

ORDINANCE NO 2023-01

An Ordinance, amending Ordinance No 20-03, making it unlawful for any person to permit their dog(s) or cat(s) to run at large. This Ordinance also amends and addresses the licensing of dogs and cats; rabies vaccination of dogs and cats; kennel license provisions; and the disposal of unlicensed, unvaccinated dogs and cats.

BE IT ORDAINED, By the Town Council of the Town of Kevin that Ordinance No 20-03 be replaced to read as follows:

Provision 1: It shall be unlawful for any owner or person having the control or possession of any dog or cat to permit the same to run at large within the town limits of the Town of Kevin.

Provision 2: Each owner or keeper of a dog or cat within the municipal limits shall cause the same to be registered, numbered, described (preferably by picture), and licensed in the office of the city clerk. Such licensing shall be for one year ending the following year on the same day the animal was registered. Such license must be obtained on or before March 15 or prior to the dog or cat turning six months of age, or within 30 days of the time the dog or cat is newly brought into the Town. The owner of every neutered male or spayed female dog or cat within the municipal limits of the Town of Kevin must pay \$5.00 per year as a fee for such dog or cat. The owner of every unneutered male or un-spayed female dog or cat within the municipal limits of the Town of Kevin must pay \$10.00 per year for each such dog or cat.

- a) Should said license fee not be paid on or before March 15 or in accordance with Provision 2 above, then said license fee shall be deemed delinquent and, in that event, the animal control officer or town clerk shall cause to be levied and collected on the license fee as above set forth, an additional \$10.00 delinquent fee.
- b) Each owner or keeper of a licensed unneutered male or un-spayed female dog or cat that shall cause the same to become neutered or spayed during the license year is entitled to a refund of the license fee for that year only. The owner or keeper must present to the city clerk a copy of the license receipt and a veterinarian certificate authenticating the neutering or spaying.

Provision 3: It shall be unlawful for any person to own, keep, or maintain, any dog or cat that by loud and frequent barking or howling, or by any other manner, causes annoyance or disturbance to any person.

Provision 4: If a dog or cat is believed to have rabies or has bitten any person, such dog or cat shall be placed under the observation of the animal control officer and impounded, at the owner's expense, for a period of 14 days. Any owner of a dog or cat that has been exposed to rabies or has been suspected of being exposed to rabies shall notify the animal control officer of the same. If a dog or cat has bitten someone on its owner's property, then the owner may quarantine the dog or cat for 14 days, rather than having the dog or cat impounded by the animal control officer. Said owner must take extreme care while quarantining said dog or cat to prevent further incidences of biting.

- a) It shall be unlawful for any person knowing or suspecting a dog or cat to be rabid, to allow such dog or cat to be taken off his premises or beyond the municipal limits of the Town of Kevin without the written permission of the animal control officer. Every owner or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the animal control officer who shall either remove the dog or cat to the animal control shelter or shall summarily destroy it.

Provision 5: A kennel license will be required by any person, persons, family or entities, who wish to maintain more than three dogs and/or three or more cats over the age of six months and/or for purpose of boarding, training or breeding.

- a) Inspection: The intended facilities must be inspected by the animal control officer upon initial application and annual renewal, such inspection to include the physical facilities as well as the effect on the neighborhood.
- b) Recommendation: Following the inspection, the animal control officer will recommend to the licensing authority either approval or disapproval of the application.
- c) Fee: There shall be no annual kennel fee, but the number of dogs and/or cats must be specified on the initial application and any application for renewal.
- d) Zoning: Kennels may be allowed in all zoned areas inside the municipal limits of the Town of Kevin
- e) Consent: Anyone making an application for a kennel license must obtain the written consent of at least seventy - five percent (75%) of the adjoining property owners of record at the Toole County Courthouse within a 200-foot radius of the property line of the person requesting the license.
- f) Renewals: Licenses must be renewed within thirty days of the expiration date or the application will be treated as a new application. In the event, a kennel license is renewed and there is no increase in the number of dogs and/or cats stated in the application upon which the renewal is based, then consent is unnecessary for such renewal. In the event there is such an increase in the number of dogs and/or cats, a new application must be submitted, and consent must be obtained for the license to be renewed.
- g) Exclusions: No- fee may be required of any veterinary hospital, city-owned animal shelter, or government zoological park.
- h) Separate Facilities: Every facility regulated by this provision shall be considered a separate enterprise and shall have an individual license.

Provision 6: License Revocation; all kennel licenses will expire on December 31st of each year unless revoked. The animal control officer will investigate all complaints concerning unlicensed or improperly operated kennels, including, but not limited to, any nuisance, any increase in the number of dogs and/or cats over that stated in the application, and/or moving, altering and/or the general dilapidation of the facility and

may recommend revocation of the license if it is deemed necessary. The licensee will be given at least five (5) days' written notice of such recommendation during which time he/she may appeal the Animal Control Officer's recommendation. The licensing authority will then take action as required.

One warning letter per animal will be issued via Certified Mail, if the animal is not contained and is reported to be running at large within a 60-day period of the first report, a ticket will be issued.

Any person violating any provision of this ordinance is guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of:

- Thirty-Five Dollars (\$35.00) per animal, per offense for the first offense
- Seventy-Five Dollars (\$75.00) per animal, per offense for the second offense
- And a minimum of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) per animal, per offense for the third or more offenses.

One warning letter per animal will be issued via Certified Mail, if the animal is reported as a nuisance and is reported to be a nuisance within a 60-day period of the first report, a ticket will be issued.

It is further provided that any person who keeps or maintains a public nuisance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of:

- Thirty-Five Dollars (\$35.00) per animal, per offense for the first offense
- Seventy-Five Dollars (\$75.00) per animal, per offense for the second offense
- And a minimum of One Hundred Fifty Dollars (\$150.00) and a maximum of Five Hundred Dollars (\$500.00) per animal, per offense for the third or more offenses.

READ AND PROVISIONALLY ADOPTED by the Town Council of the Town of Kevin, Montana, on the first reading on the 13th day of September, 2023, and FINALLY READ and FINALLY ADOPTED by the Town Council of the Town of Kevin, Montana on the second reading and APPROVED by the MAYOR of said town, the 11th day of October, 2023.

This ordinance shall take effect 30 days after its passage by the council and approved by the mayor.

ATTEST:

BEVERLY POSTMA, Clerk/Treasurer

ROBERT FAGAN, MAYOR
TOWN OF KEVIN