

**ORDINANCE Ord # 2017- 007**

**AN ORDINANCE TO ADOPT  
CHAPTER 13. ANIMALS, ARTICLE 1. GENERAL  
AND ARTICLE 2. ANIMAL CONTROL**

**WHEREAS**, the City Commission of Polson has determined that it is in the best interests of the citizens of Polson to reestablish, rewrite and reauthorize the Ordinances of the City;

**WHEREAS**, the Commission recognizes the most expeditious way of adopting such Ordinances is by adoption in a near sequential manner over a term of months to give the Commission and the public time to review the material;

**WHEREAS**, it appears in the best public interest that the following ordinances be adopted for the City of Polson;

**NOW, THEREFORE, BE IT ORDAINED** by the City of Polson that the following Articles of the Ordinances of the City of Polson be adopted in full as attachments hereto:

**CHAPTER 13. ANIMALS**

**Article 1. General  
Article 2. Animal Control**

The clerk is hereby instructed to codify this Ordinance and to place the same in the Book of Ordinances of the City of Polson.

Date: November 6, 2017

First Reading:      6  ayes        nays      1  absent

Date: November 20, 2017

Second Reading:     7  ayes        nays        abstentions

Effective Date: December 20, 2017

\_\_\_\_\_  
Mayor Heather Knutson

Attest: \_\_\_\_\_  
City Clerk Cora E. Pritt

## **CHAPTER 13. ANIMALS**

### **Article 1. General**

### **Article 2. Animal Control**

#### **Article 1. General**

##### Sections:

- 13.01.010 Animals at large.
- 13.01.020 Interference with a police dog prohibited
- 13.01.021—13.01.100 Reserved.

**13.01.010 Animals at large.** It shall be unlawful for any person, firm or corporation to keep or maintain domestic or exotic fowl including but not limited to chickens, turkeys, ducks or geese within the corporate limits of the City. It is hereby provided that livestock, consisting of horses, cattle, mules, sheep, burros, goats and swine, or any such animals, shall not be allowed to run at large in the town nor shall these animals be kept within the corporate limits of the City. Horses, mules and burros may be ridden upon the streets and alleys of the City and in Authorized parades

#### **13.01.020 - Interference with a police dog prohibited.**

No person shall purposely or knowingly provoke, grab, strike, harass, injure or otherwise interfere with a police dog trained for use by a law enforcement officer, including but not limited to a police K-9 handler, at any time during the performance, attempted performance or while waiting to perform the animal's or the officer's official duties.

**13.01.040—13.01.100 Reserved.**

## **Article 2. Animal Control**

### **Sections:**

- Sec. 13.02.010. - Definitions.
- Sec. 13.02.020. - Dog licenses—Requirements generally; fee; expiration.
- Sec. 13.02.030. - Same—Exemptions from article applicability.
- Sec. 13.02.040. - Licenses; issuance and registration conditions; tag requirements.
- Sec. 13.02.050. - Kennel licensing requirements; limit on number of cats and dogs kept.
- ~~Sec. 13.02.060. - Keeping of exotic or wild animals.~~
- Sec. 13.02.060. - Restraint and confinement.
- Sec. 13.02.070. - Rabies prevention requirements; tag.
- Sec. 13.02.080. - Quarantine for dogs biting persons.
- Sec. 13.02.090. - Rabies prevention requirements; physician and veterinarian responsibilities.
- Sec. 13.02.100. - Nuisance animals prohibited; complaints.
- Sec. 13.02.110. - Impoundment—Authorized when; records required.
- Sec. 13.02.120. - Same—Notice to owner; redemption conditions.
- Sec. 13.02.130. - Same—Disposition of unredeemed animals.
- Sec. 13.02.140. - Cleaning up after animals.
- Sec. 13.02.150. - Enforcement; code enforcement officer authority.
- Sec. 13.02.160. - Enforcement for violations; liability of owner; permit transfers.
  
- Sec. 13.02.170. - Enforcement; penalty for violations.
- Secs. 13.02.171-13.02.199. Reserved.

### **Sec. 13.02.010. - Definitions.**

- A. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
1. "Animal" means any live creature, both domestic and wild, except humans. The term "animal" includes fowl, fish, and reptiles.
  2. "Animal shelter" means any premises provided by, or contracted via, the city for impounding and caring for dogs and other animals, or any facility which contracts with the city to provide such services.
  3. "Animal shelter director" means the operator of a facility contracting with the city to provide the services of an animal shelter.
  4. "At large" means that an animal is off the premises of the owner, keeper, or responsible custodian of the animal and not on a leash or confined within a kennel, cage, or motor vehicle, or otherwise under the immediate control of a person physically capable of restraining the animal.
  5. "Code enforcement officer" means all peace officers as that term is defined in state law as well as all duly appointed code enforcement officers, animal control supervisors appointed by the city to carry out and enforce this article, or other officials designated by the chief of police.
  6. "Cruelty" means any act or omission whereby unjustifiable physical pain, suffering, or death of an animal is caused or permitted.

7. "Dangerous" or "vicious" animal means any animal that attacks, bites, or injures human beings, domestic animals, or livestock without adequate provocation, or which, because of its nature, temperament, training, or other characteristics, would constitute an unreasonable danger to human life or property if not kept, maintained, or confined in a safe and secure manner. Any animal that, without provocation, has aggressively bitten or caused any physical injury to any person shall be prima facie presumed vicious or dangerous.
8. "Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats, or other animals (excluding licensed pet shops). The term "kennel" shall also include any noncommercial establishment or place where more than three dogs and/or four cats are kept over the age of six months, whether for breeding or otherwise.
9. "Leash" means a line, chain or leads used to control or restrain an animal and does not include an electronic leash or shock collar.
10. "Muzzle" means a humane device, securely fastened over the mouth of an animal, which prevents the animal from biting.
11. "Nuisance" means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term "nuisance" shall include, but not be limited to:
  - a. Any animal that is repeatedly (more than two separate occurrences) found running at large;
  - b. Any dog in any section of a park or public recreation area which is not controlled by a leash or similar physical restraint, except in such parks or public areas designated exempt;
  - c. Any animal that damages, soils, defiles, or defecates on any property other than that of its owner, with the exception of service animals authorized under the Americans with Disabilities Act;
  - d. Any animal that makes disturbing noises including, but not limited to, continued and repeated howling, barking, whining, crowing or other utterances causing unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
  - e. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;
  - f. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
  - g. Any animal that chases motor vehicles in a public right-of-way;
  - h. Any animal that attacks domestic animals;
  - i. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
  - j. Any animal that is offensive or dangerous to the public health, safety, or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities.

12. "Owner" means any person, group of persons, or corporation having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this article.
13. "Under restraint" means that an animal is secured by a leash not to exceed six feet in length or securely enclosed within the real property limits of the owner's premises.

**Sec. 13.02.020. - Dog licenses—Requirements generally; fee; expiration.**

Every person, other than owners or keepers of commercial kennels, owning, keeping, or harboring any dog over six months of age within the corporate limits of Polson shall cause such dog to be registered, numbered, and licensed annually with the city clerk and shall pay for such license an amount as set by resolution of the city commission. Any owner claiming that the owner's dog has been spayed or neutered must show to the satisfaction of the licensing authority that such operation has been performed. No license shall be issued without proof of vaccination against rabies disease. First-time licenses issued after July 1 shall be prorated on a semiannual basis. All licenses shall expire on December 31 of the year of issuance. A late licensing fee will be assessed upon all renewal licenses issued after February 15 of the current license year pursuant to the fee schedule.

**Sec. 13.02.030. - Same—Exemptions from article applicability.**

The licensing requirements of this article shall not apply to any dog belonging to a nonresident of the city and kept within the city for not longer than 15 days, provided all such dogs of nonresidents shall at the time of entry into the city be properly vaccinated against rabies and, while kept within the city, meet all other requirements of this article. Any owner claiming any of these exemptions has the burden of proving to the satisfaction of the licensing authority that the dog in question is entitled to such exemption.

**Sec. 13.02.040. - Licenses; issuance and registration conditions; tag requirements.**

On payment to the city of the amount of the license fee, the licensing authority shall issue a license to the person applying for the same, provided that all other requirements have been met, and shall provide and furnish with each license a durable tag upon which shall be stamped or engraved the registration number of the dog and the year registered. The city shall keep suitable records in which shall be recorded the date and number of such license and the name and address of the person to whom issued. Whenever the dog is allowed in a public place, every owner of a dog within the city shall place and keep around the neck of each dog owned a collar or harness to which shall be securely fastened the license tag issued by the city and to which shall also be attached a tag showing that the dog has been vaccinated for rabies. In the event that a dog is lost or destroyed, a duplicate shall be issued for the current year, upon the payment of a fee for such duplicate pursuant to the fee schedule. No person shall use, for any dog, a license receipt or license tag issued for another dog. It shall be unlawful for any person to remove from the neck of any dog the license tag issued pursuant to this section without the dog owner's permission or alter such tag in any manner.

**Sec. 13.02.050. - Kennel licensing requirements; limit on number of cats and dogs kept.**

- A. It is unlawful for any person, group of persons in the same dwelling, or family, to keep, harbor, maintain or knowingly permit within the city more than four cats and/or three dogs, over six months of age, without first having obtained a kennel license from the city as herein provided. This section shall not apply to licensed veterinarian hospitals or animal shelters, but it is intended to apply to keeping or maintaining kennels where cats and dogs are kept for breeding, sale, sporting purposes, boarding, or for the enjoyment of the household. Any person keeping or maintaining a kennel shall make application to the city for said kennel license, or the revocation thereof, shall be authorized or denied at the discretion of the chief of police.
- B. Kennel licensing procedure.
1. All applications for a kennel license, including applications for renewal or reinstatement, shall be reviewed by the chief of police or designee, who shall investigate the premises of the proposed kennel and make findings, as set forth herein, regarding said application.
  2. All kennel licenses shall be for a designated purpose, and a specific number and type of cats and dogs. Licenses shall not be transferable from one person to another person or place.
  3. New kennel licenses shall only be issued after the chief of police or designee, upon appropriate inspection of the applicant's proposed kennel and other appropriate investigation, approves the application. In addition, written notice of a pending kennel license application shall be provided by the applicant to all owners of real property within 200 feet of the site in question, including the property owner if the site in question is not owned by the applicant, within 15 days of the application date and prior to final application approval by the chief of police or designee. The notices, on forms provided by the city, shall specify the name and address of the applicant, the name and address of the owner of record of the property, a brief statement of the nature of the kennel license application, including the number and type of cats or dogs proposed in the application and reference to the procedures described herein. Applicant's failure to properly complete and deliver all notice forms may constitute cause to deny the application or revoke the kennel license.
  4. The chief of police or designee, in approving a kennel license, shall find:
    - a. That all animals listed on the kennel license application possess current city pet licenses;
    - b. That the site for the proposed use is adequate in size and topography to accommodate such use, and all yards, spaces, fences and enclosures are adequate to properly relate such use with the land and uses in the vicinity;
    - c. That the proposed use will have minimal adverse effect on abutting properties or residents within the affected area; and
    - d. That any conditions stated in the approval are deemed necessary and shall apply and be followed by the applicant and the property owner as a condition of approval.
  5. Upon granting a kennel license, the chief of police or designee may thereafter inspect the premises to ensure compliance with this article and ensure the health and welfare of the animals.
  6. A kennel license holder shall notify the chief of police or designee of any change in the operations which may affect the license and shall keep the chief of police apprised of

any change in name, use, or location of-said kennel, including, but not limited to, changes in animals and numbers of either cats or dogs listed on the original kennel license application.

- C. The kennel license fee shall be in an amount as set by resolution of the city commission, and the license shall expire on December 31 of each year, unless sooner revoked. License fees shall be reduced by 50 percent if application is made, and subsequently approved, between July 1 and December 31. The kennel license application fee is nonrefundable.
- D. Upon complaint being made to the chief of police or designee that a licensed kennel is being operated in an improper manner, after finding the kennel was operated improperly, as a nuisance, or a condition existed that would preclude the issuance of a license, the chief of police or designee may revoke the license of such kennel, after a minimum of 72 hours' notice to the licensee. The licensee may, at the discretion of the chief of police or designee be provided up to 15 days to mitigate an offending condition and thus have the license reinstated. Reinstatement findings by the chief of police or designee shall be made only after conduction of a subsequent site inspection and report stating that each offending condition of the kennel in question was satisfactorily corrected and the kennel complies with conditions set forth in this article.
- E. Upon annual re-application for a kennel license renewal, an inspection of the premises, in accordance with subsection B of this section, may be waived unless conditions listed in subsection D of this section are found to exist.
- F. Decisions by the chief of police or designee to deny or approve a kennel license application, revoke an existing kennel license or reinstate a revoked kennel license may be appealed to the city commission. A written request for an appeal hearing before the city commission shall be submitted to the chief of police. Any appeal of a kennel license application approval or denial, or appeal of an existing kennel license revocation or reinstatement decision by the chief of police shall be in writing wherein the appellant shall set forth the specific provisions of the decision being appealed. Written notice of an appeal of a kennel license application approval or denial or existing kennel license revocation or reinstatement, including specific provisions of the decision being appealed and the date, time and location of the subsequent city commission appeal hearing, shall be provided by the applicant, to all owners of real property within 200 feet of the site in question, including the property owner if the site in question is not owned by the applicant, within 15 days past the appeal submittal date and at least 15 days prior to the scheduled hearing. Applicant's failure to properly complete and deliver all appeal notice forms may constitute cause to deny the appeal. Upon review of an appeal, the city commission shall have the authority to affirm, modify, or reverse the findings of the chief of police or designee. Commission affirmation, modification or reversal of a decision made by the chief of police or designee shall be final and binding.

#### **Sec. 13.02.060. - Restraint and confinement.**

- A. It is unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the city.

- B. Any dog, while on a street, sidewalk, public way, or in a park or other public space, other than areas as designated pursuant to subsection G of this section, or upon any private property without the consent of the property owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog, such leash or chain not to exceed six feet in length. However, while actually participating in instructional obedience training, dogs may be temporarily restrained by a leash of greater length.
- C. No owner or custodian of any animal shall leave such animal unattended while on a street, sidewalk, public way, or in a park or other public space, or fail to exercise proper care and control of such animal to prevent the same from becoming a nuisance.
- D. Every female dog or cat, while in heat, shall be kept in a secure enclosed shelter or area within the real property limits of the owner's premises in such a manner so as not to come in contact with another animal except for planned breeding.
- E. Every dangerous or vicious animal shall be confined by its owner, or authorized agent of its owner, within a building or secure enclosure, and, whenever off the premises of its owner, shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not more than three feet in length or caged. Every person harboring a dangerous or vicious animal is charged with an affirmative duty to confine the animal in such a way that no other person has access to such animal.
- F. Dog-free areas. No dogs are allowed at locations as designated by the police chief and city manager.
- G. Restraint-free areas. The following areas are exempt from subsections A and B of this section to the extent that in such areas animals may be permitted to run or otherwise remain unrestrained. This exemption shall not apply to other prohibited areas listed in subsection F of this section or otherwise relieve an owner or custodian of any animal to prevent the same from becoming a nuisance, as defined in section 13.02.010.
  - 1. Designated dog runs as determined by the police chief, director of parks and recreation and city manager.
- H. The city commission may, by resolution, designate additional areas within the city which shall be exempt from subsections A and B of this section in addition to those listed in subsection G of this section.

**Sec. 13.02.070. - Rabies prevention requirements; tag.**

All dogs over six months of age within the corporate limits of the city shall be vaccinated against the disease known as "rabies." Upon vaccination of such dog, the veterinarian shall issue to the owner or owners of said animal a certificate showing the inoculation thereof and shall keep a duplicate of such certificate and shall issue a metallic tag showing such vaccination and the date thereof. The owner shall cause the tag to be attached to a collar or harness on such animal. The code enforcement officer or any police officer of the city shall have the right to impound any dog at large in the city, not wearing a collar or harness on which is displayed the license tag and also the vaccination tag.

**Sec. 13.02.080. - Quarantine for dogs biting persons.**

Every animal which bites a person shall be promptly reported to peace officer or the code enforcement officer, if any. Any dog or other animal which has bitten any person may be kept



under quarantine under the direction and authority of a peace officer or the code enforcement officer. Such quarantine shall be for a period of ten days. If the owner of the animal has not appeared to claim the animal within 96 hours of the beginning of such quarantine, the animal may be destroyed and examined for rabies. If, during the quarantine period, the animal is adjudged as having rabies, the animal shall be destroyed and appropriate health authorities notified. If, after completion of the quarantine period, the animal is adjudged free of rabies, the animal shall be released to its owner upon written permission of the code enforcement officer unless otherwise ordered held pursuant to section 13.02.130 or 13.02.160. Quarantine and associated costs, including any costs of destruction, shall be at the owner's expense. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made by the code enforcement officer or any law enforcement officer.

**Sec. 13.02.090. - Rabies prevention requirements; physician and veterinarian responsibilities.**

It shall be the duty of every physician, or other practitioner, to report to the code enforcement officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. It shall be the duty of every veterinarian to report to the code enforcement officer the diagnosis of any animal observed by such veterinarian as a rabies suspect.

**Sec. 13.02.100. - Nuisance animals prohibited; complaints.**

It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal, and it shall be the duty of the code enforcement officer and all law enforcement officers to file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may file a complaint with a peace officer or the code enforcement officer. Where the offense is not committed in the presence of the officer, the officer shall investigate and issue an appropriate criminal citation, or request prosecution for the violation through the city attorney.

**Sec. 13.02.110. - Impoundment—Authorized when; records required.**

Unlicensed dogs, or other animals found at large, shall be taken by a police officer or the code enforcement officer to the animal shelter. Any dangerous or vicious dog or animal may be taken up and impounded by the code enforcement officer, or any law enforcement officer, by appropriate means, including a tranquilizer gun if necessary. The animal shelter shall keep a complete register of every dog or other animal impounded, showing the time and place of taking, the breed, color, sex, and distinguishing marks of such dog or other animal; and, if licensed, the number of the license and the name and address of the owner. To the extent possible, male dogs shall be separated from female dogs at the shelter and healthy dogs shall be separated from unhealthy dogs.

**Sec. 13.02.120. - Same—Notice to owner; redemption conditions.**

- A. It is the duty of every owner of any dog or other animal to know its whereabouts at all times. In the event that any dog or other animal is impounded, the owner shall redeem the same

within 96 hours, or it shall be subject to disposal as provided in section 13.02.130. The owner of any impounded dog or other animal may redeem the same within such a period of time by accepting a citation for violation of any ordinance of the city for which the owner may be properly charged, and posting any boarding fees to the animal shelter in accordance with its established fee rates.

- B. Any unlicensed dog that is impounded may only be redeemed by the owner procuring a license, as required by section 13.02.020, in addition to paying the fees herein prescribed.
- C. If an impounded dog has not been spayed or neutered ("unaltered") and is impounded a second time within three years, the dog shall be altered prior to redemption at the owner's expense.
- D. If an impounded animal is suspected or known to have dangerous or vicious propensities, or accused of being a nuisance animal, it shall not be released or redeemed unless, or until, a hearing can be held before the city court to determine under what conditions, if any, such animal shall be released or redeemed. A complaint may be filed in city court against the person redeeming any dog or other animal impounded for violation of any provision of this article.
- E. To reclaim or redeem any animal impounded on the belief said animal is repeatedly at large, or is a nuisance, the owner must petition the city court for a hearing to determine under what conditions, if any, such animal shall be released or redeemed. During the hearing, the court will hear evidence to determine whether the animal should be declared a nuisance animal, to include any recommendations by the police or code enforcement officer. If a determination is made that the animal is repeatedly at large, or otherwise a nuisance, the owner shall be ordered to comply with provisions or conditions made by the court, including, but not limited to, ordered confinement of the animal in a secure enclosure. If the owner does not file such a petition within four days of the impound, the animal shall become the property of the city and subject to disposal as provided in section 13.02.150. Impoundment and associated costs, including any costs of destruction, shall be at the expense of the owner.
- F. To reclaim or redeem any animal impounded on the belief said animal is dangerous, vicious or the subject of abuse, the owner must petition the city court for a hearing to determine under what conditions, if any, such animal shall be released or redeemed. During the hearing, the court will hear evidence to determine whether the animal should be declared dangerous, vicious, or whether the animal was endangered by cruel treatment, and will take into consideration any recommendations by the code enforcement officer regarding the release of the animal. If a determination is made that the animal is dangerous, vicious, or the animal has been subject to cruel treatment, the owner shall be ordered to comply with provisions or conditions made by the court. If the owner does not file such a petition within four days of the impound, the animal shall become the property of the city and subject to disposal as provided in section 13.02.150. Impoundment and associated costs, including any costs of destruction, shall be at the expense of the owner. The animal shall not be released to the owner until such hearing is held.

**Sec. 13.02.130. - Same—Disposition of unredeemed animals.**

If any impounded dog or other animal is not redeemed within 96 hours from the time it is taken and impounded, the owner thereof shall forfeit all right, title, and interest therein, and the animal shelter director may offer the same for sale or adoption. Sale or adoption, and such

certificate of sale, shall confer title and ownership of the dog or other animal, free of all claims and interest of the previous owner. In the event that any impounded dog or other animal is not redeemed by the owner or purchased, it may be disposed of by the animal shelter or contracting agency in a humane manner. Any dog or other animal suffering from an infectious disease shall not be released but shall be disposed of, unless the public health officer shall otherwise order. Any animal deemed dangerous or vicious by the court may not be sold or adopted without proper disclosure to the individual purchasing or adopting said animal, to include the nature and extent of the behavior prompting the declaration of the court.

**Sec. 13.02.140. - Cleaning up after animals.**

Any person owning, keeping, possessing, or harboring any dog, cat, or other animal shall promptly remove and properly dispose of all feces left by the dog, cat, or animal on any public property and on any private property not owned by such person or lawfully occupied by such person, with the exception of service animals authorized under the Americans with Disabilities Act.

**Sec. 13.02.150. - Enforcement; code enforcement officer authority.**

- A. For the purpose of discharging the duties imposed by this article and enforcing its provisions, the code enforcement officer, or any police officer, in addition to any and all other authority or power, whether the offense is committed in their presence or not and existing circumstances require immediate action, is authorized:
1. After investigation and upon finding of sufficient probable cause may issue a notice to appear pursuant to the provisions of MCA 46-6-310, to any violator of this article;
  2. After investigation and upon finding of probable cause may request criminal prosecution for the violation through the city attorney;
  3. To inspect premises subject to a kennel license application, a business license for animal boarding or any premises where the owner or occupant of the premises has agreed to accept an animal to board or shelter when the animal is the subject of an investigation, impound, upon issuance of a warrant or in accordance with judicially recognized exceptions to the warrant requirement;
  4. To demand from the occupants of any premises upon, or in which, an animal is kept or harbored, the exhibition of such animal and the license for such animal;
  5. To impound an animal which has attacked a person or other animal, is otherwise reasonably believed to be dangerous, or pursuant to a cruelty investigation against the animal in which protection of the animal from further abuse is warranted or in cases where an animal is loose, injured or in need of care and may order that animal held until such time as a hearing can be held before the court to determine whether, and under what conditions, the animal should be released to the owner; and
  6. Upon order of the municipal court, to destroy an animal deemed a dangerous or vicious animal.

**Sec. 13.02.160. - Enforcement for violations; liability of owner; permit transfers.**

In all enforcement actions for violations of this article, the person who applied for and obtained the license for the dog or animal in question shall be deemed the person responsible for the violation, unless there has been a transfer of ownership prior to the violation. Any transfer of ownership must be evidenced to the city clerk. A transfer permit, if desired, may be obtained by furnishing the name and address of the transferee to the city clerk. Nothing herein shall preclude the filing of separate or additional charges against any person other than the owner charged with custody of the animal.

**Sec. 13.02.170. - Penalty for violations.**

2. Penalty. Each person convicted of a violation of these sections shall be fined and/or imprisoned in accordance with the general penalties proscribed by the ordinances of the city of Polson.

**71-13.02.199. Reserved.**