

**TITLE 8**  
**ANIMALS**

**Chapters:**

[8.02 Regulation of Animals](#)

[8.04 Dogs](#)

## **Chapter 8.02 REGULATION OF ANIMALS**

### Sections:

- 8.02.010 Animals Running at Large Prohibited
- 8.02.020 Keeping of Hogs and Swine Prohibited
- 8.02.030 Permit for Keeping Animals
- 8.02.040 Cruelty to Animals
- 8.02.050 Keeping Vicious Animals Prohibited
- 8.02.060 Violations; Penalty

**8.02.010 Animals Running at Large Prohibited.** It shall be unlawful for the owner or person in charge of any horses, mules, sheep, goats, cattle, chickens, turkeys, ducks, geese, or other fowl or livestock to permit such livestock or fowl to run at large within the town limits.

Any person in charge of any fowl shall keep such fowl securely impounded in a sufficient enclosure to prevent them from running at large.

It shall be permissible for the owner or person in charge of any animals to stake such animals for the purpose of grazing within the town limits; provided, however, that such staking shall not create a nuisance by creating hazards in roadways or problems for neighboring residents.

### **8.02.020 Keeping of Hogs and Swine Prohibited.**

It shall be unlawful for any person to keep or maintain any hogs or swine within the town limits any closer than two hundred feet (200') from the nearest neighboring dwelling.

### **8.02.030 Permit for Keeping Animals.**

It shall be unlawful for any person to keep any cattle, horses, sheep, mules, goats, or similar animals within the town limits of Bainville without first having obtained a permit to do so from the town council.

No permit shall be issued to any person to keep more than two (2) of any such animals at one time, unless the applicant shall be equipped to furnish necessary shelter and pen or enclosure of not less than fifty (50) square feet for each one animal, which shelter, pen or enclosure shall not be less than two hundred feet (200) from any neighboring dwelling.

Said permit shall provide that the permit will be revoked if premises are not kept clean to the satisfaction of the town council or its representative. (Ord., 1983)

### **8.02.040 Cruelty to Animals.**

It shall be unlawful for any person to wantonly or cruelly injure, beat, abuse, or torture any animals within the town limits.

### **8.02.050 Keeping Vicious Animals Prohibited.**

It shall be unlawful for any person to keep, feed, harbor, or allow to stay about the premises occupied by him within the town limits, any vicious, unruly, or ferocious animal.

### **8.02.060 Violations; Penalty.**

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punishable as provided in Section 1.08.010 of this Code.

## **Chapter 8.04 Dogs**

### **Sections:**

- 8.04.005 Definitions
- 8.04.010 Nuisance Dogs
- 8.04.020 Destruction of Dogs Attaching Livestock
- 8.04.030 Immunization of Dogs
- 8.04.040 Vicious Dogs

### **8.04.005 Definitions**

A “bite” is defined as any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.

A “vicious dog” is defined as one which bites or attempt to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal including livestock and other domestic pets. (Ord. 116, 2015)

**8.04.010 Nuisance Dogs.** Upon receipt by the town council of three (3) complaints about any dog, said dog shall be considered a nuisance and the owner will be notified by the town council to either control the dog and prevent further complaints or dispose of said dog.

If after notification of the owner the situation is not taken care of and any further complaints are received about the dog, the town council shall have the right to order the destruction of such dog by its representative. (Ord. 116, 2015)

**8.04.020 Destruction of Dogs Attacking Livestock.** Any dog which is found attacking legally kept livestock or fowl within the town limits, or harassing such livestock or fowl to a point of endangering their wellbeing may be destroyed by the town council's representative, as a matter of defense of said legally kept livestock. (Ord. 116, 2015)

**8.04.030 Immunization of Dogs.** Any person who desires to keep a dog within the town limits and who allows such dog to run at large shall be required to have said dog immunized against rabies and other communicable diseases as determined necessary by a veterinarian. (Ord. 116, 2015)

### **8.04.040 Vicious Dogs.**

1. Any person who keeps, harbors, or maintains a vicious dog shall be guilty of a misdemeanor, punishable, for first offense, of a fine up to \$250, destruction of the dog, or both. A person convicted of a second or subsequent offense shall be fined up to \$500, destruction of the dog, or both. If the same dog is involved in the second offense, destruction of the dog is mandatory. The owner shall be liable for any impoundment fees, regardless if the dog is released or destroyed.
2. Roosevelt County Sheriff's Office, or any other law enforcement agency may impound and quarantine any dog involved in a dog bite pursuant to this ordinance, in accordance with ARM 32.3.1204.
3. If a dog is not destroyed after a first offense, the court shall order that an identifying microchip be implanted by a licensed veterinarian at the owner's expense, identifying the dog as a vicious dog. After implantation of the identifying microchip, the dog must be kept

in a fully enclosed area unless on a leash with a muzzle. If the dog is impounded for any other reason such as a running at large, the dog shall be destroyed.

4. This is an absolute liability offense, a mental state is not necessary for conviction.
5. This matter must be presented to a court with a sworn affidavit and a 10 day quarantine period must follow a bite before destruction. An owner is entitled to notification of quarantine. Destruction may be ordered even if an owner is unable to be notified if due diligence is used.
6. Upon petition of victim(s), prosecuting attorney or law enforcement, a judge shall consider destruction of any vicious dog for a first offense.
7. Law enforcement must notify local health officials of any biting incident, in order that procedures of ARM 37.114.571 may be followed.

(Ord. 116, 2015)