

RESOLUTION No. 3437

AN AMENDMENT TO RESOLUTIONS #3338 AND #3367

A RESOLUTION OF THE CITY COUNCIL OF RED LODGE, MONTANA TO SET FEES FOR REGISTRATION OF DOGS AND PENALTY FINES FOR VIOLATION OF PROVISIONS CONTAINED IN ORDINANCE 929

WHEREAS, the City previously adopted Ordinance 718 for animal control in 1983 which was amended in 1996 (Ord. 811), in 2014 (Ord. 904), and amended again in 2017 (Ord. 929); and

WHEREAS, the City of Red Lodge wishes to foster a dog friendly environment; and

WHEREAS, the City of Red Lodge has diverse needs with the community requiring more effective enforcement and a more manageable approach to animal control issues; and

WHEREAS, it is important to the health, safety and general welfare of its residents and their property that dog owners accept responsibility for positive control of their pets so as to avoid risks to residents and visitors. Dog owners who allow dogs to be at large, injure individuals or animals, abandon their animals, or whose dog damages property need to be held accountable; and

WHEREAS, positive relationships between both residents and visitors regarding dog behavior can be reinforced by participating in appropriate communications; and

WHEREAS, Ordinance 929 requires that all dogs be registered and that owners (as defined in the City Municipal Code Title-5, Chapter-5, Article-B, Section-1) may be required to pay fines to enforce the animal control requirements.

NOW THEREFORE BE IT RESOLVED by the City Council:

License Fees:

The license fee cost for each dog is \$10.00 annually. The owner of any dog or dogs shall at all times have a current, original or replacement, tag on each dog owned. Certified service animals are exempt from license fees but shall be registered with the city and display their original or replacement tag at all times. Licenses are valid from January 1 to December 31 of each calendar year.

Penalties and Fines for Convictions as set forth in Ordinance 929:

- A. Penalties and fines for Non-Violent Misbehavior (At-large/Outside of Enclosure; Barking, Whining or Howling; Feces; Off-Leash, Damage to Property; No License; No Vaccination; Trespass within Fenced Areas or Interiors of Buildings on School Grounds:**

1. **First Offense** - Any person against whom a complaint has been made shall upon the first complaint be issued a written warning by the Red Lodge Police Department. The offender shall have one (1) week from the date of the written warning to comply with the Ordinance.
2. **Second Offense** - Upon a second offense following a written warning, the owner shall be fined no less than \$100.00 and up to \$250.00.
3. **Third and Subsequent Offenses** - Upon a third or subsequent offense, the owner shall be fined no less than \$250.00 and no more than \$500.00.

B. Penalties and Fines for Damage to Property:

Any offense: Upon the determination of the owner's guilt of an offense under (A) (1), (2), or (3) above, the City Court may assess restitution for any documented damages, clean up as well as court costs upon conviction.

C. Penalties and Fines for Violent Behavior (Attacking/Biting):

1. **First offense**- Upon the conviction for a first offense of violent behavior, the offender shall be required to pay restitution for documented medical costs for injured person(s) and/or other animal(s) and be fined no less than \$100.00 and up to \$500.00 and court costs upon conviction.
2. **Second offense**- Upon a second conviction under this section, the RLPD shall issue a prompt citation and require that the dog be secured solely on the owner's property until a City Court hearing. City Court shall require restitution for documented medical costs for injured person(s) and/or other animal(s) and may impose a fine of no less than \$100.00 and up to \$500.00 and court costs upon conviction,
3. **Subsequent offense**- Upon a third or subsequent offense, RLPD may impound the dog and issue a prompt citation. City Court shall require restitution for documented medical costs for injured person(s) and/or other animal(s), and a fine of no less than \$100.00 and up to \$500, restitution for relevant impounding costs, court costs and either the removal of the dog from the City or the humane destruction of the dog. In addition, the court shall have the authority to restrict the offender from owning, sheltering or harboring a dog within the city limits of Red Lodge for a period of no less than three (3) years.

D. Penalties and Fines for Neglect and Cruelty:

1. **First offense (Neglect)** - Upon the first conviction for neglect of a dog(s), the RLPD shall issue a prompt written warning, require the immediate danger to the dog(s) be eliminated with the offender given two (2) days to eliminate the neglect to the dog. The City of Red Lodge Police department shall check back periodically as needed to observe continued compliance.

First offense (Cruelty) - Upon the first conviction for cruelty to a dog(s), the offender may be fined no less than \$100.00 and up to \$500.00 per dog plus court costs and the cost of any medical attention the dog(s) may require.

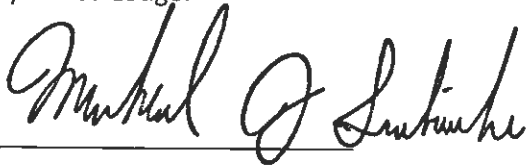
2. Second offense (Neglect) - Upon conviction for a second offense of animal neglect, the offender may be fined no less than \$100.00 and up to \$500.00 per dog(s) and court costs. An owner may be ordered to pay restitution for any medical care or other attention that the dog(s) may require.

Second offense (Cruelty) - Upon the second conviction for animal/dog cruelty, the owner may be fined no less than \$100.00 and up to \$500.00 per dog, court costs and restitution for any medical attention or other care that the dog(s) may require. The owner shall be prohibited from owning, sheltering, harboring a dog or dogs for a period of at least three (3) years.

3. Subsequent offenses (Neglect and Cruelty)- Upon a third or subsequent offense, the offender shall be charged under §45-8-211, Cruelty to Animals.

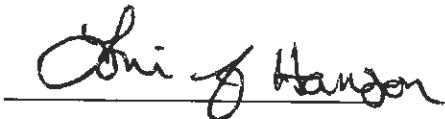
PASSED AND APPROVED BY THE RED LODGE CITY COUNCIL on this 25th day of July, 2017.

City of Red Lodge:



Michael Schoenike, Mayor

Attest:



Loni Hanson, City Clerk