

5-2-33: DEFINITIONS:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

DANGEROUS DOG: Any dog that according to the records of the city of Helena: a) has inflicted severe injury on a human being without provocation on public or private property, b) has killed a domestic animal without provocation while off the owner's property, or c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

POTENTIALLY DANGEROUS DOG: Any dog that when unprovoked: a) inflicts bites on a human or a domestic animal either on public or private property, or b) charges or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise threaten the safety of humans or domestic animals.

PROPER ENCLOSURE OF A DANGEROUS DOG: While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog. If it has no bottom secured to the sides the sides must be imbedded in the ground no less than two feet (2').

SEVERE INJURY: Any physical injury consisting of multiple bite wounds, broken bones, muscle tears, deep puncture wounds, or disfiguring lacerations. (Ord. 2452, 9-14-1987; amd. Ord. 3102, 9-22-2008)

5-2-34: REGISTRATION:

A. It is unlawful for an owner to have a dangerous dog in the city without a certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work.

B. The city shall issue a certificate of registration to the owner of a dangerous dog if the owner presents to the city sufficient evidence of:

1. A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog;

2. A surety bond issued by a surety insurer qualified under the laws of the state in a form acceptable to the city in the sum of at least fifty thousand dollars (\$50,000.00), payable to any person injured by the vicious dog; or
3. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified under the laws of the state in the amount of at least fifty thousand dollars (\$50,000.00), insuring the owner for any personal injuries inflicted by the dangerous dog.
4. The city will charge an annual fee of twenty five dollars (\$25.00) to register dangerous dogs. Said fee is in addition to regular dog licensing fees. (Ord. 2452, 9-14-1987)

5-2-35: RESTRAINT; DECLARATION; DETERMINATION:

A. It is unlawful for an owner of a dangerous dog to permit the dog to be outside the property enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under control of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

B. Dogs shall not be declared dangerous if the threat, injury, or damage was sustained by a person who, at the time, was committing a wilful trespass or other tort upon the premises occupied by the owner of the dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

C. If a dog is determined to be a dangerous dog or a potentially dangerous dog the animal control officer will notify the owner of the dog of said status. Notification will either be accomplished through the regular United States mail or by personal delivery of the notice to the owner. If the owner disputes the classification of the dog, the owner may, within three (3) business days of receipt of the notification, request a hearing. The request must be filed with the clerk of city court and a copy must be served on the animal control officer the same day the request is filed. Service on the animal control officer must be accomplished by either mailing the copy through the regular United States mail or by personal service. Within ten (10) business days of the request, a hearing must be held before the city court unless continued as provided in this section. Pending the outcome of the aforementioned appeal process, the dog shall remain securely confined on the premises of the owner as hereinabove set forth. However, if the dog is in the possession of the city or the local humane society, it will remain in impoundment at the expense of the owner. The city judge may continue the hearing if the dog is:

1. In the possession of the owner and is confined; or
2. Impounded and the owner pays the expenses of maintaining the dog in impoundment during the continuance period. (Ord. 3005, 11-22-2004)