maintain any type of wild animal within the city limits; unless it is acquired by an educational institution for scientific research, is being detained by a qualified governmental agency, or is being kept by a person or persons possessing a wildlife rehabilitation permit for the purpose of short term rehabilitation.
- H. Due to the high rabies risk associated with wild animal bites, the fact that wild animals cannot be effectively quarantined, and the fact that wild animals are illegal within the city limits, any owned wild animal that bites and breaks the skin of a human or animal may be ordered by the city/county health officer to be destroyed and tested for rabies.

6.07.1420 Animal exposed to rabies.

- A. Any domestic animal that is bitten or scratched by a wild animal known to be a potential rabies virus carrier, and the victim's skin is punctured, will be regarded as having been exposed to rabies unless the scratching or biting animal is proven rabies free by diagnostic testing. All such exposures shall be reported to animal control or health department personnel immediately.
- B. If exposed to a rabid animal, animals that are not vaccinated with a rabies vaccine that is approved for the species should be immediately destroyed. If the owner is unwilling to have such animal destroyed, the unvaccinated animal must be placed in strict quarantine for six months in a secure place designated by an animal control officer and vaccinated one month before release.
- C. If exposed to a rabid animal, animals vaccinated with a vaccine that is approved for that species must be revaccinated immediately, leashed, tethered, or penned, and confined on the owner's property in such a manner as to be kept away from unnecessary contact with other animals and humans for ninety days. Said animal shall be destroyed if the owner does not comply with the provisions of this section.

6.07.1430 Emergency rabies control. Upon the positive diagnosis of a rabies infection in any animal in the city, the health officer may call an emergency. At that time the city/county health officer may call for a quarantine order on either a specific species, or all animals living or staying within his/her jurisdiction;

causing any person owning, keeping, maintaining or harboring such animals to confine the animals in any manner the health officer deems necessary. Further, the health officer may take action providing for the summary destruction of all animals known to have been exposed to rabies, and of all animals unconfined, and of all animals not lawfully immunized against rabies, or may make such other orders as the health officer deems necessary or expedient for the protection of public health.

Part 15 Reserved

ARTICLE V IMPOUNDMENT

Sections:

[6.07.1600](#) Citation and recordkeeping—Animal impoundment

[6.07.1610](#) Disposition of impounded animals

6.07.1600 Citation and recordkeeping--Animal impoundment. A citation may be issued to the owner of an animal for failure to comply with this chapter. If the owner, custodian, or keeper cannot be determined or found, the animal may be impounded and taken to the city/county animal control shelter. Animals will be housed in separate kennels, if possible, to prevent injury and the spread of disease.

The shelter staff shall keep a complete register of every dog or other animal impounded, showing the time and place of capture, breed, color, sex, distinguishing marks, and, if licensed or otherwise identified, the information on the license or identification tag. The shelter staff also keep records of when the animal was redeemed or adopted, any expenses incurred by the shelter that are associated with providing care, sustenance and shelter for the animal and receipts showing any monies collected.

6.07.1610 Disposition of impounded animals.

A. If any dog or other animal is impounded, the owner or temporary owner/custodian shall redeem the same within ninety-six hours excluding Sundays and holidays, or it shall be subject to disposal by an animal control officer as provided in this section. If such impounded animal has a license or other form of identification, the animal control shelter will attempt by at least three phone calls to contact the owner. If the dog carries a designation as an assistance dog together with a phone number or address of the owner, an animal control officer will make an attempt to immediately return the animal. The owner of any impounded animal may redeem it within such period of time by paying the assessed fee, plus twenty dollars (\$20.00) for the first twenty-four (24) hour period or any portion thereof and five dollars (\$5.00) for each subsequent twenty-four (24) hour period or any portion thereof that the animal is kept in the animal shelter. Further, an animal may not be released to its owner until the kennel impoundment charge established in this section is paid in full.

The kennel impoundment charges for dogs shall be

Dogs impounded within any 12 month period)		Licensed Dog	Unlicensed Dog
	1st Impoundment	\$ 25.00	\$ 55.00
	2nd Impoundment	\$ 50.00	\$80
	3rd Impoundment	\$ 100.00	\$ \$130
	4th Impoundment	\$ 125.00	\$ \$155
Cats and other small animals	\$25.00 each time the animal is impounded plus boarding fees at \$20.00 for the first twenty-four hours or portion thereof that the animal is kept in the animal shelter and \$5.00 for each subsequent twenty-four hour period or any portion thereof.		

B. Any unlicensed impounded animal may be redeemed only by the owner after he or she has purchased a license in addition to paying the other fees relating to impoundment as prescribed in this

section. The animal control officer may issue citations to the person redeeming an impounded animal for violation of any provision of this title. The animal control shelter staff may issue “no license” citations when an animal is being reclaimed.

- C. The owner of an impounded animal shall be held responsible for the payment of any fees charged or fines imposed as a result of the impoundment, whether or not the owner reclaims the animal.
- D. 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 staff shall offer the animal for adoption to the public. Public adoptions shall be held six days per week, Monday through Saturday during the normal shelter hours. The cost of adopting an animal shall be no less than, twenty-five dollars, plus a rabies inoculation fee of no less than ten dollars if the dog, cat or ferret does not have a current rabies vaccination, plus a spay/neuter certificate fee as required by M.C.A. 7-23-4202 of no less than twenty dollars for cats and ferrets and no less than forty dollars for dogs. All dogs, cats or ferrets adopted from the animal shelter must be spayed or neutered within thirty days of the adoption, or when they reach the proper age, or the department will reclaim the animal. After paying all necessary fees, signing the adoption contract, and procuring a license for the animal, the purchaser shall receive a certificate of adoption which confers title and ownership to that animal free of all claims and interest of the previous owner.
 - 1. Animal control reserves the right to refuse adoption of any animal to any person or person(s).
- E. If an animal is not returned to its owner or adopted from the shelter it will be euthanized in a humane manner by an animal control officer or a licensed veterinarian. No animal known to be suffering from an infectious disease will be released unless the city/county health officer shall so order.
- F. If an owner of an impounded animal comes forward but refuses to reclaim his/her animal, the owner shall be required to pay a \$25.00 surrender fee (per animal) and sign a release agreement so the animal can be offered for adoption or euthanized prior to the prescribed time limit. This fee may be waived by animal control if they determine it is in the best interest of the animal..

Part 17 Reserved

ARTICLE VI ADMINISTRATION AND ENFORCEMENT

Sections:

- [6.07.1800 Animal Control Officers—Powers and duties](#)
- [6.07.1810 Animal Control Officers—Investigation power](#)
- [6.07.1820 Animal Control Officers—Interference unlawful](#)
- [6.07.1830 Animal Control Board](#)

6.07.1800 Animal control officer - Powers and duties. In addition to the duties and powers of the animal control officer or animal control supervisor otherwise prescribed, the animal control supervisor shall:

- A. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of his or her duties; and
- B. Carry out and enforce the licensing and control of all animals in the city as provided in this title; and
- C. Seize and impound animals in accordance with the provisions of this title and maintain the same in a suitable and humane manner at the city/county animal shelter; and
- D. Where this title requires that an animal be put to death, the officer shall accomplish this in a humane manner. An officer may provide for the immediate humane euthanasia of any animal that a licensed veterinarian has deemed to be suffering and has determined that it would be inhumane to prolong its life; and
- E. Be empowered to pursue upon private property any animal violating any provision of this title in his or her presence or when acting under a court order, warrant or affidavit of a vicious or dangerous animal or when attempting to seize any animal suspected of having been exposed to rabies; and
- F. File complaints in municipal court for violations of this chapter and shall attend and testify in court when required; and

- G. The Animal Control Supervisor shall obtain and issue metallic badges for himself or herself and all animal control officers. Such badges shall be exhibited as proof of authority, upon demand of any person,
- H. Establish and maintain regular hours during which the animal shelter shall be open and shall post the hours in a conspicuous place at the animal shelter;
- I. Have authority to make out and issue citations for violations of this chapter; and
- J. Issue administrative orders where appropriate for the enforcement of this chapter; and
- K. Have authority to require the owner of a dog that is off leash in a [voice restraint](#) area to demonstrate full compliance with behaviors described in the definition of [voice restraint](#).
- L. As a condition of the issuance of a license, any animal control officer or police officer is authorized to inspect animals, at any reasonable time, and if permission for an inspection is refused, the animal's license shall be revoked.
- M. Have the authority to take animals in for safekeeping. Safekeeping animals may be held at the Animal Control Shelter for a period of three business days with no fees charged to the owner or responsible party. The charges start on the fourth day, beginning with \$20(Twenty) which will include the vaccinations. If the animal is not reclaimed in that time period, it will then be held four additional business days, as if it was a stray. If during the initial three day period the owner or responsible party comes forward to claim the animal, they will be charged \$5 a day for board fees, but no impound fee. If no one steps forward to reclaim the animal with in the allotted time period, the animal will become the property of Missoula City County Animal Control. It will then be treated as any other animal under the care of Animal Control.

6.07.1810 Animal Control Officer --Investigation power. For the purpose of discharging the duties imposed by this title and enforcing its provisions, the animal control officer or any police officer is empowered to demand that the occupants of any premises upon or in which a dog or other animal is kept or harbored allow the officer to examine an animal to determine if it is being neglected or kept in a cruel or inhumane manner and/or to examine any license or permits referred to in this title. The animal control officer may make such demand at premises where any animal is kept in a reportedly cruel or inhumane manner and examine the animal and take possession of the same, when in his/her opinion, it requires humane treatment. If access is denied, the animal control officer may apply to municipal court for a search warrant to enter the premises.

6.07.1820 Animal control officer--Interference unlawful. It is unlawful for any person to hinder, detain, or interfere with or flee from an animal control officer in the performance of any duty or power imposed on him by this title, or to release, or attempt to release, any animal in the custody of the animal control officer, except as provided in this title.

6.07.1830 Animal Control Board. An animal control board is established to review animal control program policies to ensure consistency with all pertinent city ordinances, to approve or deny requests for multiple dog permits, and to perform other duties as described in the inter-local agreement between the city and the county on cooperative animal control. The board shall consist of five voting members with appointments and terms as set forth in the animal control inter-local agreement.

Chapter 6.08 PET SHOPS, PET SALES AND BOARDING KENNELS

Articles:

- [I. Dog Control \(Repealed\)](#)[II. Pet Shops, Pet Sales, and Boarding Kennels](#)

ARTICLE I DOG CONTROL (Repealed)

(Codifier's note: In 2011, Article I entitled Dog Control was repealed, amended and recodified in [Chapter 6.07.](#))

Sections:

- 6.08.010 (Repealed)
- 6.08.020 (Repealed)
- 6.08.030 (Repealed)
- 6.08.040 (Repealed)

6.08.050 (Repealed)
6.08.060 (Repealed)
6.08.070 (Repealed)
6.08.080 (Repealed)
6.08.090 (Repealed)
6.08.100 (Repealed)
6.08.110 (Repealed)
6.08.120 (Repealed)
6.08.130 (Repealed)
6.08.140 (Repealed)
6.08.141 (Repealed)
6.08.142 (Repealed)
6.08.143 (Repealed)
6.08.145 (Repealed)
6.08.150 (Repealed)
6.08.160 (Repealed)
6.08.170 (Repealed)
6.08.180 (Repealed)
6.08.190 (Repealed)
6.08.200 (Repealed)
6.08.210 (Repealed)
6.08.220 (Repealed)
6.08.230 (Repealed)
6.08.240 (Repealed)
6.08.250 (Repealed)
6.08.260 (Repealed)
6.08.270 (Repealed)

6.08.010 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.020) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §1, 1992; Ord. 2760 §1, 1990; Ord. 2056 §§1, 2, 1979; Ord. 2022 §1, 1979; Ord. 1959 (part), 1978; prior code §4-26).

6.08.020 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1400) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §2, 1992; Ord. 2760 §2, 1990; Ord. 2600 §1, 1988; Ord. 1959 (part), 1978; prior code §4-28).

6.08.030 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1830) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §3, 1992; Ord. 2760 §3, 1990; Ord. 2027, 1979; Ord. 1959 (part), 1978; prior code §4-27).

6.08.040 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.700) (Ord. 3310, 2005; Ord.3076, 2003; Ord. 3071, 1998; Ord. 2848 §1, 1993; Ord. 2831 §4, 1992; Ord. 2760 §4, 1990; Ord. 2741 §1, 1990; Ord. 2506 §1, 1986; Ord. 2402 §1, 1985; Ord. 2022 §2, 1979; Ord. 1959 (part), 1978; prior code §4-29).

6.08.050 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.710) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §5, 1992; Ord. 2760 §5, 1990; Ord. 2600 §2, 1988; Ord. 2506 §2, 1986; Ord. 2402 §2, 1985; Ord. 1959 (part), 1978; prior code §4-31).

6.08.060 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.720) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §6, 1992; Ord. 2760 §6, 1990; Ord. 2056 §3, 1979; Ord. 2022 §3, 1979; Ord. 1959 (part), 1978; prior code §4-32).

6.08.070 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.730)

(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §7, 1992; Ord. 2760 §7, 1990; Ord. 2741 §2, 1990; Ord. 2600 §3, 1988; Ord. 2402 §3, 1985; Ord. 2056 §4, 1979; Ord. 1959 (part), 1978; prior code §4-33).

6.08.080 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.04.740) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §8, 1992; Ord. 2760 §8, 1990; Ord. 1959 (part), 1978; prior code §4-52).

6.08.090 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1800) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §9, 1992; Ord. 2760 §9, 1990; Ord. 1959 (part), 1978; prior code §4-45).

6.08.100 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1810) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §10, 1992; Ord. 1959 (part), 1978; prior code §4-46).

6.08.110 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1820) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §11, 1992; Ord. 1959 (part), 1978; prior code §4-47).

6.08.120 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.750) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §12, 1992; Ord. 2760 §10, 1990; Ord. 1959 (part), 1978; prior code §4-30).

6.08.130 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.760) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §13, 1992; Ord. 2760 §11, 1990; Ord. 1959 (part), 1978; prior code §4-53).

6.08.140 Repealed. (Codifier's note: In 2011, this section was combined with 6.08.143, renamed and recodified as Section 6.07.600) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §14, 1992; Ord. 2760 §12, 1990; Ord. 2022 §6, 1979; Ord. 1959 (part), 1978; prior code §4-35).

6.08.141 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.610) (Ord. 3310, 2005; Ord. 3071, 1998)

6.08.142 Repealed. (Codifier's note: In 2011, this section was renamed and recodified as Section 6.07.620) (Ord. 3310, 2005; Ord. 3071, 1998)

6.08.143 Repealed. (Codifier's note: In 2011, this section was combined with 6.08.140 and recodified as Section 6.07.600) (Ord. 3310, 2005)

6.08.145 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.440) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §14.5, 1992).

6.08.150 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.430) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §15, 1992; Ord. 2022 §8, 1979; Ord. 1959 (part), 1978; prior code §4-40).

6.08.160 Repealed. (Codifier's note: In 2011, this section was renamed and recodified as Section 6.07.630) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §16, 1992; Ord. 2760 §13, 1990; Ord. 1959 (part), 1978; prior code §4-43).

6.08.170 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.640)

(Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §17, 1992; Ord. 2760 §14, 1990; Ord. 2401 §1, 1985; Ord. 2022 §8, 1979; Ord. 1959 (part), 1978; prior code §4-44).

6.08.180 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1410) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §18, 1992; Ord. 2760 §15, 1990; Ord. 1959 (part), 1978; prior code §4-48).

6.08.190 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.420) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §19, 1992; Ord. 2760 §16, 1990; Ord. 1959 (part), 1978; prior code §4-50).

6.08.200 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.450) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §20, 1992; Ord. 2760 §17, 1990; Ord. 1959 (part), 1978; prior code §4-51).

6.08.210 Repealed. (Codifier's note: In 2011, this section was combined with section 6.20.010 and recodified as 6.07.460.) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §21, 1992; Ord. 2760 §18, 1990; Ord. 1959 (part), 1978; prior code §4-49).

6.08.220 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1420) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §22, 1992; Ord. 2760 §19, 1990; Ord. 2401 §2, 1985; Ord. 1959 (part), 1978; prior code §4-41).

6.08.230 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1430) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §23, 1992; Ord. 2760 §20, 1990; Ord. 1959 (part), 1978; prior code §4-42).

6.08.240 Repealed. (Codifier's note: In 2011, this section was combined with 6.04.020, 6.04.060 and 6.04.070, renamed and recodified as Section 6.07.1600) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §24, 1992; Ord. 2760 §21, 1990; Ord. 1959 (part), 1978; prior code §4-36).

6.08.250 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1610) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2848 §2, 1993; Ord. 2831 §25, 1992; Ord. 2760 §22, 1990; Ord. 2741 §3, 1990; Ord. 2600 §4, 1988; Ord. 2506 §4, 1986; Ord. 2402 §4, 1985; Ord. 1959 (part), 1978; prior code §4-37)

6.08.260 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.400) (Ord. 3310, 2005; Ord. 3071, 1998; Ord. 2831 §26, 1992; Ord. 2790 §23, 1990; Ord. 1959 (part), 1978; prior code §4-38).

6.08.270 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.030) (Ord. 3310, 2005; Ord. 3226, 2003; Ord. 3071, 1998; Ord. 2831 §27, 1992; Ord. 2760 §24, 1990; Ord. 2402 §5, 1985; Ord. 2022 §7, 1979; Ord. 1959 (part), 1978; prior code §4-39)

ARTICLE II. PET SHOPS, PET SALES, AND BOARDING KENNELS

Sections:

- 6.08.410 Definitions.
- 6.08.420 Housing standards for animals kept at pet shops.
- 6.08.430 Animal care standards for animals kept at pet shops.
- 6.08.440 Inspections.
- 6.08.445 Boarding kennels
- 6.08.447 Pet sales prohibited

6.08.410 Definitions. Whenever any word defined in this section and used in this article, that word shall have the definitional meaning set forth as follows:

- A. "Animals" means any species of a nonhuman animate being which is endowed with the power of voluntary motion that is sold, exchanged or retained for the purpose of being kept or domesticated as a household pet/companion animal. The term animals" includes, but is not limited to: dogs, cats, monkeys and other primates, birds, rabbits, ferrets, guinea pigs, hamsters, rats, mice, reptiles, amphibians, fish and other vertebrate animals.
- B. "Animal control officer" means all peace officers as that term is defined in state law, as well as all duly appointed animal control officers and animal control supervisors appointed by either the city or county to carry out and enforce each entity's respective animal control ordinances.
- C. "Compatible" means animals that are capable of existing together in harmony.
- D. "Humane disposition" means the humane destruction of an animal by a person that has been properly trained and/or certified by a doctor of veterinary medicine in appropriate methods of euthanasia for each species to be destroyed, and is accomplished by a method that is consistent with American Veterinary Medical Association recommendations in producing instantaneous, unconsciousness and immediate death without visible evidence of pain or distress, or a method that utilizes an anesthesia produced by an agent which causes painless loss of consciousness, and death following such loss of consciousness.
- E. "NIH" means National Institute of Health.
- F. "Pet shop" means any business, firm or corporation who keeps, handles, breeds, sells, offers for sale or exchanges pet animals for the purpose of wholesale or retail sale.
- G. "Postural movements" means to be able to turn about freely, and to easily stand, stretch, sit and lie in a comfortable normal position.
- H. "Puppies and kittens," for the purpose of this article, means animal dog or cat that is less than six months old.
- I. "Quarantine," for the purpose of this article, means contained in strict isolation in a room separate from other healthy animals on account of suspicion by the store's owner, manager or veterinarian of contagion of communicable disease. Isolation shall be required so that contact between the confined animal and other animals or members of the public is restricted and so that it can be under observation by the store owner, manager or another qualified person.
- J. "USDA" means United States Department of Agriculture.
- K. "Vicious," as used in this article, means behavior in which an animal bites or attempts to bite any human being without provocation or which harasses or aggressively chases, bites or attempts to bite any other animal without provocation.

6.08.420 Housing standards for animals kept at pet shops. The following housing standards are established for the keeping of animals at pet shops. It is unlawful for any owner or manager of a pet shop to house animals in conditions that do not comply with the provisions of this section.

- A. Space. Enclosures shall be constructed to provide sufficient space to allow each pet animal to exercise normal postural movements. Adequate space shall be provided to prevent crowding and to allow freedom of postural movement and comfort to all animals. An enclosure is overcrowded unless its area is at least the square of the following sum for each animal confined therein; the sum of the length of the animal in inches (tip of nose to base of tail) plus six inches with the following exceptions:

Animal	Size of animal	Minimum Floor Space Per Animal (in square inches)
Guinea pig	Weaning to 350 g	60
	350 g or more	101
	Breeders	180
Hamsters/gerbils		

	Less than 60 g	10
	60 to 80 g	13
	80 to 100 g	16
	greater than 100 g	19
Rabbits		
Groups		
	Less than 2 kg	144
	2 to 4 kg	288
	greater than 4 kg	432
Individual		
	Less than 2 kg	216
	2 to 4 kg	432
	4 to 5.4 kg	576
	greater than 5.4 kg	1080
Nursing females		
	Less than 2 kg	576
	2 to 4 kg	720
	4 to 5.4 kg	864
	greater than 5.4 kg	1080
Ferrets		
	weaning to 350 g	60
	350 g to 1.4 kg	101
	greater than 1.4 kg	216
Mice		
	Less than 10 g	6
	10 to 15 g	8
	15 to 25 g	12
	greater than 25 g	15
Rats		
	Less than 100 g	17
	100 to 200 g	23
	200 to 300 g	29
	300 to 400 g	40
	400 to 500 g	60
	greater than 500 g	70

Birds. All enclosures used for holding birds shall be of metal or nonabsorbent construction, readily cleanable, and elevated at a distance of not less than twelve inches from the floor, except that full flight cages may be less than twelve inches from the floor, if the enclosure is located so it is not subject to drafts or sudden changes in ambient temperature. Each enclosure shall contain adequate numbers of perches for every bird confined therein, except that perches will not be required in cages housing species of ground-dwelling birds, or other species where the use of perches would be detrimental to the bird's well-being.

Any animal not specified in this article, but that is listed in either the National Institute of Health (NIH) or United States Department of Agriculture (USDA) standards shall be housed in an enclosure with space requirements that equal or exceed the NIH or USDA standards. The minimum space requirements required by this article shall be that the minimum space will meet or exceed the above-mentioned minimum standard of either NIH or USDA that allows for the largest space allotment per animal.

All enclosures shall be of sufficient height to permit every animal confined therein to stand and stretch normally to its full height and to turn.

Reptiles, amphibians and fish are excluded from this provision.

- B. Enclosures shall be structurally sound and maintained in good repair to protect the animals from injury, to contain them and to keep predators out. Enclosures shall provide the animals contained within them adequate ventilation to avoid any discomfort associated with lack of proper air circulation. They shall be constructed of a nonabsorbent, nonporous material and, with the exception of enclosures housing fish and other animals that require being kept in water, maintained to enable the animals to remain dry and clean, and to provide convenient access to clean food and water.

Enclosures shall be constructed of materials that do not have a toxic or deleterious effect on the animals that are kept in them. Enclosures having woven or wire mesh floors may be used to confine or display animals; provided, that they are constructed in a manner that protects the animal's feet and legs from injury, and do not allow the animal's feet to pass through any openings in the floor. If the floor of the primary enclosure is constructed of woven or wire mesh, a solid nonporous resting surface or surfaces that, in the aggregate, are large enough to hold all the occupants of the primary enclosure at the same time comfortably must be provided.

- C. All animals housed in the same enclosure shall be maintained in a manner so that each animal is compatible with the other animals, with the following additional restrictions:
 - 1. Females in season (estrus) shall not be housed in the same enclosure with males, except for intentional breeding purposes.
 - 2. Any animal exhibiting a vicious disposition shall be housed individually in a separate enclosure.
 - 3. Puppies or kittens shall not be housed in the same enclosure with adult dogs or cats other than their dams.
 - 4. Dogs shall not be housed in the same enclosure with cats, nor shall dogs or cats be housed in the same enclosure with any other species of animals.
 - 5. Animals and birds shall be housed in such a manner as to minimize the transference of the animal or bird's feces, or other deleterious material into the cage or housing unit of another animal or bird. The intent of such a housing configuration is to help minimize the spread of contagious disease.
 - 6. Except where rodent harem breeding is practiced, preweaning animals shall not be housed in the same enclosure with adults other than their parents.
 - 7. Guinea pigs shall not be housed in the same enclosure with hamsters, nor shall guinea pigs or hamsters be housed in the same enclosure with any other species of animals.
 - 8. The breeding of dogs and cats will not be allowed on pet shop premises unless such breeding is done in an area in which the public does not have access and is not within the public's view.
- D. Accessories such as toys, aquarium gravel, etc., that have a toxic or deleterious effect on animals shall not be used in any enclosure intended for housing animals.
- E. Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health and to prevent discomfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents, fans or air conditioning, and shall be ventilated so as to minimize drafts, odors and moisture condensation.
- F. Temperature. Housing for pet animals shall be sufficiently heated or cooled, when necessary, to protect pet animals from cold or overheating, and to provide for their health and comfort. Species that have special temperature requirements shall have those requirements met. The maximum ambient temperature for animals shall be at eighty-five degrees Fahrenheit. The temperature of rooms where birds are housed shall be maintained at a temperature adequate for the species, but no less than sixty-five degrees Fahrenheit.
- G. Waste Disposal. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris in accordance with local garbage disposal laws. Disposal facilities shall be provided and operated as to minimize vermin infestation, odors and disease hazards.
- H. Lighting. Indoor housing facilities for all animals shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection and cleaning during the entire working period. Enclosures shall be placed to protect the animals from excessive illumination.

6.08.430 Animal care standards for animals kept at pet shops. The following minimum animal care standards are established for the keeping of animals at pet shops. It is unlawful for any owner, manager

or employee of a pet shop to fail to care for animals in a manner that at minimum complies with the provisions of this section:

A. Sanitation.

1. Enclosures. Animal wastes shall be removed daily from enclosures that do not utilize bedding or more often if necessary to prevent contamination of the pet animals contained therein, and to reduce disease hazards and odors. For routine maintenance of enclosures which utilize bedding such as, but not limited to, those housing rats, mice, gerbils and hamsters, bedding shall be changed one to three times per week and more often if necessary to prevent contamination of the pet animals contained therein and to reduce disease hazards and odors. Enclosures for fish, reptiles, amphibians and insects shall be cleaned as needed. Enclosures shall be cleaned as often as necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and efficient sanitizer.
2. Bedding. There shall be sufficient clean, dry bedding to meet the needs of each individual animal.
3. Equipment. Water and food containers and all other utensils shall be cleaned and sanitized when dirty; provided, however, that such containers shall be sanitized at least once every week.
4. Enclosures, water and food containers, accessories, and all other utensils shall be cleaned and sanitized prior to being used with new animals.
5. Additional Requirements for Enclosures Housing Cats. All enclosures shall have a receptacle containing sufficient clean litter to contain excreta. Enclosures having wire mesh floors shall have a raised resting board of at least twenty-five percent of the floor space, and of sufficient size to comfortably hold all of the occupants of the enclosure.
6. Pest Control. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be established and maintained whenever necessary to maintain adequate health standards.
7. Animals such as, but not limited to, rats and mice which are intended for food for other species of animals shall be cared for in accordance with this article until the time they are placed in the enclosure with the animal being fed. Any animal that has not been killed or eaten within thirty minutes shall be removed from the enclosure. If injured, it shall be given veterinary treatment or humanely disposed of. At no time are dogs, cats, kittens or puppies to be used as food for any species of animals. The feeding of live animals to other animals will not be allowed during business hours unless it is done in a place out of the public's view.

B. Exercise. Animals that require daily exercise, such as dogs or cats, should be taken from enclosures and allowed to exercise on a daily basis, unless the enclosures are of sufficient size to permit exercise.

C. Food and Water. All animals requiring the daily intake of food shall be fed at least once every twenty-four hour period, including Sundays and holidays, unless under special veterinary care. The food shall be free from contamination, shall be palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition, size, age and species of the animal. Potable water that is free of harmful contaminants or debris shall be available to pet animals at all times, except when under special veterinary care. Self-feeders may be used for the feeding of dry food, and they shall be sanitized regularly to prevent molding, deterioration or caking of feed.

D. Disease Prevention.

1. Immunizations. Dogs shall be properly immunized for distemper, parainfluenza, parvovirus, hepatitis and leptospirosis as is appropriate with the age of the animal based upon normal veterinary recommendation. Cats shall be immunized for feline distemper (panleukopenia), calici virus, and rhinotracheitis as is appropriate with the age of the animal based upon normal veterinary recommendation. Ferrets shall be immunized for canine distemper as is appropriate with the age of the animal based upon normal veterinary recommendation. Any animal (i.e., dogs, cats and ferrets) over the age of four months that has a rabies vaccine approved for its species shall be vaccinated for rabies prior to being sold. Rabies vaccinations must be administered no later than five days after the animal is acquired by the store.
2. Veterinary Care. Programs of disease control and prevention, euthanasia and adequate veterinary care shall be established and maintained. Whenever an animal demonstrates any symptom of disease, illness or injury, the store's owner or manager shall provide proper care and attention in accordance with the recommendation of a doctor of veterinary medicine. Proper care

and veterinary attention shall also be provided for birds, reptiles, amphibians and other exotic species to meet their unique needs and demands. In addition, should it become necessary, the store's owner or manager will insure the humane disposition of any animal owned or retained by the pet store.

- a. Quarantine/Sick Animal Care. All animals shall be observed daily by the animal caretaker in charge, or by a qualified person under his/her direct supervision. Sick or diseased, injured, lame or blind animals shall be provided with veterinary care or humanely disposed of unless such action affects compliance with any state or local law requiring animals suspected of being diseased to be held for a specified period. Pet animals under quarantine or treatment of a communicable disease shall be removed from the area housing other susceptible animals to minimize dissemination of disease. Any animal which exhibits symptoms of disease or illness shall be separated to the greatest extent possible from other healthy animals. No animal which is known to have, or may reasonably be suspected of having, a disease contagious or communicable to humans may be offered for sale by any pet shop. To minimize the risk of spreading disease back into the store's showroom, any food or equipment used or stored in the quarantine facility should be strictly limited to that area unless it has been properly disinfected and sanitized prior to use elsewhere.
 - b. Adequate hand washing facilities shall be provided, and employees shall be required to wash their hands with a germicidal agent before and after handling any sick animals. Signs requiring hand washing shall be visibly posted in the quarantine area.
 - c. Dogs and cats under eight weeks of age shall not be displayed or offered for sale.
- E. General Storage. Supplies of food and bedding shall be stored off the floor or in waterproof closed containers and, in either case, adequately protected against infestation or contamination by vermin. If grooming services are offered by the pet shop, the grooming facility shall be separated from storage of animal food and from enclosures for sick animals. Refrigeration shall be provided for supplies of perishable food, vaccines, and when necessary, for medication.
- F. Recordkeeping. Every pet shop shall keep a permanent record and inventory of all warm-blooded animal acquisitions, excluding rodents, under its control. Each permanent record shall reflect a description of a specific warm-blooded animal, date of arrival at the pet store, point of its origin, proof of a rabies vaccination, list of other inoculations, any illnesses or injuries, and its disposition including date of sale/transfer to a consumer, and name and address of the consumer. A copy of this record shall be provided to each purchaser at the time of purchase or transfer of ownership. Records shall be kept in a manner that allows all information about an animal to be traced by its purchaser's name. A rabies certificate, issued by a licensed veterinarian, shall constitute proof of a rabies vaccination. Death records shall state the species of the deceased animal, the date and cause of death if known, and if it was euthanized, the name of the person performing the euthanasia and the method that was used. The records shall be kept by the pet shop operator for one year from the date of the transaction, and must be kept on the premises for at least ninety days. All records shall be open to inspection by the animal control officer at all reasonable times.
- G. Employees. A sufficient number of trained, qualified employees shall be utilized to maintain the prescribed level of care and maintenance set forth in this article. Such practices shall be under the supervision of an animal caretaker who has adequate knowledge of the needs of each species cared for. A copy of this article shall be given to all employees at the time of employment, and a copy shall be available to the public, if requested.
- H. Instructional Material. Printed information on the care and maintenance of an animal's species shall be available for every animal that is sold or exchanged in the pet store. Signs stating the availability of this information shall be visibly posted at each sales counter.

6.08.440 Inspections. All pet shops and boarding kennels located within the city shall have an unannounced inspection by an animal control officer at least once per year and whenever an animal control officer is investigating a complaint concerning the provisions of this chapter. Whenever an animal control officer inspects a pet shop or a boarding kennel, a physical copy of the officer's findings will be provided to the owner or manager, regardless of whether or not a violation was found.

6.08.445 Boarding kennels. Boarding kennels are required to maintain a current boarding kennel license and to keep accurate records of all animals entering and leaving the facility. Records shall also include, but are not limited to, proof of a current rabies vaccination for every animal at the facility.

6.08.447 Pet Sales prohibited.

- A. It shall be unlawful for any person to sell, trade, or barter a live animal on a roadside, public right-of-way, commercial parking lot, or at an outdoor special sale, swap meet, flea market, parking lot sale, or similar event.
- B. This section does not apply to:
 - 1. A city licensed pet shop.
 - 2. An event held primarily for the sale of agricultural livestock such as hoofed animals or animals or fowl commonly raised for food, dairy, or fiber products; or
 - 3. An animal shelter or an animal control shelter.
 - 4. 4-H and FFA animals sold during the Western Montana Fair on the Missoula County Fairgrounds.

6.08.450 Penalty--Fines. Anyone found guilty under this article shall be subject to the penalties provided in 6.07.030 (B).

For violations of Sections 6.08.410, 6.08.420, 6.08.430 or 6.08.440, a pet shop owner or manager shall be deemed to be the party responsible for any violation occurring at his/her premises and shall be absolutely liable for any offense actually proven without the necessity of proving any mental state or intent to commit the offense.

Each violation of this chapter shall be considered a separate offense.

Chapter 6.09 MISSOULA CAT ORDINANCE

Codifier's note: In 2011, Chapter 6.09 was repealed and recodified as Chapter 6.07, Part 8

Sections:

- 6.09.010 (Repealed)
- 6.09.020 (Repealed)
- 6.09.030 (Repealed)
- 6.09.040 (Repealed)
- 6.09.050 (Repealed)
- 6.09.060 (Repealed)
- 6.09.070 (Repealed)
- 6.09.080 (Repealed)
- 6.09.090 (Repealed)

6.09.010 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.800) (Ord. 3185, 2001)

6.09.020 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.810) (Ord. 3185, 2001)

6.09.030 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.820) (Ord. 3185, 2001)

6.09.040 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.830) (Ord. 3185, 2001)

6.09.050 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.840) (Ord. 3185, 2001)

6.09.060 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.850)
(Ord. 3185, 2001)

6.09.070 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.860)
(Ord. 3185, 2001)

6.09.080 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.870)
(Ord. 3185, 2001)

6.09.090 Repealed. (Codifier's note: In 2011, this section was repealed)
(Ord. 3185, 2001)

Chapter 6.12 KEEPING LIVESTOCK AND FOWL

Codifier's note: In 2011, Chapter 6.12 was repealed and recodified as Chapter 6.07, Part 10, Sections 6.12.020 and 6.12.030 were combined, renamed and codified as 6.07.1010

Sections:

6.12.010 (Repealed)
6.12.020 (Repealed)
6.12.022 (Repealed)
6.12.024 (Repealed)
6.12.030 (Repealed)

6.12.010 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1000)
(Ord. 3366, 2007; Ord. 3366 §1, 2007; Ord. 2700 §1, 1989; Ord. 2439 §1, 1985; Ord. 2137 §1, 1980; Ord. 2041 §2, 1979: prior code §4-2)

6.12.020 Repealed. (Codifier's note: In 2011, this section was combined with 6.12.030, renamed and recodified as Section 6.07.1010)
(Ord. 3366 §2, 2007; Ord. 2700 §2, 1989; Ord. 2470 §1, 1985; Ord. 2439 §2, 1985; Ord. 2041 §3, 1979: prior code §4-3).

6.12.022 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1020)
(Ord. 3366 §3, 2007)

6.12.024 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.1030)
(Ord. 3366 §4, 2007)

6.12.030 Repealed. (Codifier's note: In 2011, this section was combined with Section 6.12.020 and recodified as Section 6.07.1010)
(Ord. 2700 §3, 1989).

Chapter 6.16 DISEASED ANIMALS

Codifier's note: In 2011, sections 6.16.010, 6.16.020 and 6.16.030 were repealed, combined and recodified as section 6.07.480

Sections:

6.16.010 (Repealed)
6.16.020 (Repealed)
6.16.030 (Repealed)

6.16.010 Repealed. (Codifier's note: In 2011, this section was combined with section 6.16.020, renamed and recodified as Section 6.07.480)
(Ord. 2117 §2, 1980: prior code §15-7).

6.16.020 Repealed. (Codifier's note: In 2011, this section was combined with 6.16.010 and recodified as Section 6.07.480)
(Ord. 2117 §1, 1980: prior code §15-5).

6.16.030 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.480)
(Ord. 2117 §3 (part), 1980: prior code §15-13).

Chapter 6.20 DOG OR COCK FIGHTS

(Codifier's note: In 2011, sections 6.20.010 and 6.08.210 were repealed, combined and recodified as 6.07.460. Section 6.20.020 was repealed, renamed and recodified as 6.07.470)

Sections:

6.20.010 (Repealed)
6.20.020 (Repealed)

6.20.010 Repealed. (Codifier's note: In 2011, sections 6.20.010 and 6.08.210 were combined and recodified as 6.07.460.)
(Prior code §4-4).

6.20.020 Repealed. (Codifier's note: In 2011, sections 6.20.020 and recodified as 6.07.470.)
(Ord. 2449 §1, 1985).

Chapter 6.22 INTERFERENCE WITH A POLICE DOG

Codifier's note: Repealed and recodified as 6.07.650

Sections:

6.22.010 (Repealed)

6.22.010 Repealed. (Codifier's note: In 2011, this section was recodified as Section 6.07.650)
(Ord. 2957, 1995)