
CITY OF DEER LODGE

**Public Health & Safety
COMMITTEE**

AGENDA

Thursday, June 10, 2021 – 5:00 P.M. | Council Chambers, City Hall

1. Call Meeting to Order
2. Approval of Minutes:
Meeting Minutes, May 6, 2021.
3. Public Comment on Non-Agenda Items – Limit to three minutes per person
4. New Business: (Public Comment period prior to each topic)
 - a. Department Reports:
 - i. PD Report – Sergeant Smith (Acting Chief)
 - ii. FD Report – Chief Pierson
 - iii. Code Enforcement Report – Tom Malcolm
 - iv. County Health Report – Ida Miller
5. Police Officer Contract – CAO Green
6. Police Chief Confirmation – CAO Green & Mayor Solle
7. Code Enforcement Job Position – Mayor Solle
8. Ordinance/Resolution City Code Title 8 – CAO Green & Mayor Solle
9. Old Business:
 - a. Readdress Police Academy Questions. – Chairperson Savalla
10. Staff or Committee Comments or Concerns
11. Announcement of the Next Meeting: July 8, 2021, at 5:00 PM.

Public Health & Safety Committee

Members

Anthony Savalla (Chairperson) | Rob Kersch | John Skibsrud

Public Health & Safety Committee

MINUTES

Public Health & Safety Committee | Thursday, May 6, 2021, at 5:00pm | Council Chambers

Members Present: Robert Kersch, John Skibsrud & Anthony Savalla

Members Absent: None

Mayor: Diana Solle

CAO: Jordan Green

Staff: Acting Police Chief Smith, Fire Chief Pierson, Tom Malcomb, Trent Freeman, and Peggy Kerr

Guests: None

1. Call Meeting to Order

- a. Chairperson Kersch called the meeting to order at 5:00pm.

2. Approval of Minutes for

- a. May 6, 2021 - Vote was unanimous.

3. Public Comment – Limited to Three Minutes Per Person

None.

4. New Business:

- a. Department Reports:

- 1. Police Acting Police Chief Smith

- Acting Police Chief Smith summarized recent Department activities for April based upon 206 calls for service and 51 citations.

- 2. Fire Chief Pierson

- Fire Chief Pierson report read by CAO Green – 5 Calls for service, 1 extraction & 1 small grass fire on I-90. 1 mutual aid call to help Garrison FD with water. 1 smell of burning

electrical (exhaust fan) & 1 gas leak mutual aid call. We will be sending some guys to training conference.

3. Code Enforcement..... Tom Malcomb

2 dogs that were impounded owners had to pay impound fee and license their dogs along with getting their rabies shots updated. Mailed out 22 reminders for households with unlicensed dogs. We have over 330 dogs that have been licensed as of end of April.

RV resident of 1106 5th street were cited for Public Nuisance they are contesting their citation and a resident cited for dog at large is also contesting her citation still has not went to court. The resident that has the vehicles in the city right of way on California has removed one of the vehicles and one trailer.

Property owner turned in Junk Vehicle paperwork to have vehicle removed from property waiting on the coordinator at this time there has been no progress on this as of today. The county contact for that is still trying to find a location to store impounded vehicles.

The 4 vehicles that were tagged last month as abandoned / junk, were all removed by their owners.

The property owner on 2nd street removed the discarded fence that was on the boulevard.

The property owner at 1105 5th street did clean up the majority of the bagged cans that were in his side yard that is in public view.

4. County Health Nurse. Ida Miller was absent but provided the following report to the City Clerk. Chairperson Kersch read the report. Testing for Coronavirus is continuing in Powell County. Vaccination for Covid-19 is available to all residents of Powell County who are 18 and over. Deer Lodge Medical Center is administering the vaccine free of charge call 846-2212 or 846-1722 for more information or to register to receive the vaccine. Also check the DLMC website at dlmed.org. Butte is doing the 16- to 18-year-old age group and Butte-Silver Bow Public Health has information regarding scheduling. Montana State Prison is reporting 560 fully vaccinated offenders. Deer Lodge Medical Center has fully vaccinated 1,199 county residents. Remember that spring is the season for hantavirus and rabies and that ticks are out and about if the temperature is over 50 degrees.

5. County Health Nurse COVID Testing and Notification Update from City-County Meeting – Rob Ms. Saylor email chairperson Kersch and provided some information on questions that were asked at the City/County meeting. The intent was to share the documentation that was sent to Chairperson Kersch. Chairperson Kersch went over MCA and HIPPA information that the County Health Nurse Saylor sent. This information and report were attached to minutes.
6. Code Enforcement Posting Update – Mayor
Mayor Solle, this position is staying in the budget. We have not posted the position yet but are working on getting it posted.
7. Chairperson Election – Rob Kersch
Chairperson Kersch, we are trying to have 1 Chairperson chair 1 Committee, I am chairing 2 positions. I am opening this for recommendations. I recommend Anthony Savalla. Anthony would you be willing to Chair this committee? Member Savalla

agreed to take the Chair position for Public Health & Safety. 2 Yea's, 1 No. Vote passed.

8. Old Business:

The Police Academy – Chairperson Kersch asked member Skibsrud to email the Committee of what he is looking for. Member Skibsrud mentioned in a previous meeting, he thought that, should a PD employee terminate their employment earlier to the 3-year agreement contract, the PD employee should pay back their expenses for PD Academy Training plus any per diem that was allocated to them for the trip to the Academy.

Chairperson Kersch stated this has been referred to the City Attorney to look at the contract and the legality.

Chairperson Kersch asked member Skibsrud to email the Chairperson, (Anthony Savalla), plus the Mayor and CAO so it can be presented to the City Attorney outlining your questions and concerns.

9. Staff Comments or Concerns:

a. Member Skibsrud had a concern about car vandalism and the response of the City PD. Acting Police Chief stated, we did go out and investigate the vandalism. The process is to interview the subject, take picture of any damage/vandalism, see if any neighbor has external cameras that may have captured the incident.

10. Announcement of the Next Meeting:

a. June 10, 2021, at 5:00pm

11. Adjournment:

a. Meeting was adjourned at 5:47pm by unanimous vote.

Prepared by: Cyndi Thompson, City Clerk

Chairperson: _____
Anthony Savalla

Date: _____

Public Health & Safety Committee

Members

Rob Kersch (Chairperson) | John Skibsrud | Anthony Savalla



CITY OF DEER LODGE

Police Department

300 Main St. Deer Lodge, Mt. 59722

Phone: (406)846-9585

Fax: (406)846-2500

George Smith

DLPD 75-2

Police Department Report May 2021

Calls for service-199

Traffic Stops-53
Fight/Assault-9
Welfare Checks-7
Medical Assists-11
Theft-5
Criminal Mischief/Vandalism-4
Juniville-4
Domestic Violence-2
Leaving Scene of Accident- 2
Indecent Exposure-1

Code Enforcement Calls

Animal Calls-15
Abandon Vehicle-3
Stop Work Orders-3

Charges-22

Felony Assault- 2
Felony Criminal Mischief-1
Traffic-10
DUI-1
Dog bite-1
Partner or Family Member Assault-1
Drug Charges-2

Unattended Death-3



FIRE DEPARTMENT REPORT

MAY 2021

HIGHLIGHTS

➤ 5 calls for service-

1 Camper on fire. Was contained to the kitchen area.

2 Call for Highway accident with unknown injury. 1 was a mutual aid for Garrison FD as they were already out, and the other was at exit 187.

1 fire at the sawmill by the bark holding bins. Contained to a very small spot.

1 smoke on structure call- Determined to be an AC unit gone bad and producing smoke. No fire damage to the building.

PROJECT SUMMARIES

➤ None.

INTEREST ITEMS FOR CITY COUNCIL

➤ None

STAFFING CONCERNS

➤ 1 Captain headed to some training in Shelby on 6/10.

COVID-19 RESPONSE

➤ None.

Powell County Public Health

May 2021

Ida is at a Car Seat Technician course in Billings learning about child car seat safety.

Testing and contact tracing for Coronavirus is continuing in Powell County. Currently there is one case of Covid-19 in Powell County and there is one contact quarantined.

Vaccination for Covid-19 is available to all residents of Powell County who are 18 and over. Deer Lodge Medical Center is administering the vaccine free of charge call 846-2212 or 846-1722 for more information or to register to receive the vaccine. Also check the DLMC website at dlmed.org

Butte is doing the 16- to 18-year-old age group and Butte-Silver Bow Public Health has information regarding scheduling.

From July 23, 2020, until May 13, 2021, there have been 1,000 Covid-19 cases in Powell County. Over 3,000 covid tests have been run at Deer Lodge Medical Center. From DLMC, 1,284 patients have been fully vaccinated with 171 being Johnson and Johnson vaccine. In the county, 2,843 residents are listed as fully vaccinated with that giving a population total of 46% vaccinated. Because positive cases have decreased the state lab is only testing for Covid-19 Monday thru Friday which is a reduction from the seven days per week during the height of the pandemic. There is currently no suggested recommendation for a booster shot.

If you have had Covid-19 the recommendation is to still get vaccinated but to check with a healthcare professional to see how soon after recovery the vaccination should be given.

Remember that now is the time to be aware of the possibility of contracting hantavirus and rabies and that ticks are out and about if the temperature is over 50 degrees.

TITLE 8

ANIMALS

CHAPTERS:

8.02 ... DOGS

8.04 ... ANIMAL CONTROL

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Chapter 8.02: DOGS

SECTIONS:

- [8.02.010...Definitions](#)
 - [8.02.020...Enforcement](#)
 - [8.02.025...Number of Dogs](#)
 - [8.02.030...Licensing](#)
 - [8.02.040...Tag and Collar](#)
 - [8.02.050...Restraint](#)
 - [8.02.060...Animal Shelter](#)
 - [8.02.070...Impoundment and Disposition](#)
 - [8.02.080...Redemption and Destruction](#)
 - [8.02.090...Impoundment Fees](#)
 - [8.02.100...Confinement of Certain Dogs](#)
 - [8.02.110...Rabies Control](#)
 - [8.02.120...Reports of Bite Cases](#)
 - [8.02.130...Responsibilities of Veterinarians](#)
 - [8.02.140...Exemptions](#)
 - [8.02.150...Dog Census](#)
 - [8.02.160...Interference](#)
 - [8.02.170...Records](#)
 - [8.02.180...Barking Dogs](#)
 - [8.02.181...Chasing Vehicles](#)
 - [8.02.182...Animal Waste; Removal](#)
 - [8.02.190...Destruction of Vicious Dogs](#)
 - [8.02.200...Kennels Prohibited](#)
 - [8.02.210...Teasing or Unauthorized Releasing of Animals](#)
 - [8.02.220...Violations; Penalty](#)
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8.02.010: Definitions

- A. The following words and terms as used in this chapter are defined as follows:
1. **Animal Control Designee** - shall mean any designee of the Chief Administrative Officer, Mayor, or Police Chief as all law enforcement officers as defined in Montana State law, with all necessary police powers incident to the animal control authority.
 2. **Animal Shelter** - shall mean any premises provided by the City or other designated facility used to impound and temporarily care for dogs or other animals.
 3. **Animal Shelter Attendant** – shall mean a duly appointed and trained employee whose responsibility is to provide safe and humane shelter and provide food and water as necessary for animals kept in the City of Deer Lodge Animal Shelter.
 4. **At Large** - shall mean off the premises of the owner and not on a leash or other restraint or properly controlled by the owner or responsible person.
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5. **Disposed or Destroyed in a Humane Manner** - means a lethal injection of pentobarbital sodium or an equivalent, administered by a veterinarian.
6. **Exposed to Rabies** - shall mean a dog has been exposed to rabies if it has been bitten by any animal known to be or suspected of being infected with rabies or has come in contact with a rabid animal.
7. **Kenel** - shall mean a building, enclosure, or portion of any premises in or at which dogs are boarded or kept for hire or for sale; in or at which dogs are kept or maintained by any person other than the owner thereof; or in or at which six (6) or more dogs over the age of six (6) months are kept or maintained
8. **Owner** - shall mean any person, firm, corporation, organization, or department possessing harboring, keeping, having an interest in, or having control or custody of an animal. If the owner is a juvenile, a parent or other custodian of such juvenile shall for the purposes of this chapter, be treated as the owner of the animal.
9. **Restraint** - shall mean any dog controlled by a leash, "at heel" beside a competent person and obedient to that person's commands. Animals may be on or within a vehicle being driven or parked on the streets, or within the property limit of its owner. Voice command is not an acceptable method of restraint.
10. **Spayed** - Female shall mean any bitch which has undergone surgery to prevent conception, whose owner can provide suitable proof of surgery.
11. **Stray Animal** - shall mean any animal at large, the owner of which cannot be ascertained.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 79 – 5/20/1996: Effective 5/20/1996; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.020: Enforcement

- A. The provisions of this chapter shall be enforced by the Animal Control Designee and law enforcement officers, or either of them, of the city.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.025: Number of Dogs

- A. It is unlawful for any person or family to keep, harbor or maintain more than two (2) dogs over six (6) months of age, in or upon any premises, without first obtaining an Excessive Dogs Permit.
 1. A multi-family dwelling (where two or more families reside) shall not be allowed more than two (2) dogs over the age of six months, because of the nuisance value.
- B. The Excessive Dogs Permit allows the person or family to keep up to five (5) dogs).
- C. An Excessive Dogs Permit shall cost \$25 dollars per year, on the same schedule as the regular dog licensing fees.
- D. Persons purchasing an Excessive Dogs Permit will also be required to pay twice the normal licensing fee for each dog over two (2) and up to five (5) dogs.

(Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.030: Licensing

- A. No person shall own, keep or harbor any dog within the city limits unless such dog is licensed as herein provided.
 1. Application for such license shall be made to the city treasurer or such agent as shall be designated by the city treasurer, which shall state the name and address of the owner and the name, breed, color, age, sex, intact/altered status of the dog.
 2. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant and a numbered metallic tag shall be issued to the owner.
 3. The yearly license fee shall be set by resolution and is required for all dogs over the age of six (6) months.
 4. The license fee shall be set such that the fee for an altered dog shall be less than the fee for an unaltered dog. In order to be eligible for the lesser fee, proof from a veterinarian must accompany the application for license.
 5. All dog licenses shall be issued for one (1) year and will go into effect January 1st of that year.
 - a. Any license issued for any dog for the year, immediately preceding, shall be valid to, but not including, March 1st of the current year.
 6. No application for a dog license shall be accepted until the applicant has produced satisfactory evidence that the dog for which the license is to be issued has been vaccinated for rabies with a strain of rabies vaccine certified to be effective for a two (2) year period. Rabies vaccine will be administered only by a licensed veterinarian.
 7. Any person licensing a dog on or after March first of any year shall pay a late fee set by resolution in addition to the ordinary license fee unless such person can present evidence satisfactory to the city treasurer that the animal being licensed has not been kept, held or owned within the city for a period in excess of one (1) week immediately prior to the date on which application is made.
- B. In the event that a license tag issued for a dog, shall be lost, the owner may obtain a duplicate tag upon payment of two dollars (\$2.00) to the City Treasurer.
- C. If there is a change of ownership of a dog during the license year, the new owner shall purchase a current license transferred to his name upon application to the City Treasurer for one-half (1/2) the original fee for that license year.
- D. No person shall use for any dog, a license, receipt, or license tag, or evidence of vaccination for rabies, issued for any other dog.
- A. Any person keeping any unlicensed dog or dogs contrary to 8.02.025 and 8.02.030.A. shall be deemed guilty of a misdemeanor and shall, upon conviction therefore, be punished by a fine for each dog. This fine will be set by resolution.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 96 – 11/19/2001: Effective 1/1/2002; Ordinance 110 – 1/1/2006: Effective 1/1/2006; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.040: Tag and Collar

- A. Every licensed dog shall at all times wear a choke chain, collar or harness to which is attached its license tag.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.050: Restraint

A. Control required; Penalty for violation.

1. It is unlawful for any person, owner, or party in control of any dog within the city limits to allow the same to be at large off the owner's property or other property where the dog is kept, and the owners or persons in control of any dog are required to keep all dogs securely confined upon privately owned property, except that dogs may be allowed upon a street, alley, or sidewalk when properly controlled by a competent person as defined in **8.02.010.A.9. Restraint**. Upon conviction, the minimum fine for violation of this provision shall be set by resolution.

B. Failure to have control; Impoundment.

1. Any dog not controlled or not securely confined upon privately owned property may be taken and impounded by the animal warden, any of his assistants, or any law enforcement officer and the same may be impounded for the period otherwise provided in this chapter.
2. Any dog impounded which is not claimed by the owner within the period prescribed in this chapter shall be disposed of by the animal warden as in other cases.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 44 – 4/18/1988: Effective 4/18/1988; Ordinance 59 – 4/15/1991: Effective 4/15/1991; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.060: Animal Shelter

- A. The city shall maintain a suitable shelter for the impounding of dogs, such shelter shall be so constructed that dogs of different sizes, sexes, licensed or unlicensed, and healthy and unhealthy dogs may be segregated, and shall be maintained in a safe and sanitary condition. Such shelter may either be constructed and operated by the city, or the city may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed and watered and treated in a humane manner.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.070: Impoundment and Disposition

- A. All dogs found running at large may be taken up by the Animal Control Designee and impounded in the animal shelter, and there confined in a humane manner for a period of up to ten (10) days.
1. Dogs impounded and not claimed by their owner at the expiration of ten (10) days, after notice to the owner, if known, may be disposed of at the discretion of the said Animal Control Designee or police officer, except as hereinafter provided in the cases of certain dogs.
2. When dogs are found running at large, and their ownership is known to the Animal Control Designee, such dogs need not be impounded but the Animal Control

Designee or police officer may, at his discretion, cite the owner of such dogs to appear in court to answer the charge or violation of this chapter.

- B. If any impounded dog or other animal is not redeemed within ten (10) days after notice has been given to the owner, if known, or posted at the City Hall if the name of the owner is not known, the owner thereof shall forfeit all right, title and interest therein.
 - 1. In the event that any impounded dog or other animal is not redeemed by the owner, it may be disposed of by the Animal Control Designee or police officer in a humane manner.
 - 2. Any dog or other animal suffering from an infectious disease shall not be redeemed, but must be put to death, unless the public health officer shall otherwise order, or it may be given to any suitable and responsible person upon payment of the fees and charges set forth by resolution.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.080: Redemption and Destruction

- A. The owner shall be entitled to redeem possession of any impounded dog, except as hereinafter provided in the cases of certain dogs, upon compliance with the license provisions contained in Section 030 of this chapter and the payment of the fees and charges provided for in Sections 030 and 090 of this chapter. Any other animal impounded under the provisions of this chapter may be reclaimed by the owner upon the payment of the fees and charges provided for in Sections 025, 030 and 090 of this chapter.
- B. Any dog impounded under the provisions of this chapter and not reclaimed by its owner within ten (10) days may be humanely destroyed by the Animal Control Designee or placed in custody of some person deemed to be responsible or suitable person to be the owner of such animal; upon payment of fees and charges set forth in Sections 030 and 090 of this chapter.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.090: Impoundment Fees

- A. Any dog impounded under this title may be reclaimed by the owner upon payment to the city of an impounding fee and a daily boarding fee for each calendar day the dog is impounded, with such fees to be set periodically by the City Council.
 - 1. For purposes of this section, each calendar day begins at midnight and daily boarding fees will not be apportioned.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 27 – 8/1/1985: Effective 8/1/1985; Ordinance 123 – 6/2/2008: Effective 6/2/2008; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.100: Confinement of Certain Dogs

- A. The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog out of such building or secure enclosure unless such dog is securely muzzled.

- B. Every female dog in heat shall be confined in a building or secure enclosure, or in a veterinarian hospital or boarding kennel, in such manner that such female dog can't attract another animal, except for breeding purposes.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.110: Rabies Control

- A. Every animal which bites a person shall promptly be reported to the Animal Control Designee and shall thereupon be securely quarantined at the direction of the Animal Control Designee for a period of not less than fifteen (15) days and shall not be released from such quarantine except by written permission of the Animal Control Designee. Such quarantine may be on the premises of the owner, at the shelter designated as the City Animal Shelter, or at the owner's option if vaccinated for rabies as set forth in Section 030 (A) thereof, in the veterinary hospital of his choice, all at the expense of the owner. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Animal Shelter.
- B. The owner upon demand made by the Animal Control Designee or police officer or either of them, shall forthwith surrender any unvaccinated animal that has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, as set forth in Section 080 thereof, and upon compliance of licensing provisions set forth in Section 030 thereof.
- C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Animal Control Designee shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.
- D. When one (1) or both reports give a positive diagnosis of rabies, the Animal Control Designee shall recommend a city-wide quarantine of a period of thirty (30) days and upon the invocation of such quarantine no animals shall be taken into the streets or prelisted to be in the streets during such period of quarantine,
- E. Every unvaccinated animal bitten by an animal showing positive symptoms of rabies shall be forthwith destroyed, or shall at the owner's option and expense, be held not less than fifteen (15) days in quarantine, and thereafter in the discretion of the veterinarian said animal may be quarantined to a period not exceeding ninety (90) days.
- F. In the event there are additional positive cases of rabies -occurring during the period of quarantine, such period of quarantine may be extended, in the interest of the public safety, for additional periods of thirty (30) days, at the discretion of the Animal Control Designee.
- G. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or animal biting a human, except as herein provided, nor remove the same from the city limits without written permission from the Animal Control Designee. The Animal Control Designee shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Animal Control Designee.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.120: Reports of Bite Cases

- A. It shall be the duty of every physician or other practitioner to report to the Animal Control Designee the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.130: Responsibilities of Veterinarians

- A. It shall be the duty of every licensed veterinarian to report to the Animal Control Designee his diagnosis of any animal observed by him as a rabies suspect.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.140: Exemptions

- A. Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this chapter, except where such duties are expressly stated. The licensing and vaccination requirements of this chapter shall not apply to any animal belonging to a nonresident of the city and kept within the city for not longer than thirty (30) days, providing all such dogs shall at all times while in the city, be kept within a building, enclosure or vehicle, or be under restraint by the owner.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.150: Dog Census

- A. At least once every two years a complete census may be taken of all dogs in the city and anyone found to be harboring an unlicensed dog required to be licensed by the provisions of this chapter shall be required immediately to obtain a license for such dog or shall be cited into court to answer to charges of violation of this chapter.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.160: Interference

- A. No person shall interfere with, hinder, or molest the Animal Control Designee or police officer or either of them in the performance of any duty of their office, or seek to release any animal in the custody of the Animal Control Designee or police officer except as herein provided.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.170: Records

- A. It shall be the duty of the Animal Control Designee or Shelter Attendant Designee to keep or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into his custody.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.180: Barking Dogs

- A. It is unlawful for any owner to allow any dog to stay about any premises occupied or controlled by him, which dog by loud and continuous barking, howling, or yelping constitutes an annoyance or disturbance to the neighborhood. Any such dog creating such disturbance is declared to be a nuisance.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 59 – 4/15/1991: Effective 4/15/1991; Ordinance 78 – 10/2/1995: Effective 10/2/1995)

8.02.181: Chasing Vehicles

- A. It is unlawful for any owner keeping or harboring any dog or other animal to suffer or permit such dog to chase, run after, or jump at vehicles lawfully using the public streets, avenues, alleys and ways within the city and the same is declared to be a nuisance, and any such dog or animal may be seized and impounded.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 59 – 4/15/1991: Effective 4/15/1991)

8.02.182: Animal Waste; Removal

- A. The owner of an animal shall be responsible for the immediate removal of any excreta deposited by his animal on any public walk, recreation area, or private property.
- B. It shall be unlawful for the owner to fail to dispose of the excreta in a sanitary manner.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 59 – 4/15/1991: Effective 4/15/1991)

8.02.190: Destruction of Vicious Dogs

- A. Whenever an affidavit shall be filed with the City Judge that any dog has bitten a person in the city and that the person so bitten was not at the time trespassing or injuring the person or property of the owner thereof or his family at the time, or has not unduly provoked such dog into such an attack, the City Judge shall issue an order in writing directing the owner of such dog to destroy such dog within 24 hours after receiving such order, unless there is reason to believe the animal was rabid, in which case the procedure in section 8.02.110 shall be followed. Such order shall be personally served upon such owner or possessor if he be known, and if unknown, shall be posted in one public place in said city for the same length of time. The owner of such dog may have a hearing upon the question of fact involved. After full hearing, the City Judge shall order that the dog be released to its owner or that it shall be destroyed.
- B. If, after 24 hours from the time of service or posting of such notice of service of the order, the owner of such dog has neither destroyed the same nor demanded a hearing upon the facts the Animal Control Designee shall cause such dog to be destroyed.
- C. Upon the demand of the Animal Control Designee, the owner of said dog shall catch and deliver the possession of such dog to the Animal Control Designee or any police officer of the city authorized to take such possession. If the owner of said dog refuses to comply with such request or cannot be found or is unknown, the Animal Control Designee shall make a reasonable effort to capture said animal, and if he is unable to do so without killing the animal, same shall be shot with a tranquilizer gun. The provisions of this chapter shall apply whether the dog in question is licensed or not.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.200: Kennels Prohibited

- A. No kennels shall be lawful within the corporate limits of the city, except for those established, licensed and operating immediately prior to the passage of this act on June 6, 1977.
 - 1. No residence shall keep; own, or harbor more than two dogs over the age of six (6) months without obtaining an Excessive Dogs Permit, which allows up to five dogs over the age of six (6) months.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.02.210: Teasing or Unauthorized Releasing of Animals

- A. It shall be unlawful for any person or persons to tease, harass, or bother by any means, any dog which is upon the premises of the owner thereof It shall further be unlawful for any person or persons to release any dog from the premises of the owner, or to in any manner or by any means lure such dog from the premises of the owner, or the property, vehicle, or enclosure in which such dog is contained.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

8.02.220: Violations Penalty

- A. Any violation of this chapter shall be a misdemeanor for which a court may impose the conditions set forth in the laws of Montana, or such other conditions relating to the disposition of any animal as the court may determine, but in no event shall a fine exceed five hundred dollars (\$500.00), nor shall any imprisonment in any jail exceed six (6) months.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980)

Chapter 8.04: ANIMAL CONTROL

SECTIONS:

[8.04.004...Purpose](#)

[8.04.006...Definitions](#)

[8.04.010...Control of Animals Running at Large, Owner's Duty](#)

[8.04.020... Stray Animals a Nuisance](#)

[8.04.030...Notice of Impounding](#)

[8.04.040...Redemption of Impounded Animal](#)

[8.04.044...Disposition of Unclaimed Animals](#)

[8.04.050...Warning Notices](#)

[8.04.054... Violation Tickets](#)

[8.04.060...Obstructing Animal Control Designee or Shelter Attendant in Performance of Duty](#)

[8.04.070...Animal Control Designee or Shelter Attendant to Care for Animals](#)

[8.04.080...Impoundment Fees](#)

[8.04.090...Unlawful Releasing of Animals](#)

[8.04.095...Wild Animals](#)

[8.04.100...Animals Disturbing the Peace](#)

[8.04.110...Violations; Penalty](#)

8.04.004: Purpose

- A. This Ordinance sets forth controls on domestic animals.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004)

8.04.006: Definitions

- A. **Animal** - any living vertebrate, other than human beings, whether wild or domestic, including but not limited to all livestock and any domestic pet.
- B. **Animal Control Designee** - shall mean any designee of the Chief Administrative Officer, Mayor, or Police Chief as all law enforcement officers as defined in Montana State law, with all necessary police powers incident to the animal control authority.
- C. **Animal Shelter** – shall mean any premises provided by the City or other designated facility used to impound and temporarily care for dogs or other animals.
- D. **At Large** – shall mean off the premises of the owner and not on a leash or other restraint or properly controlled by the owner or responsible person.
- E. **City** - the city of Deer Lodge, Montana, a municipality
- F. **Leash** - shall include leashes, cords, rope, chains or other similar devices of suitable strength to hold an animal to which attached.
- G. **Nuisance Animal** - any animal that:
-

1. Damages or steals private or public property
 2. Destroys property or other animals
 3. Chases after persons [not trespassing on the property of or injuring or attempting to injure the person, family or property of the owner]
 4. Chases any vehicles in public streets or right-of-ways
 5. Defecates on private land without permission of the land owner or is allowed to defecate on public land without the person in care of the animal cleaning up and disposing of the waste immediately in a proper receptacle.
 6. Enters a public area where food is being served or consumed which is designated with signs which prohibit animals (excluding service animals).
 7. Rummages through and/or scatters garbage or rubbish.
 8. Runs at large
 9. Is "in heat" - a condition of readiness for mating in female animals.
 10. Causes annoyance or disturbance to any person by prolonged howling, barking, or other animal noises, or by other means
- H. **Owner** - shall mean any person, firm, corporation, organization, or department possessing harboring, keeping, having an interest in, or having control or custody of an animal. If the owner is a juvenile, a parent or other custodian of such juvenile shall for the purposes of this chapter, be treated as the owner of the animal.
- I. **Picket** - to tether an animal to a pointed stake set into the ground or otherwise tether an animal outside
- J. **Vicious Animal** - any animal who:
1. Bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal. The term "animal" includes all livestock and any domestic pet. [MCA 7-23-2109],
 2. Has ever been trained for fighting or has ever been owned, kept, or harbored for the purpose of fighting.
- K. **Unredeemed Animal** - an impounded dog or other animal that is not redeemed within ten (10) days after it is taken and impounded.
- L. **Wild Animal** - includes species of mammal, wild by nature, whether or not bred or reared in captivity, as distinguished from the common domestic animals.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.010 Control of Animals Running at Large. Owner's Duty

- A. Dogs must be licensed, impounded, redeemed and/or destroyed, etc. as provided in **Deer Lodge City Ordinance, Chapter 8.02 DOGS**
- B. The running at large, at any time, within the corporate limits of the City, of any animal is prohibited, as is allowing any animal to trespass upon the premises of another in the City. The herding of any animal (i.e. but not limited to, horses, cattle, swine, sheep, fowl, etc.) on the streets or alleys of the City is prohibited. The picketing of any animal on the streets or alleys of the City is prohibited.
- C. Any animal found running at large, herded or picketed on the streets or alleys of the City shall be impounded and may be sold as provided in this chapter to pay fines, costs or damages which may be assessed under this chapter.

- D. Any owner causing or allowing an animal, to run at large, be herded or picketed on the streets or alleys of the City, or causing or allowing an animal to trespass upon the premises of another in the City, shall be deemed guilty of a misdemeanor, punishable as provided in this chapter, to which shall be added any damages done by such animal and the costs of impounding and keeping such animal, if any.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004)

8.04.020: Stray Animals a Nuisance

- A. Any stray animal running at large within the City is declared to be a nuisance, and any such stray animal may be seized and impounded. For the purpose of this section, "stray" means and includes any animal appearing or remaining in a neighborhood or any public place without an apparent home.
- B. Dogs must be licensed, impounded, redeemed and/or destroyed, etc. as provided in **Deer Lodge City Ordinance, Chapter 8.02 DOGS**.
- C. Other animals found running at large, herded or picketed on the streets or alleys of the City, or otherwise in violation of this chapter, may be impounded by the City Animal Control Designee or by a state, federal or local peace officer.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.030: Notice of Impounding

- A. Upon the seizing and impounding of any animal, the City Animal Control Designee shall give notice of such impounding in substantially the following manner:
 - 1. If the animal is wearing a license tag, or if the identity of the owner is known or can readily be determined by the City Animal Control Designee, then, when reasonably practicable after the animal is impounded, the City Animal Control Designee shall notify the owner that the animal has been impounded and may be redeemed as provided by this chapter.
 - 2. If the owner is known by the Animal Control Designee, but cannot be notified as above, or if the owner has been notified and does not appear to redeem the animal within twenty-four hours of the time of notice, the Animal Control Designee may send, by certified and regular mail, a notice in substantially the following form:

NOTICE OF IMPOUNDING

DATE: _____

To: Whom It May Concern:

Date of Impounding: _____ **Time of Impounding:** _____

The City of Deer Lodge has this day seized and impounded in the City Animal Shelter an animal described as follows:

Dog () Cat () Other ()

Sex _____ **Color** _____ **Breed** _____

Approximate Age _____ **Other Identification** _____

Name of Owner _____

Notice is hereby given that unless said animal is claimed and redeemed on or before ____ o'clock __.M. on the ____ day of _____ 20 ____, the animal will be sold, adopted or destroyed as provided by ordinance.

Authority and Procedure for impounded animals is defined in the Deer Lodge City Code, Title 8: Animals.

Signed: _____
Animal Control Designee

3. If the owner cannot be readily identified, then the Animal Control Designee shall post the above "Notice of Impounding" at City Hall, 300 Main Street, Deer Lodge, Montana, in a conspicuous location.
4. Impounding information may also be available at the Powell County Sheriff's Office, 313 Fourth Street, Deer Lodge, Montana.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.040: Redemption of Impounded Animal

- A. It is declared the duty of every owner of any dog or other animal to know its whereabouts at all times.
- B. Unless this chapter requires impounding for a longer period of time, any person appearing and claiming any animal taken for violation of this chapter and proving ownership to the satisfaction of the City, may claim and redeem the impounded animal by payment to the City at the Deer Lodge City Hall, or at the Animal Shelter to an Animal Control Designee, of an impounding fee and a boarding fee for each calendar day. Each fee shall be set by the City via resolution.
- C. The animal will not be released until payment is made.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.044: Disposition of Unclaimed Animals

- A. An animal that is not claimed and redeemed by its owner within ten (10) days may, at the Animal Control Designee's discretion, be placed up for adoption, sold, or humanely disposed of.
- B. For purposes of determining whether the ten (10) days has expired, the following methods shall be used:
 1. If the owner has been notified by telephone, time begins when telephone contact was made with the owner by the Animal Control Designee.
 2. If the owner is mailed notice by certified and regular mail, time begins on the third day after the notice was mailed.
 3. If notice was posted because the owner of the animal could not be readily determined by the Animal Control Designee, time begins when the notice was posted at Deer Lodge City Hall and optionally made available at the Powell County Sheriff's Office in a conspicuous location.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.050: Warning Notices

- A. The Animal Control Designee may deliver or send a warning notice to an animal owner when there has been a complaint about the animal or there exists a possible or potential violation of this chapter. The notice may identify the complaint or problem and expected solution.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.054: Violation Tickets

- A. Violation tickets may be issued by the Animal Control Designee or any law enforcement officer.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.060: Obstructing Animal Control Designee or Shelter Attendee in Performance of Duty

- A. Any person who shall obstruct or attempt to recover from the Animal Control Designee or other person engaged in driving to the Animal Shelter, or any other location, any animal liable to be impounded, or who shall break open or attempt to break open or assist or encourage others to break open the city [pound] animal shelter or shall in any other way attempt to remove any animal there from unlawfully, shall be deemed guilty of a misdemeanor and upon conviction may be fined as provided in this chapter.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.070: Animal Control Designee or Shelter Attendant to Care for Animals

- A. It shall be the duty of the Animal Control Designee or Shelter Attendant to see that every impounded animal has sufficient and proper food and water; also shelter and other care when needed.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.080: Impoundment Fees

- A. There shall be charged an impounding fee and a daily boarding fee for each calendar day the animal is impounded, with such fees to be set periodically by the City Council and collected by the City Clerk, Animal Control Designee, or Shelter Attendant for the City. For purposes of this section, each calendar day begins at midnight and daily boarding fees will not be apportioned. Impounded animals may be placed in foster care at the City's discretion.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)

8.04.090: Unlawful Releasing of Animals

- A. If any person shall willfully open any gate or break, destroy or tear down any gate or fence, thereby turning loose any animal, that person shall be deemed guilty of a misdemeanor.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004)

8.04.095: Wild Animals

- A. No person shall keep or maintain a wild animal within the City limits. Any person violating the provisions of this section shall be guilty of a misdemeanor.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004)

8.04.100: Animals Disturbing the Peace

- A. It is unlawful for any person owning an animal to allow or permit that animal to be a nuisance and annoy, injure, or endanger safety, health, comfort or repose of others. Any person violating the provisions of this section shall be guilty of a misdemeanor.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004)

8.04.110: Violations; Penalty

- A. Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010: General Penalty of this Code.

(Ordinance 1 – 1/17/1980: Effective 1/17/1980; Ordinance 124 – 8/4/2004: Effective 8/4/2004; Ordinance 2019-8 – 08/19/2019: Effective 08/19/2019)