

Ordinance

An ordinance of the Missoula City Council amending Missoula Municipal Code Chapter 6.07 entitled "Dogs" Sections 6.07.720 and 6.07.730 revising laws relating to the issuance of a multiple dog permit.

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6.07.720 Number of dogs. It is unlawful for any person, family or household to keep, harbor or maintain more than two dogs over four months of age for sixty days or more in or on any premises without ~~first obtaining a valid~~ multiple dog permit from the Animal Control Board as provided in section 6.07.730.

6.07.730 Multiple dog permit. A multiple dog permit is required by any person, family, or household owning, keeping, or harboring, more than two dogs over the age of four months for sixty days or more.

~~A. Application fees and permit fees are set by resolution of the City Council after conducting a public hearing~~

~~B. Application for the permit shall must be made with Animal Control and must be accompanied by an application fee.~~

~~C. Before the Animal Control Board may issue a multiple dog permit, an Animal Control Officer shall:~~

~~1. Inspect the property;~~

~~2. Contact at least 5 neighbors, including two properties that are immediately adjacent to the applicant's property~~

~~3. Evaluate whether the applicant meets the criteria in (D); and~~

~~4. Report the findings to the Animal Control Board~~

~~D. The following conditions must be met before the Animal Control Board may approve a multiple dog permit can be issued:~~

~~1. All dogs must have valid licenses;~~

~~1.~~

~~A. The intended facilities must be inspected by the Animal Control Board or its designee. The permit shall not be issued unless the inspection reveals that the following have been met and must continue to be complied with:~~

~~2. There is must be an adequate enclosure to keep of the dogs on the premises,~~

~~3.2. A minimum of five neighbors have been contacted, at least two of which whose property lies adjacent to the applicant's property, and who have no objections to the issuing of the permit;~~

~~4.3. The owner uses suitable means of for disposing of the dog excreta so that it does not become a nuisance or a health hazard,~~

~~5.4. That if in the investigating officer's opinion, the dogs will receive proper food, water, shelter and general care.~~

~~6.5. If there have been no valid nuisance barking or at large complaints lodged for this owner within the past two years, the owner shall have taken adequate steps to mitigate the problem(s.)~~

~~7.6. The owner agrees to manage the dogs such that so valid barking or at large complaints are not filed. If found guilty of a barking complaint the multiple dog permit shall be immediately revoked for a period of one year.~~

~~E. Once a permit is issued, the owner shall continue to meet the criteria in (D) above.~~

~~B.F. Following the inspection, based on the information submitted by the applicant and on the recommendation of the investigating Animal Control Officer, the Animal Control Board shall approve or deny the application permit. The board may issue a conditional permit but must state the permit conditions on the document and ensure that the applicant is advised of the conditions.~~

~~G. The Animal Control Board may include conditions on the permit to ensure the requirements in (D) will be met.~~

~~C. After receiving notification of the board's approval, the applicant must pay Animal Control a multiple dog permit fee of fifty dollars per year, unless that fee is waived by the Animal Control Board based on information submitted by the applicant and the investigating officer. The permit fee may be~~

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waived for reasons including, but not limited to, the size of the dogs, their age and/or health status or special care conditions.

H. After a permit has been issued, an Animal Control Officer may inspect the premises annually or upon complaint to evaluate compliance with the permit conditions. All premises for which a multiple dog permit is issued are subject to annual inspections by the animal control office, board or its designee. The inspections may also be instigated by a complaint filed by an interested person.

~~D-I.~~ The board ~~If the Animal Control Officer~~ Board determines that ~~the~~ on determining that such premises are not being maintained and/or the conditions of the permit are not being met and has given the permit holder a reasonable amount of time to correct the issues, Animal Control ~~may~~ may revoke the multiple dog permit, and shall notify the permit holder in writing. ~~recommend a revocation or denial of the permit if it is deemed necessary. The permittee shall be given a 30-day written notice of board's recommendation/revocation/denial during which s/he may appeal the board's recommendation to the City Council. The City Council shall revoke or reinstate the permit by a majority vote.~~

J. If Animal Control revokes a multiple dog permit, the permit holder may submit a written request to Animal Control for a hearing before the Animal Control Board.

1. The permit holder shall request the hearing within 14 days of receipt of Animal Control's written notification of revocation.
2. The Board shall schedule a hearing within 90 days of the request.
3. Animal Control shall give notice of the hearing to the permit holder using the contract information on the request no less than seven days before the hearing is scheduled. Notice is complete on the date of mailing or delivery.
4. At the hearing, the Board shall first hear the staff report on why the permit was revoked ~~denied~~. Second, the permit holder may present relevant information to the Board. Third, the Board may hear from any person who has relevant information. ~~The hearing may be conducted informally and need not follow rules of evidence or procedure applicable to judicial hearings. The Board chair may impose rules for the orderly conduct of the hearing.~~
5. The Board shall decide whether the multiple dog permit meets the requirements in (D) and approve or revoke the multiple dog permit. A copy of the Board's decision shall be sent to the person who requested the hearing.

K. If the Board denies or revokes a multiple dog permit, the applicant may appeal the Board's decision to the Missoula City Council. The applicant shall submit the request to the Missoula City Clerk's office, in writing, within 30 days written notice of the ~~Board's~~ Board's decision.

~~E-L.~~ A multiple dog permit ~~authorized by the board~~ must contain the following information:

1. Name and address of the person to whom the permit is granted;
2. The number and names of dogs for which the permit is granted;
3. Any special conditions required by the board.

3-M. The holder of the multiple dog permit is responsible for contacting Animal Control if the dogs on the property change. Before any additional dogs may be kept on the property, the permit holder must reapply.

Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase and words thereof, irrespective of the fact that any one or more sections, subsections, sentences, for any reason this ordinance should be declared invalid or unconstitutional, then the remaining ordinance provisions will be in full force and effect.

First reading and preliminary adoption on the _____ day of _____, 2023, by a vote of _____ ayes, _____
_____; _____ Nays, _____; _____ Abstain, _____
_____; and _____ Absent, _____

Second and final reading and on the _____ day of _____, 2023, by a vote of ____ ayes, _____
_____; ____ Nays, ____; _____ Abstain, _____
_____; and ____ Absent, _____

ATTEST:

APPROVED:

Martha L. Rehbein, City Clerk

Jordan Hess, Mayor