

PUBLIC SAFETY AND HEALTH COMMITTEE REPORT
Wednesday, July 20, 2011 8:30 AM – 10:00 AM
Council Chambers, 140 West Pine Street, Missoula, Montana

Members Present: Pam Walzer, Bob Jaffe, Jon Wilkins Lynn Hellegaard, Ed Childers
Members Not Present: Dave Strohmaier, Cynthia Wolken, Renee Mitchell, Dick Haines
Other Present: Jim, Nugent, Jim Carlson, Ed Franceschina, Lawrence Shriner

I. ADMINISTRATIVE BUSINESS

1. Approve minutes from [July 13, 2011](#). Minutes approved unanimously.

II. PUBLIC COMMENT

III. CONSENT AGENDA ITEMS

IV. REGULAR AGENDA ITEM

1. Consider an ordinance amending Title 6 Missoula Municipal Code entitled "Animals" repealing Chapters 6.02, 6.04, 6.09, 6.12, 6.16, 6.20 and 6.22, enacting Chapter 6.07 entitled "Animal Ordinance" and renaming Chapter 6.08 entitled "Dogs and Pet Shops" to "Pet Shops, Pet Sales and Boarding Kennels" to generally amend, recodify and update the city's regulations pertaining to animals, increase license fees and increase fines pertaining to violations. ([memo](#))—Regular Agenda (Marty Rehbein) (Referred to committee: 06/27/11) **(HELD IN COMMITTEE)**

Jim Carlson continued with his overview of the proposed amendments to the definitions section of the 'Animals' ordinance. He discussed 'voice restraint' areas. He discussed proposed changes to fines and penalties.

Bob Jaffe stated that he would like to strike the last sentence in section 6.07.030 (Penalty—Fines) that prohibits the court from suspending or deferring penalties.

Jim Carlson noted that the language appears in the existing ordinance. Jim also noted that without mandated penalties, the Municipal Court would typically suspend animal ordinance fines even after the City incurs considerable administrative expenses.

Bob Jaffe expressed his frustration at the fact that the City needs to structure ordinances in order to contend with a judge who does not enforce penalties.

Pam Walzer indicated that this issue should be addressed during the public hearing.

Bob Jaffe section suggested changes to section 6.07.020(I) 'Dangerous dog' definition. Remove 'if the actions of the dog were the result of' and replace with 'for harming a'.

Pam asked for clarification.

Bob Jaffe would like the ordinance to be clear that if a person abuse a dog and gets bitten, then the dog is not at fault.

Jim Carlson clarified that the ordinance is written in a manner that allows a dog to defend itself for a particular action at a particular time.

Bob Jaffe would like 'immediate' inserted in section 6.07.020(CC) before the word 'response'.

Jim Carlson highlighted the difference between the definitions of a dangerous dog and of a vicious dog.

Jim Carlson reviewed Part 4 of the ordinance, 'Animals Generally'.

Lynn Hellegaard expressed her concern about dog waste collection bags that are not properly disposed of.

Jim Carlson agreed that waste 'removal' could be further clarified in the ordinance, but he stated that not properly disposing of a filled dog waste collection bag is still considered littering.

Jim Carlson discussed animal hoarding.

Jim Nugent discussed the issue of chicken slaughter. He cited 'justification' language that appears State law in regards to cruelty to animals.

Bob Jaffe feels that 'without justification' could be inserted.

Jim Carlson suggested adding an exception to the cruelty section that addresses the killing of livestock for consumption.

Jon Wilkins agrees with Jim Carlson.

Jim Nugent addressed the issue of self defense.

Ed Childers asked if State law explores the definition of justification.

Jim Nugent said that he will check.

Jim Carlson pointed out that prosecution decisions are based on the circumstances involved.

Pam Walzer discussed the definition of the number of animals permitted under the animal hoarding section.

Jim Carlson pointed out that hoarding issues generally revolve around cats.

Bob Jaffe asked for clarification of the hoarding section.

Jim Carlson clarified.

Bob Jaffe feels that quantity of animals does not need to be specified in the hoarding section.

Lynn Hellegaard agreed with Bob Jaffe.

Pam Walzer sees the hoarding section as a tool to be able seize animals in a negligent situation.

Bob Jaffe would like to see the language changed to reflect negligence in relation to hoarding of animals. He also pointed out a typographical error in section 6.07.46(11)3.

Jim Nugent answered Ed Childers previous question regarding the definition of 'without justification'. He noted that there is no definition of 'without justification' in the State statute. He discussed justification of killing livestock as addressed by State law.

Bob Jaffe would like to include language in the cruelty to animals section as Jim Nugent found in State law.

Jim Carlson discussed the section regarding keeping wild animals in the City.

Bob Jaffe asked if animals being transported through the city are addressed.

Jim Carlson replied that it is not.

Jim Nugent thought that language could be included.

Bob Jaffe would like to see language regarding animal transportation included.

Jim Carlson referred to 6.07.47(C)3 which partially addresses this issue.

Lyn Hellegaard feels that monkeys should be addressed in the wild animals section.

Jim Carlson stated that monkeys would be included under the definition of wild animals.

Lyn Hellegaard would like monkeys to be included with ADA companion animals.

Jim Carlson said that he would investigate.

Jim Carlson began an overview of the 'Dogs' section, starting with the leash law.

Bob Jaffe would like to remove 'paved or un-paved trails' from the list in section 6.07.605(A).

Jim Carlson stated that those are the areas that experience the most problems.

Bob Jaffe feels that the language could be changed to address where the leash is situated in relation to the trail.

Bob moved to remove the language from section 6.07.605(A) that reads 'paved or un-paved trails', and replace with prohibits creating a hazard with a leash across a trail.

Ed Childers agrees with Bob. He also would like to see the leash language amended to address retractable leash length.

Jon Wilkins asked how the public will be informed about the new rules.

Jim Carlson indicated that signage at key areas will be improved.

Pam Walzer is unsure about the paved versus unpaved trail language.

Jim Carlson clarified.

Bob Jaffe provided a practical example. He feels that the ordinance language needs to remain realistic.

Pam called the question to vote on Bob's motion.

Motion passed unanimously.

Bob Jaffe asked about the definition of owner in section 6.07.600(A)1. Is it the vehicle's owner or dog's owner?

Jim Carlson replied that it referred to the vehicle's owner.

Bob Jaffe would like the section to reflect vehicle's owner.

Bob Jaffe would like to strike 'the name of the owner of the animal' in section 6.07.640(A)

Pam Walzer questioned the wording 'address of the owner'. She feels that 'and/or' could be used.

Jim Carlson suggested using the 'location of the animal'.

Bob Jaffe asked if 6.07.640(D)3 and 6.07.640(D)4 could be combined.

Pam Walzer discussed difficulties enforcing the barking ordinance with the bark log. She asked if this could be improved.

Ed Franceschina discussed the changes to the definition of nuisance barking. He feels that the changes to the ordinance will make nuisance barking easier to prosecute.

Jim Nugent discussed the issue of correctly identifying the source of the nuisance barking.

Jim Carlson suggested that adding the source of the barking to the bark log might help.

Bob Jaffe asked why 'custodian or keeper' was removed from 6.07.640(E)1.. He feels that the wording should be restored.

Jim Carlson discussed licensing and permitting fees.

Bob Jaffe suggested that language in 6.07.700 regarding dollar amounts should be referred to the tables in 6.07.700(A)3.

Bob Jaffe suggested making changes to 6.07.700(B) regarding non residents in the city for 15 days. E feels that the 15 days should be increased. He also asked about transferring licenses.

Ed Franceschina stated that it is the responsibility of the seller to transfer ownership of the animal.

Bob Jaffe asked about additional licensing agents.

Ed Franceschina described additional licensing agents.

Pam Walzer would like to see licensing occur at veterinary offices.

Jon Wilkins asked about clarifying 'any agent' in section 6.07.640(D)2 of the City enforcing animal control ordinances.

Jim Carlson indicated that 'any agent' could be clarified.

Lawrence Shriner expressed his concern about the nuisance barking issue, and a dogs interactions with wildlife. He feels that accountability is important.

Jim Carlson discussed changes to the multiple dog permit.

Bob Jaffe wants to include the word 'valid' in section 6.07.730(B)5.

Ed Childers feels that voice restraint needs to be strictly defined.

V. HELD AND ON-GOING AGENDA ITEMS

1. Police Department Update – Ongoing in Committee. (Mark Muir)
2. Fire Department Update – Ongoing in Committee (Mike Painter)
3. Health Department Update – Ongoing in Committee. (Ellen Leahy)
4. Eat Smart Coalition information. ([memo](#))—Regular Agenda (Jason Wiener) (Referred to committee: 07/11/11)

V. ADJOURNMENT

The meeting adjourned at 10:00 AM. Submitted by Gregg Schonbachler.