

ANIMAL CONTROL BOARD

MEETING August 25, 2009

CALL TO ORDER 6:10PM

ROLL CALL: Present: Stephen Eliason, Diana Kay Bachmann, David Klein, Douglas Ruebke, Dennis Ulvestad, Sandy Weiss

Minutes from the July 28, 2009 meeting were not available so will be read at the next scheduled Animal Control Board Meeting.

Public Comment:

Ron Lancaster explained that he was a new resident to Billings and was attending the meeting because he was curious about the Animal Laws in Billings. Mr. Lancaster explained that in his neighborhood he has two households whose dogs continually run loose. Animal Control Supervisor, David Klein, explained the law and the procedures currently practiced by Animal Control. A copy of the Ordinance was provided to Mr. Lancaster and a phone number to call with addresses of the offenders to file a complaint.

New Business

Douglas Ruebke explained that a Vice-Chairman was needed on the Animal Control Board. It was decided that nominations and election for a Vice-Chair would take place at the next scheduled Animal Control Board Meeting.

Chairman Ruebke passed out City Policy establishing guidelines for Advisory Board Meetings.

Chairman Ruebke asked Board Members if there was an interest in changing Animal Control Board Meeting requirements to require meetings on a monthly basis instead of twice a year, or as needed which is current policy.

Animal Control Supervisor, David Klein, explained that although we do have issues that we are currently discussing and are holding monthly meetings, it would not be recommend that monthly meeting be required. Hopefully when all the issues currently being discussed have been addressed such frequent meetings will not be necessary, as needed gives the leeway to do just that, hold meeting as needed.

Chairman Ruebke relayed information about reporting of animal bites to proper authorities and that State Veterinarian, Ms. Rankin, being involved in developing a book that contains this issue and would like to have local, grass-roots input. A copy of the form developed and used by local Heath Authorities was sent to the State by Animal Control Supervisor Klein.

Chairman Ruebke stated that the Committee working to establish Dog Parks within the City Limits of Billings would be meeting at Castle Rock School on August 26, 2009. Chairman Ruebke asked how dog parks would affect Animal Control? Animal Control Supervisor, David Klein, explained that we would have to wait and see, but expected very little involvement required of Animal Control.

Chairman Ruebke explained that Yellowstone Valley Animal Shelter would be meeting to discuss the possibility of their selling County Dog Licenses. Yellowstone Valley Animal Shelter would be allowed to keep all monies collected for the licensing fees. Animal Control Supervisor, David Klein, explained that if the City of Billings would have any involvement in this it would be if the Software currently being shared by Yellowstone Valley Animal Shelter and the City of Billings was used for storage of this information. If so the City may require a fee. Mr. Klein also explained that it was his belief that the Contract between Yellowstone Valley Animal Shelter and the City of Billings requires that YVAS must have approval from Council prior to entering into any contract with another entity.

Chairman Ruebke mentioned an interest by Neighborhood Task Forces in having Animal Control Officers attend these meetings. Animal Control Supervisor, David Klein, stated that with the addition of the 5th Animal Control Officer this past budget year it has been a goal to have staff available for attendance to these meetings. Scheduling for this has not been set up yet, it is hopeful in the near future.

Chairman Ruebke mentioned a desire to have guest speakers at up coming Animal Control Board meetings to get input on purposed ordinance changes. Mr. Klein explained that Public Service Announcements would be used more in the future to make citizens aware of the current discussions of the Animal Control Board.

Old Business

Animal Control Supervisor, David Klein, passed out a draft copy of possible changes to the Potentially Dangerous and Dangerous sections of the Animal Control Ordinance. (see at end of meeting minutes). Mr. Klein explained that in drafting these changes it was attempted to provide Animal Control Officers an option other than Potentially Dangerous Behavior for the less aggressive or non-injury attacks therefore a new section of Aggressive Animal was included. Potentially Dangerous changes would require registration and a secure enclosure to prevent additional attacks. Changes were not made to the Dangerous section however Mr. Klein stated that he did not feel changes were the desire of the Board in the actual section but possible changes to the definition of a Dangerous Animal such as an explanation of what would be considered Serious Bodily Injury. Mr. Klein explained that what they had been given was a draft and they could look this over for more discussion at the next Animal Control Board meeting.

Animal Control Supervisor stated, given time he will look at some of the other Ordinance Sections that some suggested changes have been given and try to have drafts for them at the next Animal Control Board Meeting.

Next Meeting was set for September 28, 2009 6:00pm. Location to be determined at a later time.

Continued discussion of possible Ordinance Changes to be the agenda.

Meeting adjured 7:20pm.

Blue – proposed additions

Red strike through – proposed deletions

Black – current Ordinance

AGGRESSIVE BEHAVIOR

MEANS: any animal that in the absence of intentional provocation

- (1) While off the owner's property, chases or approaches a person in a menacing fashion or apparent attitude of attack***

Sec: 4-405.1 Aggressive behavior.

- a) Any person who keeps, feeds, harbors or allows to stay about the premises occupied or controlled by him within the city any animals exhibiting aggressive behavior is guilty of maintaining a public nuisance and is guilty of misdemeanor. An animal is presumed to have exhibited aggressive behavior if it demonstrated any of the behavior set forth in section 4-401. (definition above) Such presumption is rebuttable.***

POTENTIALLY DANGEROUS ANIMAL

MEANS: any animal that in the absence of intentional provocation

- (1) While off the owner's property, ~~chases or approaches a person in a menacing fashion or apparent attitude of attack or~~ inflicts bodily injury to a person or small animal; or**
- (2) While on the owner's property causes bodily injury to a person; or**
- (3) While off the owner's property kills a domestic animal, excluding birds, rodents and reptiles.**
- (4) Is previously convicted of aggressive behavior and while on or off the owner's property chases or approaches a person in a menacing fashion or apparent attitude of attack.***
- (5) These definitions do not apply to animals used in military or law enforcement work while they are actually performing in that capacity.**

Scc: 4-405 Potentially dangerous behavior.

- b) Any person who keeps, feeds, harbors or allows to stay about the premises occupied or controlled by him within the city any animals exhibiting potentially dangerous behavior is guilty of maintaining a public nuisance and is guilty of misdemeanor. An animal is presumed to have exhibited potentially dangerous behavior if it demonstrated any of the behavior set forth in section 4-401. (definition above) Such presumption is rebuttable.**
- c) The owner or keeper convicted of having a potentially dangerous animal shall forthwith register the animal as such with the animal control division. The owner of the potentially dangerous animal must comply with and must show the animal control division sufficient evidence that the following requirements are met within thirty (30) days following registration:*

 - (1) A securely enclosed structure be provided by the owner suitable to prevent unauthorized entry and designed to prevent the animal from escaping. The enclosure must also provide protection from the elements for the animal.*
 - (2) The owner or keeper shall display a sign on his or her premises warning that there is a potentially dangerous animal on the property. These signs shall be visible and capable of being read from the public roadway and from any normal means of entry to the premises. In addition, the owner or keeper shall conspicuously display a sign with a warning symbol that will inform children of the presence of a potentially dangerous animal.*
- (c) The owner or keeper of an animal convicted of having a potentially dangerous animal shall notify the animal control division within twenty-four (24) hours of a change of address, or death of the animal. Immediate notification will be required if the animal is loose.*
- (d) The owner or keeper of an animal convicted of having a potentially dangerous animal shall not sell, transfer or give away the animal, other than to the Animal Shelter for disposal.*
- (e) The animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the above provisions. Should it be found that the owner or keeper is in noncompliance with the provisions, the animal shall be immediately confiscated, impounded, and destroyed.*

DANGEROUS ANIMAL

Means: any animal that in the absence of intentional provocation:

- (1) Inflicts serious bodily injury to a person on public or private property; or**
- (2) Is involved in a continuous sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of injury or defensive action required; or**
- (3) Is previously found to be potentially dangerous and while on or off the owner's property chases or approaches a person in a menacing fashion or apparent attitude of attack or inflicts bodily injury to a person or small animal;**
- (4) Inflicts injury to a person on public or private property, which injury results in the death of the person.**
- (5) These definitions do not apply to animals used in military or law enforcement work while they are actually performing in that capacity.**

Sec. 4-405.5. Dangerous behavior.

- (A) Any person who keeps, feeds, harbors or allows to stay about the premises occupied or controlled by him within the city any animal exhibiting dangerous behavior is guilty of maintaining a public nuisance and is guilty of a misdemeanor. An animal is presumed to have exhibited dangerous behavior if it demonstrated any of the behavior set forth in section 4-401. Such presumption is rebuttable. Upon conviction of maintaining a public nuisance with a particular dangerous animal, said animal may be ordered by the court to be destroyed by the animal control officer. An animal involved in a fatal attack on a person will be impounded and destroyed by the animal control officer.**
- (B) The owner or keeper convicted of having a dangerous animal shall forthwith register the animal as such with the animal control division. The owner of the dangerous animal must comply with and must show the animal control division sufficient evidence that the following requirements are met within thirty (30) days following registration:**
 - (1) A securely enclosed structure is provided by the owner suitable to prevent unauthorized entry and designed to prevent the animal from escaping. The enclosure must also provide protection from the elements for the animal.**
 - (2) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous animal on the property. These signs shall be visible and capable of being read from the public roadway and from any normal means of entry to the premises. In addition, the owner or keeper shall conspicuously**

display a sign with a warning symbol that will inform children of the presence of a dangerous animal.

(3) The owner or keeper of a dangerous animal shall present proof of procurement of liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), covering the twelve-month period during which registration is sought. This policy shall contain a provision requiring the City of Billings to be named as an additional insured and requiring that the City of Billings to be notified by the insurance company at least ten 10 days in advance of any cancellation termination or expiration of the policy.

(4) The owner or keeper shall, at his or her own expense, have the dangerous animal registration number provided by the animal control division tattooed upon the inner side of the right ear by a licensed veterinarian.

(C) The owner or keeper of an animal convicted of having a dangerous animal shall notify the animal control division within twenty-four (24) hours of a change of address, or death of the animal. Immediate notification will be required if the animal is loose.

(D) The owner or keeper of an animal convicted of having a dangerous animal shall not sell, transfer or give away the animal, other than to the Animal Shelter for disposal.

(E) The animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the above provisions. Should it be found that the owner or keeper is in noncompliance with the provisions, the animal shall be immediately confiscated, impounded, and destroyed.

(Ord. No. 90-4829, § 6, 5-7-90)

Sec. 4-405.6. Justifiable use of force.

While on the owner's property or off the owner's property and under the owner's control, an animal is justified in using the force or threat to use force necessary: to defend himself or a person; to prevent or terminate a person's unlawful entry into or attack upon his owner's property; or to prevent or terminate a person's trespass on or other criminal interference with his owner's property. A defense of justifiable use of force is an affirmative defense to sections 4-405 and 4-405.5.

(Ord. No. 90-4829, § 7, 5-7-90)

Sec. 4-405.7. Fee for registration of *potentially dangerous or* dangerous animal.

Any person required to register a *potentially dangerous or* dangerous animal as set forth in sections 4-405 or 4-405.5 shall pay a registration fee in an amount set by council resolution. Said ~~dangerous~~ animal registration fee is in addition to all other fees. Registration shall be required within seven (7) days following conviction and renewed annually from month of purchase for the life of the animal. Animal Control Officers shall perform annual inspections of the area where animals are to be kept to insure compliance with all requirements.

POTENTIALLY DANGEROUS ANIMAL
REQUIREMENTS

ON _____ 20() YOU WERE CONVICTED OF MAINTAINING A PUBLIC NUISANCE WITH A PARTICULAR POTENTIALLY DANGEROUS ANIMAL. THE OWNER OR KEEPER CONVICTED OF HAVING A POTENTIALLY DANGEROUS ANIMAL SHALL FORTHWITH REGISTER THE ANIMAL AS SUCH WITH THE ANIMAL CONTROL DIVISION WITHIN (7) SEVEN DAYS. THE OWNER OF THE POTENTIALLY DANGEROUS ANIMAL MUST COMPLY WITH AND MUST SHOW THE ANIMAL CONTROL DIVISION SUFFICIENT EVIDENCE THAT THE FOLLOWING REQUIREMENTS ARE MET WITHIN THIRTY (30) DAYS FOLLOWING REGISTRATION:

SEC: 4-405 POTENTIALLY DANGEROUS BEHAVIOR

- 1) A securely enclosed structure be provided, at the owner's expense, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The enclosure must also provide protection from the elements for the animal.
- 2) The owner or keeper shall display a sign on his or her premises warning that there is a potentially dangerous animal on the property. These signs shall be visible and capable of being read from the public roadway and from any normal means of entry to the premises. In addition, the owner or keeper shall conspicuously display a sign with a warning symbol that will inform children of the presence of a dangerous animal.

**DANGEROUS ANIMAL
REQUIREMENTS**

ON _____ 20() YOU WERE CONVICTED OF MAINTAINING A PUBLIC NUISANCE WITH A PARTICULAR DANGEROUS ANIMAL. THE OWNER OR KEEPER CONVICTED OF HAVING A DANGEROUS ANIMAL SHALL FORTHWITH REGISTER THE ANIMAL AS SUCH WITH THE ANIMAL CONTROL DIVISION WITHIN (7) SEVEN DAYS. THE OWNER OF THE DANGEROUS ANIMAL MUST COMPLY WITH AND MUST SHOW THE ANIMAL CONTROL DIVISION SUFFICIENT EVIDENCE THAT THE FOLLOWING REQUIREMENTS ARE MET WITHIN THIRTY (30) DAYS FOLLOWING REGISTRATION:

SEC: 4-405.5 DANGEROUS BEHAVIOR.

- 3) A securely enclosed structure is provided suitable to prevent the entry of young children and designed to prevent the animal from escaping. The enclosure must also provide protection from the elements for the animal.
- 4) The owner or keeper shall display a sign on his or her premises warning that there is a dangerous animal on the property. These signs shall be visible and capable of being read from the public roadway and from any normal means of entry to the premises. In addition, the owner or keeper shall conspicuously display a sign with a warning symbol that will inform children of the presence of a dangerous animal.
- 5) The owner or keeper of a dangerous animal shall present proof of procurement of liability insurance in the amount of at least fifty thousand dollars (50,000.00), covering the twelve-month period during which licensing is sought. This policy shall contain a provision requiring the City of Billings to be named as an additional insured for the sole purpose of the City of Billings to be notified by the insurance company of any cancellation, termination or expiration of the policy.
- 6) The owner or keeper shall, at his or her own expense, have the dangerous animal registration number provided by the animal control division tattooed upon the inner side of the right ear by a licensed veterinarian.

I HAVE RECEIVED A COPY OF SEC. 4-405.5 THE DANGEROUS
BEHAVIOR ORDINANCE ON _____ .

SIGNED: _____

DATE: _____

ISSUED BY: _____

DANGEROUS ANIMAL
REGISTRATION
FORM

OWNERS NAME: _____

OWNERS ADDRESS: _____

OWNERS PHONE #: H _____

W _____

PLACE OF EMPLOYMENT: _____

ANIMALS NAME: _____

SEX: _____ **AGE:** _____ **COLOR:** _____

TATTOO LOCATION: _____

MICRO-CHIP # _____

INSURANCE COMPANY: _____

ADDRESS: _____

PHONE #: _____

AGENT: _____

POLICY #: _____

POTENTIALLY DANGEROUS ANIMAL
REGISTRATION
FORM

OWNERS NAME: _____

OWNERS ADDRESS: _____

OWNERS PHONE #: H _____

W _____

PLACE OF EMPLOYMENT: _____

ANIMALS NAME: _____

SEX: _____ **AGE:** _____ **COLOR:** _____

MICROCHIP# _____

TATTOO LOCATION: _____