

ORDINANCE NO. 17-_____

AN ORDINANCE OF THE CITY OF BILLINGS, PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REVISING SECTIONS 4-302, 4-401, 4-402, 4-409, 4-431, 4-432, 4-433, 4-435, 4-436, 4-437, 4-438, 4-450, AND 4-451; DEFINING "POT-BELLIED PIG" AND ALLOWING ONE (1) POT-BELLIED PIG PER DWELLING UNIT; REQUIRING POT-BELLIED PIGS TO COMPLY WITH ALL REGULATIONS FOR SMALL ANIMALS AND REQUIRING RABIES AND OTHER VACCINATIONS, REGISTRATION AND FEES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY BILLINGS THAT:

Section 1. That section 4-302 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-302. – Swine, goats, and pot-bellied pigs within the city.

- (a) No person shall keep any swine (except one (1) pot-bellied pig) or goats within the city at any time except to bring them to market for commercial purposes. When brought to market for commercial purposes, they shall be kept and cared for by the owner or person in their charge at such place as may be authorized.
- (b) The keeping of one (1) pot-bellied pig per dwelling unit as a small animal and in conformance with the requirements of this Article is allowed. However, nothing in this section or chapter shall be intended or interpreted to modify or supersede any applicable land use or rental restrictions including but not limited to covenants, conditions and restrictions and Montana Code Annotated landlord-tenant statutes, or individual landlord rules and policies. Further, nothing in this section or chapter shall be intended or interpreted to supersede any applicable state or federal regulation of pot-bellied pigs.

Section 2. That section 4-401 of the Billings, Montana City Code is amended so that such section shall amend the definition of "small animal" and define "pot-bellied pig" and amend the definition of "Vaccination" to read as follows:

Sec. 4-401. - Definitions.

Terms and words, as used in this article, shall have the following meanings unless the context otherwise indicates:

...

Small animal includes any dog, cat, rabbit, chicken, pot-bellied pig or domesticated small animal, both male and female.

...

Pot-bellied or pot-belly pig means a domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and eighteen inches in height measured at the shoulder.

...

Vaccination means the inoculation of a dog, or cat with anti-rabies vaccine administered by a licensed veterinarian in compliance with regulations established by the state. Pot-bellied pigs shall be required to have the vaccinations listed in Section 4-433(b).

Section 3. That section 4-402 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-402. - Small animal permits.

- (a) A small animal permit is required of every dwelling unit of maintaining four (4) or more dogs and/or cats and/or one (1) pot-bellied pig as defined in section 4-401. A small animal permit is required in addition to individual registrations as referenced in section 4-431.
- (b) Every person, dwelling unit, firm, business, or corporation granted a permit under this section shall be subject to regulation and inspection by the animal control officer or the health department. Any small animal permit granted hereunder may be revoked and cancelled by the city upon giving notice as provided in notice and appeal procedure as set forth in subsection 4-402(d).
- (c) Exclusions:
 - (1) No registration fees or small animal permits shall be required of any veterinary hospital, government or government contracted animal shelter, or zoological park.
 - (2) A recognized tax exempt humane society, organization, or animal welfare society must comply with all requirements of the holder of a small animal permit, but the small animal permit fee shall be waived. No registration fees shall be required of dogs/cats waiting for adoption, but rabies vaccinations shall be required of animals over three (3) months of age held over thirty (30) days.
 - (3) The applicant shall, at the time of application for a small animal permit provide the name and address of the owner(s), the name, breed, color, sex, age, proof if the animal(s) have been spayed or neutered, and verification of current rabies vaccination for each animal(s) owned or kept at the dwelling unit, business, or corporation.

- (d) The city administrator shall revoke a small animal permit as follows:
- (1) A small animal permit shall be revoked upon refusal to allow inspection, or for three (3) convicted violations of animal ordinances in a twenty-four (24) month period; or for use of shelter facilities to dispose of, or to find homes for surplus puppies and breeding stock; or any other violation of the provisions of this article.
 - (2) The city administrator shall give notice to the permittee of any revocation. The notice shall be in writing, shall specify the deficiencies or violations, advise the violator/dwelling unit of the right to appeal, and shall be mailed by certified mail, return receipt requested or personally served. The permittee shall have ten (10) days to appeal the revocation to the city council. The appeal shall be filed in writing with the city clerk. The city administrator shall cause the matter to be placed on the first available agenda. The appellant shall be notified by certified mail or personally served with notice of the date of the council meeting at least three (3) days prior to the hearing. The matter shall be considered by the council after the appellant has had an opportunity to be heard in person or by counsel at the regular council meeting in which the matter appears on the agenda.

Section 4. That section 4-431 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-431. - Required.

The owner of every dog, cat or pot-bellied pig kept, harbored or maintained within the city shall register the dog, cat or pot-bellied pig within thirty (30) days after the dog, cat or pot-bellied pig becomes three (3) months old, or within thirty (30) days in the case of a dog, cat, or pot-bellied pig three (3) months or older newly brought into the city or acquired by new owner. Animals placed in private homes by a tax exempt animal welfare organization for foster care while actively looking for a new permanent home will be required to be registered if in the foster home for over six (6) months.

Section 5. That section 4-432 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-432. - Application.

At the time of application for registration the name and address of the owner, the name, breed, color, sex, age, verification if the animal has been spayed or neutered and current vaccination history for rabies administered by a licensed veterinarian shall be required for each dog, or cat; that registration is sought. Pot-

bellied pigs shall be registered as required herein and shall be spay or neutered but shall not be required to have a rabies vaccination.

Section 6. That section 4-433 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 4-433. - Proof of vaccination prerequisite.

(a) No dog/cat, registration shall be issued unless the applicant therefore produces satisfactory proof that the dog/cat has been vaccinated with a rabies vaccine currently effective. Such proof may be made by presenting the vaccination receipt referred to in section 4-409; provided that when a dog/cat has been reclaimed from the animal shelter, registration fees shall be paid prior to release of the dog/cat. If satisfactory proof of rabies vaccination cannot be produced, the registration tag shall be retained by the city until the dog/cat, has been vaccinated or proof of vaccination is produced. Proof of vaccination must be provided to the city or its registration authority within thirty (30) days after the dog/cat becomes three (3) months old, or within thirty (30) days in the case of a dog/cat three (3) months or older. Failure to provide proof of vaccination will result in the registration being void.

(b) Specific Required Vaccines for Pot-Bellied Pig are:

(1) Tetanus and Tetanus Booster;

Section 7. That section 4-435 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-435. - Fees.

(a) Dog, cat, and pot-bellied pig registration fees shall be prescribed by council resolution.

(b) Dog, and cat, registrations shall be issued by duly appointed registration agents, upon proof that the animal has a current rabies vaccination, and if a pot-bellied pig is being registered, proof of the vaccinations required of pot-bellied pigs in Section 4-433(b) shall apply, as well as proof of spay or neuter, upon payment of an annual registration fee. Such registration shall expire on the last day of the month one (1) year from the month of issuance and shall become delinquent on the first day of the following month or shall expire when such applicable rabies vaccinations is are no longer current, whichever comes first. Delinquent fees shall be prescribed by council resolution.

(c) Persons over sixty-five (65) years of age shall pay fifty (50) percent of the fees imposed under this section, but not less than one dollar (\$1.00). Satisfactory proof of age shall be furnished to the registration authority, appointed registration agent, or city officials.

Section 8. That section 4-436 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 4-436. - Exemptions and registration tag provisions.

- (a) No registration shall be required for dogs, cats, or pot-bellied pigs brought into the city for the purpose of participating in any dog, cat, or pot-bellied pig show; but such dogs, cats, or pot-bellied pigs must be vaccinated as required by section 4-409. Further, pot-bellied pigs shall be vaccinated as required by Section 4-433(b).
- (b) Registrations shall be required for service animals, when such animals are actually being used as service animals, but the fees provided for in section 4-435 shall be waived. Such service animals must be vaccinated as required by section 4-409.

Section 9. That section 4-437 of the Billings Montana City Code is amended so that such section shall read as follows:

Sec. 4-437. Tags and collars.

- (a) Upon payment of the registration fee under this division, the registration authority or agent designated as herein provided shall issue to the owner a registration certificate in the form of a receipt and a metallic tag for each dog, cat, or pot-bellied pig so registered. The tag shall have stamped thereon the year for which it was issued and the number appearing on the certificate. The dog, cat, or pot-bellied pig is required to display a registration and vaccination tag when off of the owner's property.
- (b) No registration provided for in this chapter is transferable, and no registration tag shall be fastened to any dog, cat, or pot-bellied pig other than the one for which it was issued.
- (c) Any person who knowingly fastens a registration tag or a vaccination tag to any dog, cat, or pot-bellied pig other than the one for which such tag was issued or who willfully permits such dog, cat, or pot-bellied pig to wear any registration tag or vaccination tag issued for another dog, cat, or pot-bellied pig shall be subject to civil penalties as specified in section 18-1304. The animal control officer shall impound every dog, cat, or pot-bellied pig found bearing a registration tag or vaccination tag not issued for that dog, cat, or pot-bellied pig, and shall dispose of such dog, cat, or pot-bellied pig as provided by section 4-450.

(d) In case a registration tag is lost or destroyed, the owner of the dog, cat, or pot-bellied pig shall apply to the registration authority or agent for a duplicate tag and shall be issued a duplicate tag upon presentation of the receipt showing payment for the registration for the current year and upon payment of a fee.

(e) In case a vaccination receipt is lost or destroyed, the owner of the dog, cat, or pot-bellied pig shall apply to the veterinarian who vaccinated the dog, cat, or pot-bellied pig for a duplicate receipt.

Section 10. That section 4-438 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-438. - Unregistered dogs/cats/pot-bellied pigs.

Every person who knowingly keeps, feed, harbors or allows to stay about any premises occupied or controlled by such person, any unregistered dog, cat, or pot-bellied pig or upon which no registration tag current and valid vaccination tag are kept as required by section 4-437 shall be subject to civil penalties as specified in section 18-1304.

Section 11. That section 4-450 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-450. Disposition of unclaimed animals. Every dog, cat, or pot-bellied pig impounded shall be held for a period of not less than forty-eight (48) hours nor more than seventy-two (72) hours after such impounding and if not claimed by the owner the animal shall become the property of the city or its designated agent.

Section 12. That section 4-451 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 4-451. Collection of fees for impounded animals.

Before any dog, cat, pot-bellied pig or other animal is released, the animal shelter shall collect from the person claiming/adopting such dog, cat, or pot-bellied pig the usual registration fee for such dog, cat, or pot-bellied pig if it is not already registered, subject to the conditions outlined in section 4-450.

Section 13. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other

provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

Section 14. Repealer. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 15. Effective Date. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

PASSED by the City Council on first reading this ____ day of _____, 2017.

PASSED, ADOPTED and APPROVED on second reading this ____ day of _____, 2017.

CITY OF BILLINGS

BY: _____
Thomas W. Hanel, Mayor

ATTEST:

BY: _____
Denise R. Bohlman, City Clerk

Draft for First Reading of 9/11/2017