

**TITLE 7
ANIMALS**

Chapter 7.04

Dog licenses and regulations

Sections:

- 7.04.010** Dog Defined
- 7.04.020** Licenses
- 7.04.030** Dogs New In City – License Required
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7.04.010 Dog Defined: “ Dog” as used in this chapter includes all animals of the dog kind more than one month old.

7.04.020 Licenses:

A. On the first day of July of each year there shall be due and owing to the city from owners of all dogs over the age of six months, being kept in the city, an annual dog license for the ensuing year as follows: For each neutered male dog or female dog which has been spayed, the sum of four dollars (\$4.00); for each female or male dog which has not been spayed or neutered, the sum of ten dollars (\$10.00). Such license shall be due and payable by the owners at the office of the city treasurer or to such persons as the city treasurer may designate as the authorized collector. Any neglect or failure on the part of any owners to pay the license before the first day of July of each year shall constitute a violation of this chapter and shall be punishable as such. In cases where spaying is claimed to have been done, a veterinarian's certificate must be produced. There shall be a fee of fifty cents for all duplicate licenses.

B. Exemptions: The following dogs are exempt from being licensed:

1. Any dog who's owner is a nonresident of Libby and who is temporarily within the city limits for thirty days or less;
2. Any dog brought into the city for the sole purpose of participating in a dog show.

C. The following dogs shall be licensed but shall be exempt from fees:

1. Any dog which has been duly and properly trained to assist the blind and is now acting in that capacity;
2. Any government owned police servicing dog;
3. Any dog properly trained to assist deaf persons and is now acting in that capacity;
4. Any city resident sixty-five years of age or older shall be allowed to have one dog exempt from fees.

7.04.030 Dogs New in City – License Required:

License shall be at once due and payable for the current year upon any dog brought into the city after the beginning of the year. The owner of any dog so brought into the city and kept within the cooperate limits, must forthwith pay the license due in the manner as provided in this chapter. If any dog is brought into the city between the first day of July and January, and there kept, the owner shall pay one half the regular license tax for the dog, for the current year. Neglect or failure on the part of any owner to pay such license for more than twenty days after so bringing a dog into the city, or for more than three days after notice and demand for such license due, constitutes a violation of this chapter and is punishable as such.

7.04.040 Dog Tax Tag:

On paying the license provided in this chapter to be paid for any dog kept in the city, the owner thereof shall receive from the city treasurer a metal tag stamped “ Libby Dog Tax 19__.” (The number being filled out for the year the tax is paid.) This tag shall at once be fastened to the neck of the dog for which it is paid on some substantial collar or harness; unless special written permit is obtained from the city marshal allowing the dog to run without a tag. This permit may be revoked at the will of the police chief.

7.04.050 Delinquent License:

Any dog found within the limits of the city upon which a license is due and delinquent; or any dog running at large within the city without an official license tag, unless special written permit for such dog to go without a tag has been granted by the police chief as above provided, may be impounded or destroyed as a nuisance by any police officer of the city. The owner of any such dog keeping it within the city is guilty of a misdemeanor having violated the terms of this chapter.

7.04.060 Illegal Tag – Creating Nuisance:

From and after the going into effect of this chapter, it shall be a violation for any owner or keeper of any dog to place a check or tag of the kind described in section 7.04.040, except it be duly received from the city treasurer for that dog for the current year; or for anyone to remove any such check or tag from the dog of another; for any owner or keeper of a bitch to allow her, whether licensed or unlicensed, to run at large while in heat, or anyone to own, keep or harbor a dog which by barking, howling or biting or in any other manner or way disturbs the peace and quiet of any person or persons within the city; or for anyone maliciously to expose any poisonous substance with intent to poison any dog or dogs; or for anyone to molest, hinder or interfere with the police chief or other city official while in the discharge of his duties imposed by this chapter; and upon conviction of having been guilty of any of the offences in this section described, the person found guilty shall be fined not less than ten dollars nor more than one hundred dollars.

7.04.090 Violation – Penalty:

Where after anyone keeping, harboring or maintaining a dog within the corporate limits of the city contrary to or in violation of the terms of this chapter, is guilty of a misdemeanor, and on conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars.

Chapter 7.08

Pets at Large

Sections:

- 7.08.010** Definitions – Presumptions
- 7.08.020** Acts Prohibited
- 7.08.030** Nuisances Designated
- 7.08.050** Impoundment
- 7.08.070** Bite – Quarantine
- 7.08.080** Diseased Animals – Destruction

7.08.100 Vicious Animals – Destruction

7.08.110 Enforcement – Penalty for Violation

7.08.010 Definitions – Presumptions:

A. For purposes of this chapter, the following terms shall be given the meanings indicated:

1. Pet includes dog, cat, rabbit, skunk and other animals not classed or kept as livestock,
 2. A pet is at large when it is not on the premises of its owner or the person having its care, custody and control and is not securely fastened or held in or by a cage, leash, chain, rope, cord or other line and led or held by some person or otherwise securely fastened or held.
- B. Unless evidence clearly indicates the contrary, the following are presumed:
1. A pet is owned by the owner or occupant of the premises where such pet is found or usually stays,
 2. When the owner of a pet is absent from the premises, the person who takes or customarily assumes the place of head of the household in the absence of the owner, or if there is no such person, then the person or any persons lawfully occupying the premises, has the care, custody and control of such pet,
 3. The owner or person having the care, custody or control of any pet which is at large has caused or allowed such pet to be at large,
 4. A pet not wearing a collar or harness, or not wearing a collar or harness to which a current license tag is attached, is unlicensed,
 5. The parents or persons having legal custody of children are responsible for ownership or care, custody and control of pets by their children, and affirm and assume responsibility under this chapter for any act or omission of such children with respect to such pets,
 6. Any pet is vicious or dangerous if it has bitten or injured any person in any manner, unless the person bitten or injured was at the time trespassing upon the property of or inflicting or attempting to inflict any damage or injury to the person or property of the owner or person having the care, custody or control of such pet or a member of the family or household of the owner or person; but this provision is not the only standard for determining or establishing the vicious or dangerous nature of any pet.

7.08.020 Acts Prohibited: It is unlawful and punishable as in this chapter provided:

- A. For any person having possession of or in charge of any pet to cause or allow the same to be or remain in or upon any public street or place without being securely fastened or held in or by a cage, leash, chain, rope, cord or other line and led or held by some person or otherwise securely fastened or held;
- B. For any person to own, keep or have or harbor any pet which by loud and frequent noises or otherwise causes annoyance or disturbance to any other person;
- C. For any person to own, keep, have or harbor any vicious or dangerous pet (except in instances provided for and when and as required by Section 7.08.070);
- D. For any person to break, open or injure or advise another to break, open or injure any city pound, or hinder, delay or obstruct any officer while impounding, about to impound or engaged in any act necessary to effect the impoundment of any pet subject thereto under the provisions of this chapter.

7.08.030 Nuisances Designated: The following are declared to be public nuisances and subject to abatement as in this chapter provided:

- A. Any pet at large in violation of this chapter;
- B. Any pet which is vicious or dangerous;
- C. Any pet which bites or has bitten any human being;
- D. Any pet which is or reasonably appears to be rabid, mad or afflicted with a dangerous, contagious or infectious disease.

7.08.050 Impoundment:

- A. Any pet at large upon any private property may be taken up by the owner or person lawfully in possession of such property who shall promptly deliver the pet to the poundmaster and it shall be impounded.
- B. Any pet at large upon any street, avenue, alley, park or public ground of the City Hall shall be taken up by the city poundmaster and impounded.

7.08.070 Bite – Quarantine: When any person is bitten by a pet, the owner or person having the care, custody or control of the pet shall immediately place such pet in quarantine at the place and for the period as may be ordered by the city health officer, poundmaster, or such other city officer as may be designated by the mayor.

7.08.080 Diseased Animal – Destruction: Any pet reasonably appearing to be rabid, mad or afflicted with a dangerous, contagious or infectious disease may be killed at once by the poundmaster or any police officer deeming it necessary for the protection of persons or other animals.

7.08.100 Vicious Animal – Destruction: Nothing in this chapter is intended, nor shall it be interpreted or understood, to limit or deny any right now existing to destroy or kill any animal to prevent injury by it to any person or property.

Chapter 7.14

Regulation of Pit Bull Dogs

Sections:

7.14.010 Pit Bull Dogs – Keeping Prohibited

7.14.010 Pit Bull Dogs – Keeping Prohibited: It shall be unlawful to keep, harbor, own, or in any way possess within the city limits, any pit bull dog; Provided, that any pit bull dog registered with the city on or before May 24, 1990 may be kept within the city subject to the standards and requirements set forth in Section 7.14.020 of this chapter.

“Pit Bull Dog” is defined to mean:

- (a) The bull terrier breed of dog.
- (b) Staffordshire bull terrier.
- © American pit bull terrier.
- (d) American Staffordshire.
- (e) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs, or pit bull terriers.
- (f) 1. Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, any other breed commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of any of these breeds.

2. Any dog which is of wolf decendancy or a wolf hybrid dog being commonly known as wolf – dogs shall also be subject to all provisions of this chapter.

Chapter 7.16

Animal Regulations

Sections:

7.16.010 Definitions

7.16.020 Livestock Prohibited in City

7.16.040 Kennel License

7.16.060 Animals Creating Nuisance

7.16.010 Definitions: When used in this chapter the following words and phrases shall have the meanings ascribed to them in this section:

- A. "Owner" means any person owning, keeping, or harboring a dog or other animal;
- B. "At Large" refers to an animal off the premises of the owner and not under the control of the owner or any other person either by leash, cord, chain, or otherwise;
- C. "Impound" means to sequester an animal at a place provided by the city for the impounding of dogs or other animals;
- D. "Vaccinate" means the inoculation of a dog or other animal with an antirabies vaccine by any licensed veterinarian;
- E. "Kennel" Means any premises or property or any kind or description where more than two female dogs are kept for breeding purposes, or where more than one litter of pups is kept for sale;
- F. "Law Enforcement Officer" means, for the purpose of dealing with animals, any police officer, poundmaster, dog warden, or animal control officer.

7.16.020 Livestock Prohibited in City: No person owning or having control of any of the following classes of domestic animals: horses, mules, asses, cattle, sheep, goats, chickens, ducks, turkeys, or any other of these species, shall keep the same within or upon his own premises at any time in the city.

7.16.040 Kennel License: Any person maintaining a kennel as defined in Section 7.16.010 shall pay a license fee of twenty - five dollars per year for maintaining such kennel. No license shall be issued until the premises to be used for the kennel has been inspected and approved by the health department of the city.

7.16.060 Animals Creating Nuisance:

- A. It is a public nuisance for a dog or other animal to destroy property or other pets, to bite or chase after persons not trespassing on the property of the animal's owner, or to cause annoyance or disturbance to any person by prolonged howling, yelping or barking.
- B. It is unlawful for any owner of an animal to willfully or through willful neglect permit the animal to cause any nuisance specified in this section.
- C. Any person aggrieved by a nuisance animal may file a complaint in the police court, charging the owner with the violation of this section.
- D. Upon a third conviction under this section, the nuisance animal may be seized and taken up by any law enforcement officer and be put to death.

(Copies of these ordinances in their entirety are available at Lincoln County Animal control)