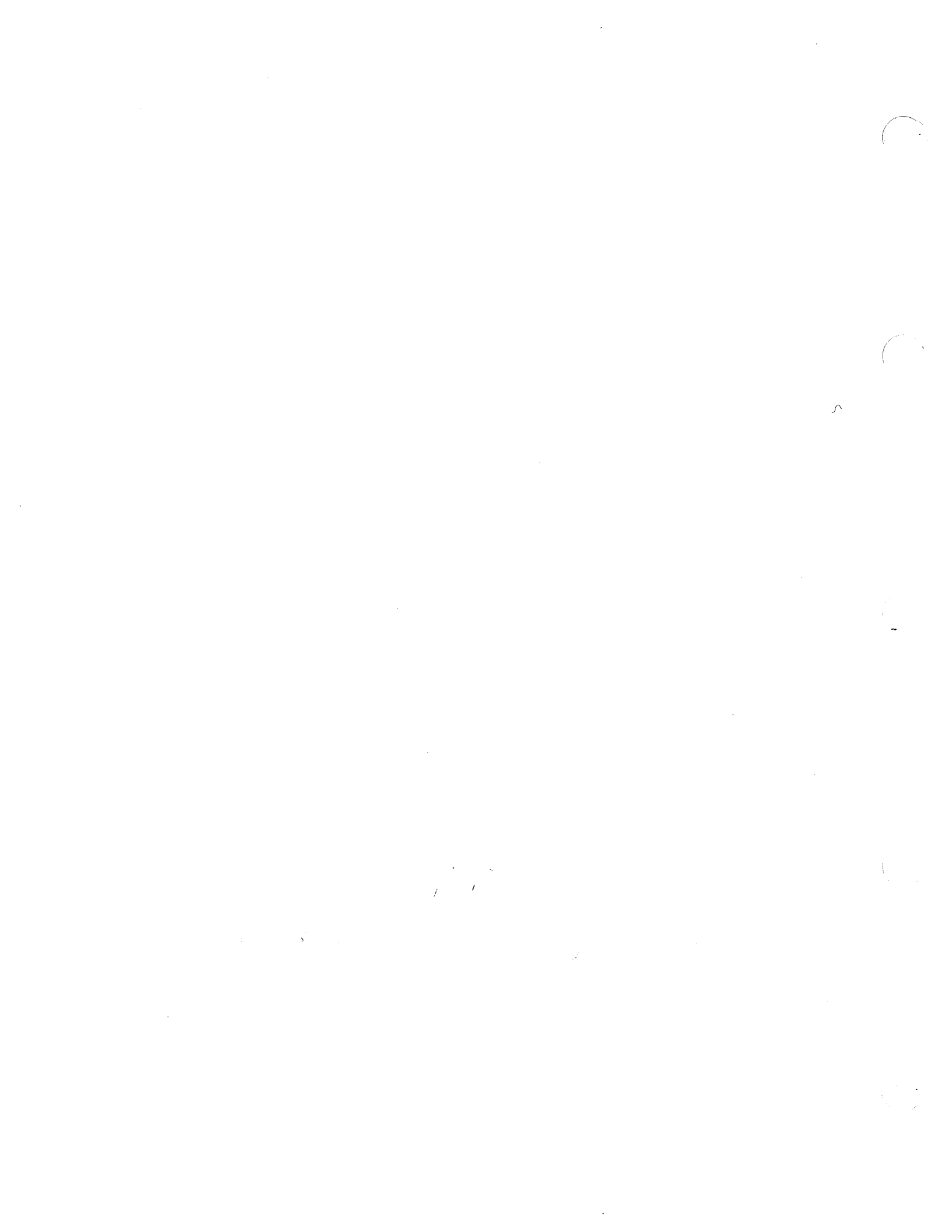


**TITLE 4**  
**LAW ENFORCEMENT**

Subject	Chapter
Law Enforcement Agreement .....	1
General Offenses .....	2
Animal Control .....	3
Domestic Animals .....	3A
Dogs .....	3B
Fowl .....	3C



CHAPTER 1

**LAW ENFORCEMENT AGREEMENT**

SECTION:

4-1-1: Provisions

4-1-1: **PROVISIONS:** The town council has entered into an agreement with Carbon County, Montana, to provide law enforcement within the town as set forth in the law enforcement agreement between the county and the town, as that agreement now exists or may be amended from time to time. (2010 Code)



CHAPTER 2  
**GENERAL OFFENSES**

SECTION:

- 4-2- 1: Disorderly Conduct
- 4-2- 2: Public Drunkenness
- 4-2- 3: Indecent Exposure
- 4-2- 4: Cruelty To Animals
- 4-2- 5: Driving On Sidewalks
- 4-2- 6: Concealed Weapons
- 4-2- 7: Promoting Prostitution
- 4-2- 8: Sell Or Give Intoxicating Liquor To Person Habitually  
Intoxicated Or Minors
- 4-2- 9: Allowing Minor To Resort
- 4-2-10: Criminal Mischief
- 4-2-11: Obstructing Justice
- 4-2-12: Putting Refuse On Highway Prohibited
- 4-2-13: Sale Or Distribution Of Tobacco To Minors
- 4-2-14: Destruction Of Boundary Markers
- 4-2-15: False Alarms To Agencies Of Public Safety

**4-2-1: DISORDERLY CONDUCT<sup>1</sup>:**

- A. Offenses Enumerated: A person commits the offense of disorderly conduct if he knowingly disturbs the peace by:
1. Quarreling, challenging to fight, or fighting;
  2. Making loud or unusual noises;
  3. Using threatening, profane, or abusive language;
  4. Discharging firearms, except at a shooting range during established hours of operation;

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1. See MCA § 7-32-4302 for power to prevent and punish.

5. Rendering vehicular or pedestrian traffic impassable;
  6. Rendering the free ingress or egress to public or private places impassable;
  7. Disturbing or disrupting any lawful assembly or public meeting;
  8. Transmitting a false report or warning of a fire or other catastrophe in such a place that its occurrence would endanger human life;
  9. Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- B. Penalty: A person convicted of the offense of disorderly conduct shall be fined not to exceed one hundred dollars (\$100.00) or be imprisoned in the county jail for a term not to exceed ten (10) days, or both. (2010 Code)

**4-2-2: PUBLIC DRUNKENNESS<sup>1</sup>:**

- A. Detained By Peace Officer: A person who appears to be intoxicated or incapacitated by alcohol in public commits no criminal offense solely by reason of being in such condition, but may be detained by a peace officer for the person's own protection. A peace officer who detains a person who appears to be intoxicated or incapacitated by alcohol in public shall proceed in the manner as provided by Montana Code Annotated section 54-24-303.
- B. Duration Of Detainment: If none of the alternatives in Montana Code Annotated section 53-24-303 are reasonably available, a peace officer may detain a person who appears to be intoxicated or incapacitated by alcohol in jail until the person is no longer creating a risk to himself or others. (2010 Code)

**4-2-3: INDECENT EXPOSURE:**

- A. Offense Enumerated: A person commits the offense of indecent exposure if the person knowingly or purposely exposes the person's

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1. The town has the power to prevent and punish intoxication pursuant to MCA § 7-32-4302 subject to the limitations established in MCA § 53-24-106.

genitals under circumstances in which the person knows the conduct is likely to cause affront or alarm in order to:

1. Abuse, humiliate, harass, or degrade another; or
  2. Arouse or gratify the person's own sexual response or desire or the sexual response or desire of any person.
- B. Penalty: A person convicted of the offense of indecent exposure shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

4-2-4: **CRUELTY TO ANIMALS<sup>1</sup>:**

- A. Cruelty Conditions Enumerated: A person commits the offense of cruelty to animals if, without justification, the person knowingly or negligently subjects an animal to mistreatment or neglect by:
1. Overworking, beating, tormenting, torturing, injuring, or killing the animal;
  2. Carrying or confining the animal in a cruel manner;
  3. Failing to provide an animal in the person's custody with:
    - a. Food and water of sufficient quantity and quality to sustain the animal's normal health;
    - b. Minimum protection for the animal from adverse weather conditions, with consideration given to the species;
    - c. In cases of immediate, obvious, serious illness or injury, licensed veterinary or other appropriate medical care;
  4. 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
  5. Promoting, sponsoring, conducting, or participating in an animal race of more than two (2) miles, except a sanctioned endurance race.

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1. MCA § 7-23-4104.

- B. Exceptions: This section does not prohibit:
1. A person humanely destroying an animal for just cause;
  2. The use of commonly accepted agricultural and livestock practices on livestock;
  3. Rodeo activities that meet humane standards of the Professional Rodeo Cowboys Association;
  4. Lawful fishing, hunting, and trapping activities;
  5. Lawful wildlife management practices;
  6. Lawful scientific or agricultural research or teaching that involves the use of animals;
  7. Services performed by a licensed veterinarian;
  8. Lawful control of rodents and predators and other lawful animal damage control activities; or
  9. Accepted training and discipline methods.
- C. Violation; Penalty:
1. A person convicted of the offense of cruelty to animals shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code.
  2. If the convicted person is the owner, the person may be required to forfeit any animal affected to the county in which the person is convicted. This provision does not affect the interest of any secured party or other person who has not participated in the offense.
  3. When more than one animal is subject to cruelty to animals, each act may comprise a separate offense.
  4. In addition to the sentence provided in subsection C1 of this section, the court:
    - a. Shall require the defendant to pay all reasonable costs incurred in providing necessary veterinary attention and treatment for any animal affected, including reasonable costs of care incurred by a



public or private animal control agency or humane animal treatment shelter;

b. May require the defendant to pay all reasonable costs of necessary care of the affected animal that are incurred by a public or private animal control agency or humane animal treatment shelter; and

c. Shall prohibit or limit the defendant's ownership, possession, or custody of animals, as the court believes appropriate, during the term of the sentence. (2010 Code)

4-2-5:       **DRIVING ON SIDEWALKS<sup>1</sup>**: Every person who shall, within the limits of the town, ride or drive any automobile, or any horse, mule, ass, or ox, or any team of horses, mules, asses, or oxen, either single or attached to any wagon, carriage, dray, sleigh or other vehicle, upon or across any public sidewalk, or private walk or platform, without the consent of the owner, except at the proper street or alley crossings, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (1909 Code § 11-2-1-6; amd. 2010 Code)

4-2-6:       **CONCEALED WEAPONS<sup>2</sup>**: Every person who carries or bears concealed upon his person a dirk, dagger, pistol, revolver, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife having a blade four inches (4") long or longer, razor, not including a safety razor, or other deadly weapon shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

4-2-7:       **PROMOTING PROSTITUTION:**

A.       Offenses Enumerated: A person commits the offense of promoting prostitution if the person purposely or knowingly commits any of the following acts:

1. Owns, controls, manages, supervises, resides in, or otherwise keeps, alone or in association with others, a house of prostitution or a prostitution business;

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1. MCA § 7-14-4123.

2. MCA § 45-8-321.

2. Procures an individual for a house of prostitution, or a place in a house of prostitution for an individual;
  3. Encourages, induces, or otherwise purposely causes another to become or remain a prostitute;
  4. Solicits clients for another person who is a prostitute;
  5. Procures a prostitute for a patron;
  6. Transports an individual into or within this state with the purpose to promote that individual's engaging in prostitution, or procures or pays for transportation with that purpose;
  7. Leases or otherwise permits a place controlled by the offender, alone or in association with others, to be regularly used for prostitution or for the procurement of prostitution or fails to make reasonable effort to abate that use by ejecting the tenant, notifying law enforcement authorities, or using other legally available means; or
  8. Lives in whole or in part upon the earnings of an individual engaging in prostitution, unless the person is the prostitute's minor child or other legal dependent incapable of self-support.
- B. Penalty: A person convicted of promoting prostitution shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

4-2-8:           **SELL OR GIVE INTOXICATING LIQUOR TO PERSON  
HABITUALLY INTOXICATED OR MINORS:**

- A. Intoxicated Persons:
1. No store manager, retail licensee, or any employee of a store manager or retail licensee may sell any alcoholic beverage or permit any alcoholic beverage to be sold to any person apparently under the influence of an alcoholic beverage.
  2. No person may give an alcoholic beverage to a person apparently under the influence of alcohol.

**B. Minors:**

1. Except in the case of an alcoholic beverage provided in a nonintoxicating quantity to a person under twenty one (21) years of age by his parent or guardian, physician or dentist for medicinal purposes, a licensed pharmacist upon the prescription of a physician, or an ordained minister or priest in connection with a religious observance, a person may not sell or otherwise provide an alcoholic beverage to a person under twenty one (21) years of age.

2. A parent, guardian, or other person may not knowingly sell or otherwise provide an alcoholic beverage in an intoxicating quantity to a person under twenty one (21) years of age.

3. For the purposes of this section, "intoxicating quantity" means a quantity of an alcoholic beverage that is sufficient to produce:

a. A blood, breath, or urine alcohol concentration in excess of 0.05; or

b. Substantial or visible mental or physical impairment.

**C. Penalty: Any person is guilty of a misdemeanor who:**

1. Invites a person under the age of twenty one (21) years into a public place where an alcoholic beverage is sold and treats, gives, or purchases an alcoholic beverage for the person;

2. Permits the person in a public place where an alcoholic beverage is sold to treat, give, or purchase alcoholic beverages for him; or

3. Holds out the person to be twenty one (21) years of age or older to the owner of the establishment or his or her employee or employees.

4. It is unlawful for any person to fraudulently misrepresent his or her age to any dispenser of alcoholic beverages or to falsely procure any identification card or to alter any of the statements contained in any identification card. (2010 Code)

4-2-9: **ALLOWING MINOR TO RESORT:** Any person who, being the proprietor or person in charge of any saloon, gambling house, house of prostitution, dance hall, or place where intoxicating liquors are dispensed, shall permit any minor to resort or step therein, shall be

guilty of a misdemeanor and, on conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code, and the offender's license, if any, may be revoked. (1909 Code § 11-2-1-11; amd. 2010 Code)

**4-2-10: CRIMINAL MISCHIEF:**

A. Offenses Enumerated: A person commits the offense of criminal mischief if the person knowingly or purposely:

1. Injures, damages, or destroys any property of another or public property without consent;

2. Without consent tampers with property of another or public property so as to endanger or interfere with persons or property or its use;

3. Damages or destroys property with the purpose to defraud an insurer; or

4. Fails to close a gate previously unopened that the person has opened, leading in or out of any enclosed premises.

B. Restitution: A person convicted of criminal mischief must be ordered to make restitution in an amount and manner to be set by the court. The court shall determine the manner and amount of restitution after full consideration of the convicted person's ability to pay the restitution. Upon good cause shown by the convicted person, the court may modify any previous order specifying the amount and manner of restitution. Full payment of the amount of restitution ordered must be made prior to the release of jurisdiction over the person convicted.

C. Penalty: A person convicted of the offense of criminal mischief shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

**4-2-11: OBSTRUCTING JUSTICE:**

A. Definition: For the purpose of this section an "offender" means a person who has been or is liable to be arrested, charged, convicted, or punished for a public offense.

- B. Offenses Enumerated: A person commits the offense of obstructing justice if, knowing a person is an offender, he purposely:
1. Harbors or conceals an offender;
  2. Warns an offender of impending discovery or apprehension; except, this does not apply to a warning given in connection with an effort to bring an offender into compliance with the law;
  3. Provides an offender with money, transportation, weapon, disguise, or other means of avoiding discovery or apprehension;
  4. Prevents or obstructs by means of force, deception, or intimidation anyone from performing an act that might aid in the discovery or apprehension of an offender;
  5. Suppresses by act of concealment, alteration, or destruction any physical evidence that might aid in the discovery or apprehension of an offender; or
  6. Aids an offender who is subject to official detention to escape from such official detention.
- C. Penalty: A person convicted of obstructing justice shall, upon conviction, be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

4-2-12: **PUTTING REFUSE ON HIGHWAY PROHIBITED<sup>1</sup>:**

- A. Prohibited: A person may not throw or deposit upon a highway glass bottles, glass, nails, tacks, wire, cans, plastic bottles, plastic, paper, or any other debris. A person may not throw or deposit upon a highway any substance likely to injure a person or animal or damage a vehicle upon the highway.
- B. Removal Required: A person who drops or permits to be dropped or thrown upon a highway, destructive or injurious material shall immediately remove the material or cause it to be removed.
- C. Removal Of Wrecked Or Damaged Vehicle: A person who removes a wrecked or damaged vehicle from a highway shall remove glass or

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1. MCA § 7-14-4102.

any other injurious substance dropped upon the highway from the vehicle.

- D. Penalty: A person convicted of violating this section, upon conviction, shall be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

**4-2-13: SALE OR DISTRIBUTION OF TOBACCO TO MINORS:**

- A. Prohibited: A person may not sell or distribute a tobacco product to an individual under eighteen (18) years of age, whether over the counter, by vending machine, or otherwise.
- B. Identification Required: If there is a reasonable doubt as to the individual's age, the seller shall require presentation of a driver's license or other generally accepted identification that includes a picture of the individual. (2010 Code)

**4-2-14: DESTRUCTION OF BOUNDARY MARKERS:** Any person who wilfully removes, alters, or defaces any monument, tree, post, or other designation, erected or placed for the purpose of designating any point in the boundary of any lot or street, or tract of land, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (1909 Code § 11-2-1-19; amd. 2010 Code)

**4-2-15: FALSE ALARMS TO AGENCIES OF PUBLIC SAFETY:**

- A. Prohibited: A person commits an offense under this section if he knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, which deals with emergencies involving danger to life or property.
- B. Penalty: A person convicted of an offense under this section shall be subject to penalty as provided in section 1-4-1 of this code. (2010 Code)

## CHAPTER 3

## ANIMAL CONTROL

**ARTICLE A. DOMESTIC ANIMALS**

## SECTION:

- 4-3A-1: Certain Animals Running At Large
- 4-3A-2: Impoundment; Notice
- 4-3A-3: Duty To Ascertain Brands
- 4-3A-4: Department To Ascertain Owner; Notice
- 4-3A-5: Provisions Mandatory
- 4-3A-6: Violation; Penalty

4-3A-1: **CERTAIN ANIMALS RUNNING AT LARGE:** Horses, cattle, mules, sheep, llamas, alpacas, bison, goats, or swine may not be allowed to run at large within the corporate limits of the town. (2010 Code)

4-3A-2: **IMPOUNDMENT; NOTICE:**

- A. Duty To Impound: When any livestock or domestic animals of any kind are impounded, seized, restrained, or held by the town or any of its officers or agents, it shall be the duty of the town, its officers or agents to give notice to the owner of such livestock or domestic animals so impounded, seized, restrained, or held by the town, if the owner is known, in the manner hereinafter provided.
- B. Contents Of Notice: Such notice shall be in writing and shall give:
  - 1. The number, description, marks, and brands of such stock when impounded, seized, restrained, or held with the reasons therefor;
  - 2. The amount of charges, if any, which shall be reasonable and in no case exceed the actual cost of holding and costs in event of sale; and

3. What disposition will be made of said stock if such charges are not paid and when and where such disposition shall be made.

C. Service Of Notice:

1. Owner: If the owner of the livestock described in this article is known and if the owner's post office address is known, the notice must be served upon the owner personally.

2. Service On Department Of Livestock: If the owner of the livestock described in this article is unknown or if the owner is known but the owner's post office address is unknown, the notice must be served on the department of livestock.

3. Service By Mail: Service of such notice may be made personally or by registered or certified mail, postage prepaid, properly addressed, and placed in the United States post office at least eight (8) days before the day fixed for the disposition of said stock. (2010 Code)

4-3A-3: **DUTY TO ASCERTAIN BRANDS:** It shall be the duty of the town and its officers or agents to use reasonable diligence to ascertain any and all marks and brands on such stock, and in case such animals are not branded or marked or the brand or marks are mutilated or undeterminable, such facts shall be noticed in said notice. (2010 Code)

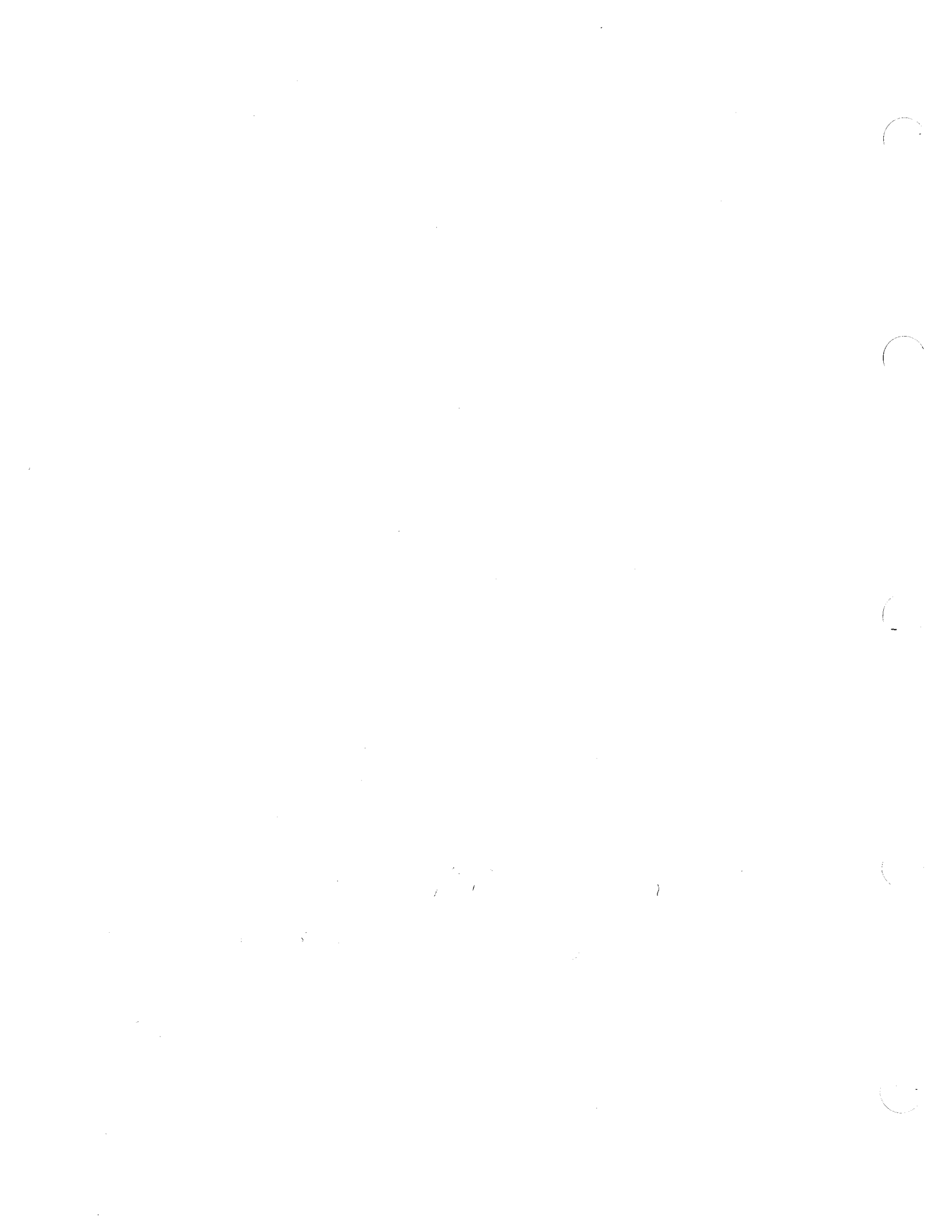
4-3A-4: **DEPARTMENT TO ASCERTAIN OWNER; NOTICE:** When the notice is served, the department of livestock shall ascertain the owner of the stock, if possible, and when the owner is ascertained, immediately furnish the owner with the information contained in the notice. The department shall notify the town, or its officers or agents, of the name and post office address of the owner. (2010 Code)

4-3A-5: **PROVISIONS MANDATORY:** The provisions of this article are mandatory, and the owner of livestock may lose title or right of possession to the owner's stock unless the provisions of this article are strictly complied with. (2010 Code)

4-3A-6: **VIOLATION; PENALTY:** Any person owning livestock or having charge of any horses, mules, cattle, sheep, llamas,



alpacas, bison, goats, or swine who wilfully and unlawfully permits the livestock to trespass in violation of any of the provisions of Montana Code Annotated section 81-4-401 is guilty of a misdemeanor and, upon conviction, shall be punished as provided by law. (2010 Code)



**TITLE 4 CHAPTER 3 ARTICLES B & C**  
**3<sup>rd</sup> Amendment 9/16**

**“The purpose of this ordinance is to encourage responsible pet ownership.”**

**SECTION 1 ENFORCEMENT:** The provisions of this chapter shall be enforceable by any duly appointed officer of the Town or any special officer appointed by the Mayor and confirmed by the Town of Bearcreek Council herein called “animal control officer”. It shall be the duty of the animal control officer to enforce the provisions of this chapter, which shall include the authority to issue civil citations for the violations thereof as set forth.

**SECTION 2 DEFINITIONS:** As used in this chapter unless otherwise indicated by text:

(A) **Animal:** Dogs, cats, rabbits, rodent game animals, fur bearing and wild animals, and poultry and other birds of either gender.

(B) **At Large:** Off the premises of the owner and not under the control of the owner or member of his family or his agent by leash, cord, chain or otherwise.

(C) **Dangerous animal:** An animal which is capable of inflicting death or serious injury on any person or other animal and which:

- (1) Has, without provocation, attacked or bitten a person engaged in lawful activity; or
- (2) Has, while off the property of its owner and without provocation, killed, or injured another animal; or
- (3) Has, anywhere, without provocation, chased, confronted, or approached a person on a street, sidewalk, or other public property in a menacing fashion, such as would put an average person in fear of attack; or
- (4) Has anywhere exhibited a propensity, tendency, or disposition to attack, cause injury, or threaten the safety of persons or other animals without provocation; or
- (5) Has anywhere acted in a manner that causes or should cause its owner to know that it is potentially vicious.

(D) **Harass or Harasses:** To worry, chase or run after any animal or human in a manner that may lead to subsequent injury to a human or another animal.

(E) **Livestock:** Cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, and goats of either gender.

(F) **Open Area:** Land free of buildings with enclosed walls and/or roof, including but not limited to homes, garages, barns and sheds. Acceptable buildings or structures on the ‘Open Area’ may include but is not limited to enclosures such as pens, corrals, fences, which meet the zoning requirements of the Town.

(G) **Owner:** any person, firm, association, or corporation owning, keeping, or harboring any animal who lets the same habitually remain or be fed in or about their premises. This term shall include the parents or legal guardians of minors who own animals kept within the Town.



(H) Prolonged: Any animal that continues to emit sounds for 10 minutes or more that are objectionable to persons within the area of the sound or noise. Prolonged may be habitual, continual, kept up, persistent, extended, resumed, or any other manner, other than letting the owner or custodian know of danger or of an intruder on their property or of improper care of such animal, so as to be objectionable to the peace and serenity of other people.

(I) Vaccinate: The inoculation of any animal with an anti-rabies vaccine or other vaccinations deemed necessary by any licensed veterinarian.

(J) Worry: To cause, feel uneasy in the mind, trouble, bother, pester, causing anxiety or vexation to harass by tearing, biting, snapping, shaking or pulling at with the teeth.

### **SECTION 3 LICENSING OF DOGS AND CATS:**

(A) No person shall own, keep, or harbor any dog or cat over 6 months of age within the Town of Bearcreek unless such dog or cat is vaccinated and licensed.

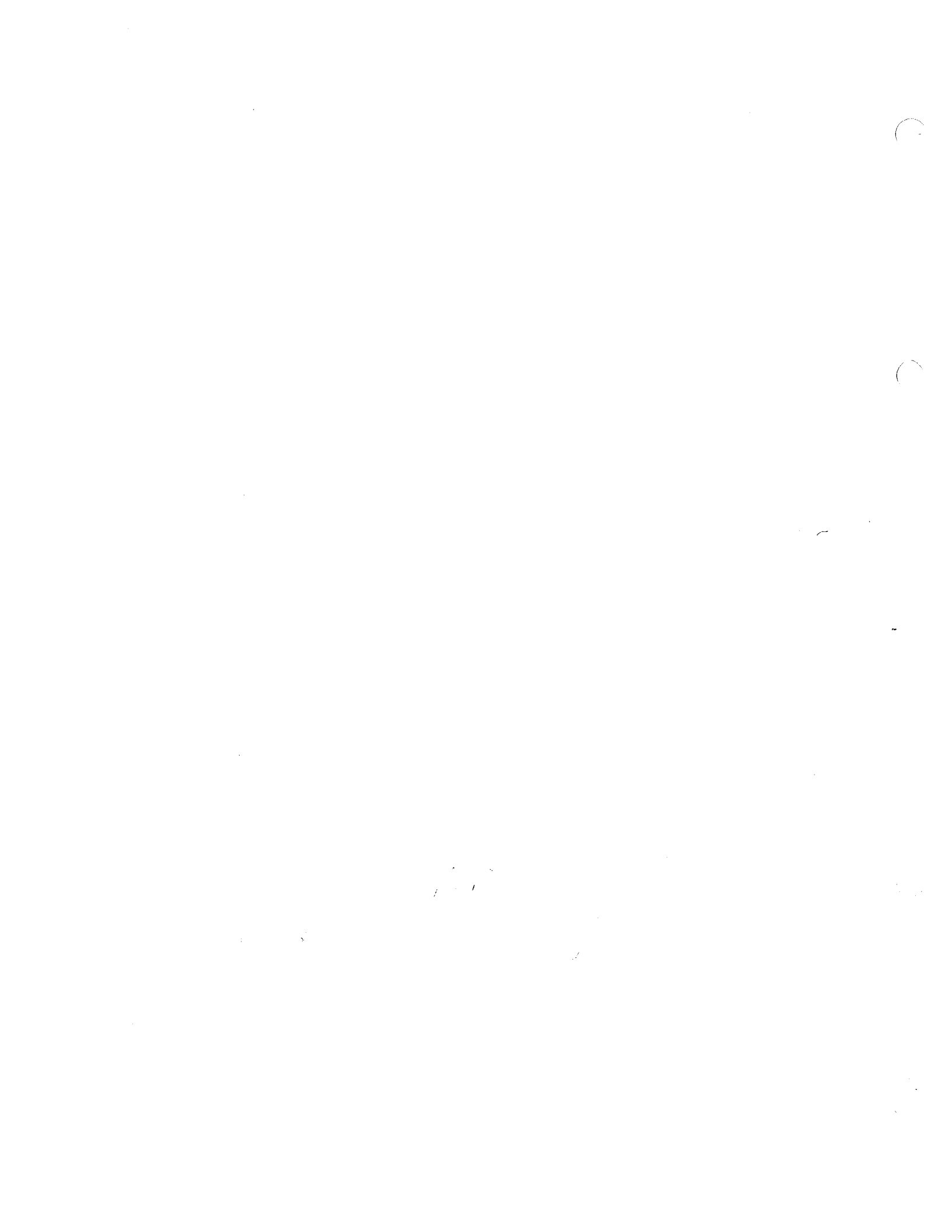
(B) Application for a license must be made within 30 days after obtaining a dog or cat over 6 (six) months of age, except that this requirement will not apply to a nonresident keeping a dog or cat within the Town for no longer than 60 days per calendar year.

(C) Written application for a dog or cat license shall be made to the Animal Control Officer and shall include the name and address of the owner and the name, breed, color, age and sex of the dog or cat. Applicants shall also pay the licensing fee and provide proof of current rabies vaccination. No license will be issued without proof of rabies vaccination.

(D) The licensing period shall be for 1 year, starting January 1 and ending Dec. 31 of said year. License renewal may be applied for within 60 days prior to the expiration. New residents must apply for a license within 30 days of establishing residence. No provision is made for proration of the fee.

(E) A license shall be issued after payment of a fee of \$10.00 for each spayed or neutered dog or cat. Payment of \$30.00 will be charged for each unsprayed or unneutered dog or cat. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee of \$50.00. Duplicate tabs may be obtained for \$1.00 each.

(F) Upon acceptance of the license application and fee, the Animal Control Officer shall issue a durable license tag including an identifying number, year of issuance, and city. Both rabies and license tags must be attached to the collar of the dog or cat. Breakaway collars are recommended when tags are affixed to collars worn by cats. Tags must be worn at all times and are not transferable. The Animal Control Officer shall maintain a record of all licenses issued and such records shall be available to the Town Clerk.



#### **SECTION 4 DANGEROUS ANIMALS:**

(A) It shall be unlawful for any person to own, keep harbor, or maintain any animal whose behavior falls within the definition of a Dangerous Animal as set forth in Chapter 3, Articles B&C, Section 2 (C) herein. The penalties for violations of this section are found in Chapter 3, Articles B&C, Section 13 herein.

(B) Whenever an affidavit shall be signed and submitted to the animal control officer, that an animal has bitten a person or animal in the Town without provocation, in violation of Chapter 3, Articles B&C, Section 2 (C) herein the officer shall have the authority to take immediate possession of said animal and to enter upon the premises of its owner, if necessary, in order to secure possession, and thereupon to deliver said dog to a designated veterinary clinic for clinical observation of rabies.

(C) The period of clinical observation shall be determined by the licensed veterinarian in charge of the clinic, but shall in no event be for a period of less than 10 days.

(D) At the conclusion of the clinical observation period, the animal shall be destroyed unless the owner declares his or her desire to reclaim possession of the animal. In the event the owner desires to reclaim possession, a hearing should be held before the Town Judge to determine whether the animal shall be found to be a dangerous animal within the definitions set forth in Chapter 3, Articles B&C, Section 2 (C) herein, and at the conclusion of the hearing the Judge issue an order determining:

- (1) That the animal is not a dangerous animal within the definition set forth in Chapter 3, Articles B&C, Section 2 (C), and should be returned to the owner subject to payment of all fees, impoundment expenses, fines and other appropriate orders issued by the Judge in the circumstances.
- (2) That the animal is a dangerous animal within the definition set forth in Chapter 3, Articles B&C, Section 2 (C), in which case the animal shall be immediately destroyed at the direction of the Animal Control Officer.

(E) The cost of impounding, keeping, observing, testing, destroying, any fines, and other related expenses shall be paid by the owner of the biting animal to the Town Clerk or the Town Judge prior to the release of the animal to the owner.

(F) The failure on the part of the owner of an animal to fully cooperate in delivering the animal to the officer shall result in a civil penalty against the owner of not less than \$50.00 per day for as long as the failure continues, in addition to the penalties for violations of this section found in Chapter 3, Articles B & C, Section 13 herein.

**SECTION 5 NOTICE:** Immediately after impounding any animal hereunder it is the duty of the Animal Control Officer to enter upon the records of the Town in a book to be kept for such purposes, the date of the impounding, and description of the animal impounded. Public notices of the impounding shall be given by posting one copy of the description of such animal and date of the impounding at the Town Hall and the Post Office and a copy given to the owner of said animal if owner can be identified. Any animal not redeemed by the owner thereof within 72 hours after notification or posting of such notice by the officer shall be and is hereby declared to be a public nuisance. The officer shall have the animal destroyed.





**SECTION 6 ANIMALS IMPOUNDED - HOW REDEEMED:** The owner or owners of any animal impounded hereunder may redeem the same by paying all costs, charges, and penalties assessed, if any, that have accrued up to the time of making the redemption and, when the same are paid to the Town Clerk or Judge, they shall order the release of the dog from said pound to the owner.

**SECTION 7 DISTURBING THE PEACE PROHIBITED:** It shall be unlawful for any person to own, keep, harbor or maintain any animal, which by loud and frequent noise, such as barking, howling, yelping or other noise in excess of 10 minutes or which in any way or manner should cause annoyance or disturbance to any person or persons within the Town. The penalties for violations of this section are found in Chapter 3, Articles B&C, Section 13 herein.

**SECTION 8 LEASH CONTROL REQUIREMENT:** It shall be unlawful to permit any animal to run at large within the Town limits. When a dog is off the premises of the owner it must be under the control of the owner or member of his family or his agent by leash, cord, chain. The penalties for violations of this section are found in Chapter 3, Articles B&C, Section 13 herein.

**SECTION 9 FEEDING ANIMALS:**

(A) Animal food left in an open area of public or private property accessible to stray, feral or wild animals is hereby declared a public nuisance.

(B) A private property owner may not place animal food, nor allow animal food to be placed in an open area on the owner's property where it is accessible to stray, feral or wild animals.

(C) Penalties for violating this section may be assessed against the owner of the private property where the feeding occurs, and against the person or persons actually placing the food. Any person violating this section shall be deemed guilty of a violation and shall be subject to a civil penalty of not less than \$25.00 or more than \$100.00.

(D) Owners of publicly owned properties are exempt from enforcement of this section.

**SECTION 10: CERTAIN ANIMALS LIMITED & PROHIBITED:**

(A) All rabbits shall be confined to a pen, cage, or fenced yard of appropriate material to contain them at all times.

(B) Small animals and Fowls Limited: It shall be unlawful for any person to keep or maintain a combined total of more than 20 (twenty) turkeys, chickens, ducks, geese, or other similar sized fowl on any property in the Town limits, less than 1.75 acres 'open area', but they shall be confined to a pen, cage, or yard fenced with appropriate material to contain them at all times.

(C) Livestock shall be allowed in any district within the corporate boundaries of the municipality by application for and receipt of a Conditional Use Permit as outlined in the Town's Zoning Ordinance. Livestock shall be kept enclosed in an area of not less than 2,500 square feet per animal in compliance with the Zoning Ordinance.

(D) Livestock may be allowed for entertainment events with Council approval.

(E) All wild and fur-bearing and hybrid animals are prohibited



**SECTION 11 DISPOSAL OF WASTE:** It shall be unlawful to permit any animal to damage, soil, defile, or defecate on private property other than the owner's or on public walks, streets, alleys, and park and recreation areas unless such waste is immediately removed and properly disposed of by the owner.

**SECTION 12 INTERFERENCE:** No person shall interfere with, hinder, or molest any authorized agent of the Town of Bearcreek in the performance of any duty associated with animal control. Any person violating this section shall be deemed guilty of a violation and shall be subject to a civil penalty of not less than \$25.00 or more than \$100.00.

**SECTION 13 PENALTIES:**

(A) Violation of Title 4, Chapter 3, Articles A-C of the Bearcreek Montana Town Code is a Municipal Infraction under MCA 7-1-4150 through 4152. A violator shall be subject to a civil penalty, assessed under the following schedule:

1 <sup>ST</sup> offense in a 1 year period	\$	35.00
2 <sup>nd</sup> offense in a 1 year period	\$	75.00
3 <sup>rd</sup> offense in a 1 year period	\$	250.00

(B) Penalties in this section do not include the cost of keeping the animals impounded, for which the owner is responsible.

(C) An offense shall occur each time the owner or caretaker of the animal has an animal impounded or receives a civil citation for violations.

(D) Upon the fourth offense with a one year period, the animal shall be declared a public nuisance and its disposal may be ordered by the Judge at the expense of the owner.

**SECTION 14 FINES DEPOSITED IN THE GENERAL FUND:** All fees, fines and forfeitures collected hereunder shall be deposited in the general fund of the Town and dispensed as the Town Council may provide.

This Third Amendment added the Section of Feeding Animals, changed violations to civil citations instead of misdemeanors; eliminated the sections with the number of animals one may maintain, kennel licenses and commercial kennels; put the leash violation back; added in excess of 10 minutes to Disturbing the Peace section and renumbered Sections. The Amendment will become effective 30 days upon passage (October 8, 2016). Passed and Approved: September 7, 2016 with 4 votes aye; 0 votes nay.

/s/ Bob DeArmond, Mayor

Attested by Jane Swanson-Webb, Clerk /s/ Jane Swanson-Webb

