

COMMISSIONERS APPROVAL

KANENWISHER

FOSS 

CHILCOTT 

IMAN 

STOLTZ 

Members Present.....Commissioner Matt Kanenwisher, Commissioner Suzy Foss,  
Commissioner Greg Chilcott, Commissioner J.R. Iman and Commissioner Ron Stoltz

Date.....April 2, 2012

► Minutes: Glenda Wiles

► The Board met at 9:00 a.m. for a working session in order to review the Dog Ordinance draft.  
Present at this meeting was Deputy County Attorney Dan Browder.

## CHAPTER 1

**ANIMAL PROTECTION AND CONTROL**

## SECTION:

- 5-1-1: Scope and Purpose
- 5-1-2: Duty
- 5-1-3: Definitions
- 5-1-4: Animal Control Officers
- 5-1-5: Impoundment
- 5-1-6: Redemption of Impounded Pets
- 5-1-7: Presumption of Abandonment
- 5-1-8: Rabies Vaccination Required
- 5-1-9: Cruelty to Animals
- 5-1-10: Vicious Dogs
- 5-1-11: Dog Bites
- 5-1-12: Disposition of Biting Dogs; Quarantine
- 5-1-13: Other Laws Applicable
- 5-1-14: Dogs Harassing Livestock
- 5-1-15: Penalties

**5-1-1: SCOPE AND PURPOSE:**

**A. PURPOSES:** This Ordinance [chapter] is intended to promote the public health, safety and general welfare of the County and the inhabitants thereof.

**B. AUTHORITY:** This Ordinance [chapter] is adopted under Title 7, Chapter 23, Part 21, MCA, as well as under the County's general police power to maintain public health and safety.

**C. TO PROTECT AND CONTROL DOGS:** This Ordinance [chapter] is designed to protect and control pets, especially dogs. This Ordinance [chapter] includes: (1) the control of dangerous vicious dogs, dogs running at large or abandoned, sick or injured dogs and dogs that are deemed nuisances; and (2) the use of confinement and quarantine as means of control and protection.

**D. ORDINANCE [CHAPTER] DOES NOT ABSOLVE OWNERS OF OTHER LIABILITY:** This Ordinance [chapter] is not to be construed as absolving an animal owner of civil or criminal liability for the acts of his or her animal. The provisions of this Ordinance [chapter] do not displace any other potential criminal action or displace a private civil action.  
(Ordinance XX, DATE.)

**5-1-2: DUTY:**

It shall be the duty of every owner of any dog or other pet or anyone having any dog or other pet in his or her possession to exercise reasonable care and to take all necessary steps and precautions to protect other people, their property and animals from injuries and/or damage which might result from such pet's behavior. (Ordinance XX, DATE.)

**5-1-3: DEFINITIONS:**

- A. ANIMAL:** "Animal" means nonhuman species, including all livestock, pets, and wild animals.
- B. ANIMAL CONTROL OFFICER:** "Animal Control Officer" means any sworn law enforcement officer as well as an animal control officer designated by the County.
- C. AT LARGE:** "At large" means a dog off the premises of its owner, or off the premises of another person charged with the care of the dog, and not under the immediate control of its owner or authorized agent of the owner, either by: (1) A leash, tether, lead or other physical control device; or (2) Voice restraint or signal control of a person capable of controlling, subduing, or restraining the pet.
- D. BITE:** "Bite" means a wound, bruise, laceration or puncture inflicted on a person or animal by the teeth of a dog.
- E. BUSINESS DAY:** "Business Day" means a day that the individual business or governmental agency, as the context requires, is actually open to the public.
- F. DOG:** "Dog" means any member of *Canis familiaris* or any other combination of *Canis familiaris* and other *Canis* species, including, but not limited to, so called wolf-dog or coyote-dog crosses, which is kept primarily as a pet.
- G. HARASS:** "Harass" means to worry, chase, or run after livestock in a manner that may lead to subsequent injury to the livestock.
- H. IMPOUND:** "Impound" means the County or its agent taking a dog or other pet into its custody or into the custody of an animal shelter.
- I. LEASH:** "Leash" means any flexible lead, including nylon leashes, cords, ropes, suitable light chains or other similar devices of suitable strength to hold a dog to which attached.
- J. LIVESTOCK:** "Livestock" means domesticated poultry (including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants, § 81-2-702, MCA), cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, emus, rabbits, goats, "alternative livestock" as defined in § 87-4-406, MCA, and other animals raised for the purpose of labor, food, food products, or profit. For purposes of this Ordinance [chapter], all livestock are considered the personal property of their owners. (2012 Code)
- K. OWNER:** "Owner" means any person harboring, keeping or having control or custody of an animal, or any person having any financial interest, right, or ownership in the animal and also includes any person who permits an animal to remain on or about

the premises occupied by that person.

**L. PET:** "Pet" means any domesticated animal normally maintained in or near the household of its owner and whose primary purpose is companionship and not for food or food production.

**M. QUARANTINE:** "Quarantine" means to confine an animal in strict isolation inside a building, cage, pen or other enclosure, so that contact between the confined animal and any person or any other animal is not possible.

**N. RABIES VACCINATION:** "Rabies vaccination" means the inoculation of an animal with anti-rabies vaccine administered under the supervision of a licensed veterinarian, in accordance with the current edition of the "Compendium Of Animal Rabies Control", published by the National Association of State Public Health Veterinarians, Inc.

**O. VICIOUS DOG:** Subject to the following exceptions listed below, "vicious dog" means any dog that bites or attempts to bite any human being without provocation or that harasses, chases, bites, or attempts to bite any other animal. The term "animal" includes all livestock and any pet.  
(§ 7-23-2109, MCA.)

**P. VICIOUS DOG, EXCEPTIONS:** A dog shall not be deemed vicious if any of the following applies:

1. The dog bites, attacks or menaces (a) anyone assaulting the owner; (b) a trespasser on the property of the owner; or (c) any person or other animal in the act of tormenting or abusing the dog or its offspring.

2. The dog is otherwise acting in defense of an attack from a person or other animal upon the owner or other person.

3. The dog is a law enforcement dog following the lawful direction of a sworn law enforcement officer.  
construed as absolving an owner

**Q. WILD ANIMAL:** "Wild animal" means any animal that is wild by nature and is not commonly domesticated, and being kept as a pet or livestock. (Ordinance No. 16)  
(Ordinance XX, DATE.)

#### **5-1-4: ANIMAL CONTROL OFFICERS:**

Any Animal Control Officer may enforce the provisions of this Ordinance [chapter] and is delegated the power and authority as may be required and incident to implement and enforce this Ordinance [chapter].  
(Ordinance XX, DATE.)

#### **5-1-5: IMPOUNDMENT:**

**A. POWER TO IMPOUND:** An Animal Control Officer may impound any of the following:

1. Any dog running at large or other pet determined to be a threat to public health or safety.
2. Any vicious dog kept or handled in violation of this Ordinance [chapter].

**B. IMPOUNDED PETS:** If a dog or other pet is impounded, the dog or other pet shall be taken to a designated facility at the owner's expense.

**C. THIRD AND SUBSEQUENT IMPOUNDMENTS OF DOGS AND CATS:** Upon the third and subsequent impoundment of an unspayed or unneutered dog or cat, owners may be subject to, in addition to the above redemption fees, a penalty of one hundred fifty dollars (\$150.00) per confinement, unless the owner consents to spaying or neutering of the dog or cat, at the owner's expense, prior to redemption.  
(Ordinance XX, DATE.)

**5-1-6: REDEMPTION OF IMPOUNDED PETS:**

**A. PROCEDURE:** The owner of any impounded pet may redeem the pet according to the policies of the designated facility.

**B. COUNTY FEES FOR REDEEMING IMPOUNDED PETS:** The County may assess the following impound fees:

**Impound Fees**

1st confinement	\$10.00
2nd confinement	20.00
3rd confinement	40.00
4th confinement	100.00
5th confinement	100.00

(Ordinance XX, DATE.)

**5-1-7: PRESUMPTION OF ABANDONMENT:**

Any animal impounded for more than five business days shall conclusively be considered legally abandoned by the pet's owner and ownership of that pet may be transferred or the County may take any action regarding the animal, including euthanasia.  
(Ordinance XX, DATE.)

**5-1-8: RABIES VACCINATION:**

**A. VACCINATION REQUIRED:** Except for licensed veterinarian facilities, grooming parlors, pet stores, a Humane Society facility, and the County animal shelter (if applicable), it shall

be a violation of this Ordinance [chapter] to keep, harbor, or maintain any dog over the age of four (4) months without a current rabies vaccination for such animal. All dogs must be re-vaccinated within one (1) year, then every three (3) years thereafter.

**B. RECORD KEEPING:** Record of rabies vaccinations shall be kept by all licensed veterinarians administering the rabies vaccines and the Ravalli County Board of Health, the County, or the County Health Officer may require the reporting of such records. (Ordinance XX, DATE.)

#### **5-1-9: CRUELTY TO ANIMALS**

Persons knowingly or negligently cruel to animals may be in violation of the State cruelty law (see § 45-8-211, MCA). (Ordinance XX, DATE.)

#### **5-1-10: VICIOUS DOGS**

**A. VICIOUS DOGS RESTRICTED:** A person may not keep, harbor, or maintain any vicious dog in the County unless the dog is secured in one of the following ways:

1. The dog is securely and adequately confined upon the property of the owner or other person having charge, care, or control of such dog so as not to injure any person or damage any property, or be a hazard to public health and safety.
2. The dog is properly restrained and leashed on a line not to exceed six feet (6') in length, properly muzzled, and under the immediate control of a person of suitable age and discretion to control, subdue, and/or restrain such dog.

**B. IMPOUNDING:** If any vicious dog is not being effectively controlled as provided for in this section, an Animal Control Officer or agent may impound, restrain, control, quarantine or, if the animal is an immediate threat to the health and safety of the Officer or another person or animal, kill the dog.

#### **5-1-11: DOG BITES:**

**A. ALL DOG BITES TO BE REPORTED:** Except as provided in this Ordinance [chapter], if any dog bites any person in the County, such incident shall be reported immediately to an Animal Control Officer or agent by the victim, his/her parent or guardian, and the dog's owner.

**B. IMPOUNDING BITING DOGS:**

1. An Animal Control Officer may issue an order requiring the owner of said dog to surrender the dog to a designated animal control facility for quarantine within twenty four (24) hours (see subsection 5-1-12 of this Ordinance

[chapter] below).

2. If the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion, or by placing the order in a prominent place at the front door of such a residence.

3. A biting dog whose owner is unknown and that is running at large shall be seized and impounded for the purpose of quarantine. Any person who owns or has custody of any dog involved in a bite investigation shall surrender the dog to an Animal Control Officer within the time period specified in this section.

**C. LAW ENFORCEMENT DOGS EXEMPT:** A law enforcement service dog that bites any person during the lawful performance of its duties shall not be subject to this section, including quarantine.

**D. VACCINATION STATUS:** An Animal Control Officer shall attempt to ascertain the rabies vaccination status of any dog involved in a bite incident.

**E. RABIES INVESTIGATION:** A bite victim or his/her parent or guardian may request a rabies investigation in writing submitted to the County Sheriff's Office.

**5-1-12: DISPOSITION OF BITING DOGS; QUARANTINE:**

**A. DOGS WITHOUT PROOF OF VACCINATION THAT SHOW SIGNS OF ILLNESS:** If an Animal Control Officer believes a dog that has bitten a person shows signs of illness or other indication of rabies infection and there is no proof of current rabies vaccination, an Animal Control Officer shall attempt to impound and quarantine the dog.

**B. DOGS WITHOUT PROOF OF VACCINATION THAT APPEAR HEALTHY:** If an Animal Control Officer believes a dog that has bitten a person is healthy but has no proof of current rabies vaccination, the dog shall be impounded and quarantined for a period of at least ten (10) days from the date of the bite. Dogs that remain healthy during this period may be released, but must be vaccinated within twenty four (24) hours of release or be subject to impoundment by an Animal Control Officer. Dogs that develop any sign of illness during the quarantine period are subject to an immediate, on-site examination by a licensed veterinarian at the owner's expense. Dogs displaying clinical signs of rabies infection and dogs that die for any reason during the quarantine period shall be tested for rabies by the state veterinary diagnostic laboratory, which requires submission of fresh brain tissue.

**C. DOGS WITH PROOF OF VACCINATION:** If an Animal Control Officer believes a dog that has bitten a person is healthy, and there is proof the dog has current rabies vaccination, the dog shall not be quarantined but shall be confined at home and the owner shall observe the dog for clinical signs of illness daily for at least ten (10) days.

**D. NO IMMUNIZATION DURING QUARANTINE:** No immunizations for rabies may be administered to a quarantined dog during the quarantine period.

**E. EXPOSED UNVACCINATED DOGS:** Unvaccinated dogs exposed to a rabid animal should be euthanized immediately. If the owner is unwilling to have this done, the animal should be placed in strict isolation for six (6) months and vaccinated one month before being released, as recommended in the "Compendium Of Animal Rabies Prevention And Control", 2006.  
(Ordinance XX, DATE.)

**5-1-13: OTHER LAWS APPLICABLE:**

None of the provisions of this Ordinance [chapter] are intended to absolve any dog owner of civil or criminal liability under any other civil or criminal law for the acts of his or her animals.  
(Ordinance XX, DATE.)

**5-1-14: DOGS HARASSING LIVESTOCK:**

**A. VIOLATION:** The owner of a dog, whether licensed or not, that, while off the premises owned by its owner or under control of its owner and on property owned, leased, or controlled by the livestock owner, harasses, kills, wounds, or injures livestock not belonging to the owner of the dog is in violation of this Ordinance [chapter] and State law. (Ordinance XX; § 81-7-401, MCA.)

**B. DOG HARASSING LIVESTOCK MAY BE KILLED:** Any dog that harasses, kills, wounds, or injures livestock according to subsection A above, may be killed immediately by the livestock owner, his agent or employee, subject to the following exceptions: in no case may a dog be killed in a manner that will endanger a person, and this subsection does not apply to a dog herding livestock under the direction of its owner or the agents or employees of its owner, and this section does not apply to a dog engaged in legitimate sport hunting or predator control activities under the direction of its owner or the agents or employees of its owner.

**OWNER LIABILITY:** In addition to the remedies in this Ordinance [chapter], the dog owner is civilly liable to the livestock owner for damage caused by said dog harassing, wounding, injuring or killing livestock under § 81-7-402, MCA.

**C.**

(Ordinance XX, DATE.)

**5-1-15: PENALTIES:**

Except as otherwise provided herein, violation of any section of this Ordinance [chapter] shall [TEMPORARY UNTIL CODIFICATION] constitute a misdemeanor punishable by imprisonment in the county

jail for a period of time not exceeding six (6) months or a minimum fine of fifty dollars (\$50.00) and not to exceed a maximum fine of five hundred dollars (\$500.00), or both [AFTER CODIFICATION] be according to Title 1 Chapter 4 of this Code. (Ordinance XX, DATE.)

**5-1-16: DISPOSITION OF FUNDS:**

All fines, fees or funds in general derived from the enforcement of this Ordinance [chapter] shall be paid into the County Treasury and designated as the Ravalli County Animal Protection fund. This does not include any amounts required paid to Ravalli County Justice Court under State law. (Ordinance XX, DATE.)