LEWIS AND CLARK COUNTY DOG CONTROL ORDINANCE
PUBLIC RESPONSIBILITY ORDINANCE

ORDINANCE #4 - 2006
AMENDMENT TO
ORDINANCE #4 - 1991

NOW, THEREFORE, BE IT RESOLVED by the Board that the Ordinance be amended as follows:

1. **AUTHORITY:** The Lewis and Clark County Board of County Commissioners promulgate this Ordinance under the authority of Montana Code Annotated, Title 7, Chapter 23, Part 1 and Part 21.

2. **APPLICABILITY:** This Ordinance shall apply to all unincorporated areas of Lewis and Clark County except Sections 12 and 13 shall apply only to the area within the Dog Control District as defined in Section 3.E below.

3. **DEFINITIONS:** As used in this Ordinance, the following words and terms shall have the meaning set forth below:

   A. **"Abandoned":** any dog that is not fed or sheltered by its owner;

   B. **"Animal Shelter":** any place designated by the County to impound and care for dogs violating this Ordinance;

   C. **"Barking Dog":** any dog which annoys or disturbs any person by repeated and frequent barking, yelping, or howling;

   D. **"Confined":** within the premises or property boundary of the owner or under the restraint of the owner or another person authorized to control the dog;

   E. "**Dog**": shall mean any canine animal, of either sex, (whether or not spayed or neutered) or any dingo, wolf, coyote, or cross that is being kept as a dog;

   F. **"Dog Control District":** that part of Lewis and Clark County lying within the area designated on Exhibit A, attached hereto and by this reference made a part hereof, with the following boundaries:

      East Boundary - the west shore of the Missouri River starting from the Lewis and Clark and Jefferson Counties boundary north to a point located in the northeast corner of Section 24, T12N, R3W.

Re-recorded on 4/18/12
to attach new map as
Exhibit A.

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North Boundary - from a point located at the west shore of Missouri River at the NE corner of Section 24, T12N, R3W west on the section line between Sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, T12N, R3W; the section line between Sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, T12N, R4W; the section line between Sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, T12N, R5W; the section line between Sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, T12N, R6W; the section line between Sections 13 and 24, 14 and 23, 15 and 22, 16 and 21, 17 and 20, 18 and 19, T12N, R7W.

West Boundary - beginning at the NW corner of Section 19, T12N, R7W following the Lewis and Clark and Powell County Line.

South Boundary - the southern boundary of Lewis and Clark County beginning at the SW corner of the County east to the Missouri River. The area inside the city limits of East Helena and Helena is excluded.

G. **"Dog Control Officer" or "DCO"** - any person hired by the County to enforce this Ordinance and under the supervision of Lewis & Clark County Sheriff's Office;

H. **"Kennel"** - a building, enclosure, or portion of any premises in or at which dogs are boarded, are kept for hire or for sale, or are kept or maintained by any person other than the owner thereof; or a building, enclosure, or portion of any premises in or at which five (5) or more dogs over the age of six (6) months are kept or maintained;

I. **"Owner"** - any person who owns or keeps a dog;

J. **"Public Nuisance"** - any dog that threatens people or property, specifically including livestock, other dogs or pets; that damages or destroys property; that is abandoned or deserted by its owner; that is not restrained as required by Section 13; that is not licensed as required by Section 12; that is not vaccinated as required by Section 14; or, that is a barking dog as defined by this section;

K. **"Restraint"** - controlled by a leash, at heel beside a competent physically capable person and obedient to that person's command, in a vehicle with permission of the owner, or within the property limits of the premises controlled by the owner or other person consenting thereto;

L. **"Vaccinated"** - inoculated with an anti-rabies vaccine in accordance with the current "Compendium of Animal Rabies Control, National Association of Public Health Veterinarians, Inc." printed by Centers for Disease Control, Morbidity and Mortality Weekly Report;

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M. **"Vicious Dog"** - any dog that, unprovoked, bites or attempts to bite any person or that, unprovoked, has killed or injured another animal.

4. **ENFORCEMENT:** This Ordinance shall be enforced by the DCO or any County law enforcement officer.

5. **ANIMAL SHELTER:** All animals shall be kept in a safe and sanitary condition and shall be regularly fed and watered in a humane manner. A shelter may be built and operated by the County or the County may contract with a veterinarian or other suitable person or organization to supply or operate a shelter.

6. **IMPOUNDMENT AND DISPOSITION:** The following dogs are subject to impoundment:

   A. A dog which is a public nuisance in violation of Section 9;

   B. A vicious dog in violation of Section 10;

   C. A dog held for quarantine;

   D. An injured dog whose owners cannot be located; or,

   E. A dog subject to restraint that is in violation of Section 13.

   The DCO may impound such dogs upon personal observation, as ordered by a court having jurisdiction over the offenses herein, or in response to a written complaint signed by the complainant and which contains the complainant's name and address, the dog's description, and an explanation of the reason for the violation. Where it cannot be ascertained by the owner or otherwise the specific dogs which are the subject matter of the complaint, the DCO may impound all dogs of the owner. The DCO will impound dogs at the animal shelter in accordance with Section 7 for Redemption and Destruction. The DCO shall make a reasonable effort to notify the owner of any impounded dog.

   (Authority: ARM 32.3.1206)

7. **REDEMPTION AND DESTRUCTION:** Should any impounded dog not be reclaimed by its owner within three (3) days, at the discretion of the DCO, it may be humanely destroyed or placed with a person deemed suitable by the shelter. The DCO may destroy any sick or injured animal which has been impounded without holding it for three (3) days, if its condition is such as makes its earlier destruction necessary or desirable.

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All owners of unclaimed dogs shall be charged the impound fee and a minimum of three (3) days board.

When the owner of an unclaimed dog can be determined they may be issued citations for infractions committed by their dog and be held liable for damages caused by their dog.

8. **IMPOUNDMENT FEES:** Impounded dogs may be reclaimed by the owner by payment of a $25.00 impoundment fee and a board fee set by the shelter. Payment of these fees shall be made to the shelter.

9. **PUBLIC NUISANCE DOGS:**

   A. It shall be unlawful for any person to keep or maintain a dog that is a public nuisance.

   B. Any person who keeps or maintains a dog which is a public nuisance in violation of this section shall be guilty of a misdemeanor, punishable by a fine of $50.00 for the first offense, $75.00 for the second offense; and $150.00 for the third and any subsequent offense. These penalties apply to violations of Sections 12, 13, and 14.

   C. Second and subsequent offenses as set forth above are chargeable directly to the person violating this Ordinance and are not dependent upon the involvement of the same dog.

10. **VICIOUS DOGS:** Any person who keeps or maintains a vicious dog as defined in Section 3.M herein, shall be guilty of a misdemeanor, punishable for a first offense by a fine of $200.00, or destruction of the dog, or both. If the dog is not ordered destroyed, the dog shall be confined at all times and shall be identified with a microchip inserted by a veterinarian at the owners expense and registered with the DCO. The DCO shall be notified upon change of ownership, change of address, or death of the animal. If the animal has been sold or given away the owner or keeper shall provide the DCO with the name, address, and phone number of the new owner, who must comply with the requirements of this ordinance. The DCO must identify the dog prior to disposal of the animal. A second offense involving the same dog is punishable by a fine to the owner of $500.00 and upon the second conviction, the dog shall be turned over to the DCO for destruction.

    A dog that has been found guilty in another jurisdiction of an offense which meets definition of vicious dog set forth in § 3.M shall not be permitted in Lewis and Clark County. Any dog meeting this criteria must be surrendered to the DCO within 7 days for euthanasia or immediately removed from Lewis and Clark County.

11. **DOG BITES:** If any dog bites a person within Lewis and Clark County, the bite shall be immediately reported to the DCO, who shall promptly investigate the matter. If the DCO determined that the dog does not have current rabies vaccination as set forth in Section 14

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herein, then the DCO under the authority of the County Health Officer shall order the quarantine of the dog, at the owner's expense, in an escape-proof enclosure at a veterinarian's office, at a licensed kennel approved for quarantine by the County Health Officer, or at an animal shelter. If the dog is quarantined by the DCO, the owner shall pay an impoundment fee.

Length of time of quarantine will be determined by the DCO. A minimum of ten (10) days from date of bite is required. Written permission by the DCO is required before the dog is released to the owner.

If the owner is not home the order may be served upon a person at the owner's residence of suitable age or by placing it in a prominent place at the main entrance of the residence. The dog shall be seized by the DCO if the owner refuses to surrender the dog within a reasonable time after receiving the notice. If the owner is unknown or the dog is at large, the DCO may seize and impound the dog without notice. All dogs impounded under this section shall be quarantined as required by the Montana Department of Public Health and Human Services. If, after three (3) days, the animal is unclaimed, it may be humanely destroyed and a sample sent to the laboratory for rabies testing.

(Authority: ARM 16.28.626A, ARM 32.3.1204, ARM 32.3.1206, 1207)

12. **LICENSING:** Any person who owns, harbors, or keeps any dog within the Dog Control District must license the dog with the County Treasurer by March 1st of each year or within 30 days after the dog becomes six (6) months old or within 30 days of the date of the dog was brought into the District unless the dog is part of a kennel as defined above. Kennels must be licensed as described in part D below. The licenses shall be renewed each year by supplying to the County Treasurer the required fee, the owner's name and address, a description of the dog and written proof of a current rabies vaccination. Licenses are not transferable between dogs and owners.

A. License Fees:

1.	Spayed or neutered dog	$ 15.00
2.	Unaltered dogs	$ 25.00
3.	Duplicate tags	$ 1.00
4.	Delinquent tags: Applicable fee plus (Tags sold after due date)	$ 5.00

B. Licenses must be obtained prior to March 1st each year. The Board will set the license fee due and the expiration date of the license. Licenses shall not be delinquent if after the due date:

1. the dog became six (6) months old;

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2. the owners moved into the District; or,
3. the dog was acquired after the due date.

C. Every dog within the Dog Control District shall wear a choke chain, collar, or harness which has attached to it the current license and rabies vaccination tags issued to that dog.

D. A kennel license will be required by any person, business, or family owning or harboring five (5) or more dogs over six (6) months of age. The following conditions must be met for kennels before such a license will be issued:

1. Except for boarding kennels, the applicant must provide written proof of current rabies vaccination for all dogs in the kennel.

2. Submit a yearly fee for the kennel of $50.00.

13. **RESTRAINT OF DOGS:** No person residing within the Lewis and Clark County Dog Control District shall permit any dog which he owns, harbors, or keeps to be off of the property of the owner unless such dog is under the restraint of the owner or another competent, physical capable person authorized to control the dog.

14. **VACCINATION:** It is unlawful for any person to keep, maintain or harbor any dog over six (6) months of age unless it has been vaccinated against rabies and is currently immune. Dogs must be vaccinated in accordance with the manufacturer's recommended time period.

15. **WARNINGS:** At the DCO's discretion, one warning may be issued to owners of dogs in violation of this Ordinance.

16. **RECORDS:** The DCO shall maintain accurate records of requests for services, any capture, impoundment, or disposition of a dog, and all money collected. The records shall show the time, date, and method of notifying owners of the capture and impoundment of their dog.

17. **SEVERABILITY:** If any provision of this Ordinance or its application to any person or circumstance is held to be invalid, such invalidity shall not affect any other provision.

18. **FINANCING:** All money collected from fines and fees will be used for this county dog control program.

19. **RESTITUTION:** Any court having jurisdiction to hear and decide misdemeanor offenses in this Ordinance shall also be able to order full restitution for such offenses.

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DATED this 12th day of January, 2006

LEWIS AND CLARK COUNTY
BOARD OF COUNTY COMMISSIONERS

Michael Murray for:
ANITA L. VARONE, CHAIR

ATTEST:

Paulette DeHart
Paulette DeHart, Clerk of the Board

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