

RESOLUTION 2018-109

MISSOULA COUNTY ANIMAL CONTROL ORDINANCE
Revised 6-7-2018

SECTION 1. GENERAL PROVISIONS

- A. Title
This Ordinance shall be known as the Missoula County Animal Control Ordinance.
- B. Authority
The Missoula County Board of Commissioners promulgated and adopted this Ordinance under the authority of Title 7, Chapter 23, Part 1 (Local Government Control of Dogs) and Title 7, Chapter 23, Part 21 (County Control of Dogs); §7-23-4201 through 7-23-4203 (Required Spaying or Neutering of Cat or Dog) and §§7-5-103 through 7-5-107 MCA (Local Government Ordinances, Resolutions, and Initiatives and Referendums)
- C. Purpose
The purpose of this Ordinance is to protect the health, safety and welfare of the people and animals of Missoula County.
- D. Applicability
This Ordinance shall apply to all unincorporated areas of Missoula County.
- E. Severability
If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason, such decision shall not affect the remaining parts of this Ordinance, which shall remain in effect and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 2. DEFINITIONS

- A. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic, including but not limited to all livestock and domestic pets.
- B. "Animal Control Officer" means all peace officers as that term is defined in Montana state law as well as the duly appointed and qualified persons as designated by the Board of County Commissioners for the purpose of administering and enforcing the provisions of this Ordinance.
- C. "Animal Control Shelter" means any premises provided by Missoula County for the purpose of impounding, safekeeping and sheltering animals.
- D. "Animal Shelter" means a facility used to house or contain dogs, cats or other domestic animals and owned, operated or maintained by an incorporated 501(c)(3) non-profit organization devoted to the welfare, protection and humane treatment of such animals.
- E. "At Large" means:
 - 1. Any age Dog off the premises of its Owner or Temporary Owner and not under the immediate control of the Owner or Temporary Owner either by:
 - a. Leash, tether, lead, harness or other physical control device or voice restraint or;

- b. Signal control of a person capable of controlling, subduing, or restraining the Dog; or
 - c. By complete confinement within or upon a vehicle with permission of the owner of the vehicle.
2. Any Dog on public property posted by the land manager as a "Dogs not allowed" or "No Dogs" or any other signage indicating that dogs are not allowed.
 3. Any Dog Off-Leash in the presence of its Owner or Temporary Owner on public property posted by the land manager as requiring dogs to be leashed.
 4. Any Dog within fifteen (15) feet of any outdoor food service establishment or farmers market except a properly licensed Service Dog.
 5. Dogs controlling or protecting livestock or in other related agricultural activities and a police service dog engaged in the lawful performance of its duties are excluded from this definition.
- F. "Bite" means a wound, laceration, bruise or puncture inflicted by the teeth of a Dog.
 - G. "Boarding Kennel" means a facility where Dogs are brought for short term boarding and the Dogs are not owned by the kennel. Veterinary hospitals are excluded from this definition and are not required to purchase a Boarding Kennel license.
 - H. "Class I Kennel" means a home or facility (i.e. a commercial establishment) where more than five (5) dogs but no more than twenty (20) dogs over the age of four (4) months are owned, harbored or kept as pets or working dogs; kept for sale, gift or adoption; or are used for sporting or commercial purposes. Veterinary hospitals and Boarding Kennels are excluded from this definition and are not required to purchase a Class I license.
 - I. "Class II Kennel" means a home or facility (i.e. commercial establishment) where more than twenty (20) dogs over the age of four (4) months are owned, harbored or kept as pets or working dogs; are kept for sale, gift or adoption; or are used for sporting or commercial purposes. Veterinary hospitals and Boarding Kennels are excluded from this definition and are not required to purchase a Class II license.
 - J. "Dog" means any domestic canine animal (*canis familiaris*).
 - K. "Leash" means any common hand held leash, cord, rope, chain or other similar devices of sufficient strength to restrain the Dog to which it is attached.
 - L. "Local Health Officer" means the local health officer appointed by the Missoula City-County Board of Health, in accordance with §50-2-116(1) (a) MCA.
 - M. "Livestock" means cattle, sheep, swine, poultry, fowl, ostriches, emus, peacocks, goats, horses, mules, asses, llamas, alpacas, bison, rabbits and rheas.
 - N. "Nuisance Barking Dog" means any Dog that barks, howls, yelps, whines, bays or makes other noises at repeated intervals of at least five minutes with less than one minute of interruptions that annoys any person to an unreasonable degree.
 - O. "Off-Leash" means a Dog off the premises of the Owner or Temporary Owner and not under the physical restraint of a leash, while in the company of the Owner of Temporary Owner.
 - P. "Outdoor Food Service Establishment" means a booth, stall or mobile food cart preparing, selling or serving food or beverages.

- Q. "Owner" means an adult person who owns, keeps or harbors a Dog or whose name appears on the Dog's certificate of license.
- R. "Quarantine" means strict confinement of the Dog in a manner that precludes any direct contact with other animals or persons other than the Owner or Temporary Owner or Animal Control.
- S. "Safekeeping" means the act of holding an animal at the Animal Control Shelter for an Owner or Temporary Owner who is temporarily unable to care for the animal due to emergency hospitalization, temporary incarceration or for the protection of the animal.
- T. "Service Dog" means a Dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability.
- U. "Temporary Owner" means an adult who owns, keeps or harbors a Dog with the knowledge and consent of the Owner. The Dog is deemed to be harbored if it is sheltered or fed by the Temporary Owner. A Temporary Owner shall be responsible for any violations of this Ordinance while the Dog is in his or her care, except as otherwise provided herein.
- V. "Vaccination" means the inoculation of a Dog with anti-rabies vaccine administered by a licensed veterinarian or an employee of a licensed veterinarian under the supervision of the licensed in accordance with Regulation 7, Missoula City-County Health Code.
- W. "Vicious Dog- Level I" means any dog that in the opinion of an Animal Control Officer;
1. Has caused death or serious or severe injury to a person engaged in a lawful activity; or
 2. Has attacked or bitten without provocation a person engaged in a lawful activity; or
 3. Has while off the property of its Owner or Temporary Owner and without provocation, killed or seriously injured another animal; or
 4. Has ever been trained for dog fighting or has ever been owned, kept or harbored for the purpose of dog fighting.
- X. "Vicious Dog-Level II" means any dog that is capable of inflicting death or serious injury on any person or other animal and that has:
1. Without provocation, bitten a person engaged in a lawful activity; or
 2. Anywhere, without provocation, chased, confronted or approached a person in a menacing fashion, so an average person would fear an attack; or
 3. Anywhere, exhibited a propensity, tendency or disposition to attack, cause injury or otherwise threaten the safety of persons or other domestic animals without provocation; or any dog that has attempted to bite or attack one or more persons. A Dog may be deemed to be attempting to attack if it is restrained by a leash, fence or other means, and it is apparent from the Dog's excited actions that only the presence of the leash, fence or other means of restraint is preventing the Dog from making an immediate attack upon the person or animal. In making the determination as to Vicious Dog-Level II, the adequacy of the means of restraint shall be taken into consideration; or
 4. Anywhere acted in a manner that causes or should cause its Owner or Temporary Owner to know that the Dog may act as described herein.

Y. "Voice Restraint" means that the Owner or Temporary Owner is in clear view and personally present within twenty-five (25) yards of the Dog and is able to effectively control and recall the Dog at all times, by voice or signal control.

Z. "Without provocation" means an action by a Dog not in immediate response to the Dog being teased, abused or assaulted by a person or not in response to pain or injury suffered by the Dog.

SECTION 3. POWERS AND DUTIES OF LOCAL HEALTH OFFICER AND ANIMAL CONTROL OFFICERS

- A. The Board hereby appoints the Local Health Officer to enforce this Ordinance. The Local Health Officer may designate Animal Control Officers to carry out the duties specified herein. The Local Health Officer and designated Animal Control Officers are hereby vested with the authority and duty to enforce this Ordinance.
- B. As provided in §45-7-302 MCA, it is a misdemeanor to obstruct a public servant in the performance of governmental functions. The Local Health Officer and Animal Control Officers are public servants performing governmental functions when they investigate violations or otherwise administer this Ordinance.
- C. In addition to the powers and duties herein prescribed, Animal Control Officers shall:
 - 1. Keep and maintain adequate records of all animals impounded and of all actions taken in the course of his or her duties;
 - 2. Carry out and enforce the licensing and control of all Dogs in the County as provided in this Ordinance;
 - 3. Seize and impound any Dog in violation of this Ordinance and maintain the Dog in a suitable and humane manner at the Animal Control Shelter;
 - 4. Where this Ordinance requires or authorizes that an animal be killed, this shall be accomplished in a humane manner;
 - 5. Make complaints in a court of competent jurisdiction for violations of the Ordinance and attend and testify in court when required;
 - 6. Establish and maintain regular hours during which the Animal Control Shelter shall be open with the hours posted in a conspicuous place at the Animal Control Shelter.
 - 7. Conduct investigations of violations of this Ordinance and make reports to the Missoula County Attorney's Office.
 - 8. Issue citations for violations of this Ordinance.

SECTION 4. DOG LICENSING

- A. It is unlawful for any person to own, keep or harbor any Dog over four (4) months of age unless the Dog is duly licensed as by Missoula County as provided herein.
- B. Licenses shall be issued by Animal Control Officers or Animal Control Shelter staff upon presentation of the following:

1. Written proof that the Dog has been vaccinated by a licensed veterinarian or an Exemption provided as required in Missoula City-County Health Code Regulation 7 and that the period of immunization shall be valid during the licensing period; and
 2. If applicable, written proof that the Dog has been spayed or neutered; and
 3. Payment of the fee as approved pursuant to Section 12.
- C. Licenses shall run concurrently with the Dog's rabies vaccination and shall expire on the date that the rabies vaccination expires but shall not exceed three (3) years. A late fee as approved pursuant to Section 12 shall be assessed if the license is not renewed by the expiration date. A notice will be sent to the license holder one (1) month prior to the date of expiration of the license.
- D. Licenses shall not be issued to any person under the age of eighteen (18) unless a parent or guardian signs the application as a co-owner.
- E. If a Dog is sold or title or ownership of the Dog is transferred to a new owner during a license period, the new owner shall apply to Missoula County for a transfer of the Dog's license and pay a transfer fee as approved pursuant to Section 12 . Upon receipt of the transfer fee, a certificate of transfer bearing the name and address of the new owner shall be issued. The license shall remain valid for the duration of the original license. Until the certificate of transfer has been issued to the new owner, the original owner is the owner of record and shall be presumed to be the owner of the Dog and liable for violations of this Ordinance, including fines or fees charged as a result of the violations.
- F. No refunds shall be made on any Dog license for any reason.
- G. The following Dogs shall be licensed, upon proof of vaccination, as set forth herein, but shall be exempt from fees:
1. Any government police service Dog;
 2. Any Dog currently licensed as a "free" license to a senior citizen at the time of the passage of this Ordinance will continue to receive a free license for that particular Dog until the demise of the Dog.
- H. Upon receipt of proper application, written proof of vaccination and payment of the applicable license fee, the Owner shall receive a license certificate and a metallic tag showing a license number.
- I. Every Owner is required to provide each Dog with a substantial collar which must be kept on the Dog and to which the tag must be affixed at all times. It is lawful to remove the collar and license tag when the Dog is in the immediate control of its Owner or Temporary Owner. Any Dog found off the premises of the Owner or Temporary Owner without a license tag shall be presumed to be unlicensed and subject to impoundment.
- J. In the event that a Dog license tag is lost or destroyed, a duplicate shall be issued by Missoula County upon presentation of an affidavit attesting to the loss or destruction of the tag and payment of a duplicate fee as approved pursuant to Section 12 .
- K. Dog licenses and tags are not transferrable from one Dog to another under any circumstances. It shall be unlawful for any person to use any license tag on any Dog other than the one for which it was issued by Missoula County.
- L. The following Dogs are exempt from being licensed: Any dog whose Owner or Temporary Owner is a non-resident of Missoula County and who is temporarily in

Missoula County for thirty (30) days or less and has in their possession a valid rabies certificate for that Dog.

- M. Licenses for Dogs whose Owner or Temporary Owner are moving to Missoula County shall be purchased within sixty (60) days of the date of residency.
- N. Licenses issued under a prior Missoula County animal control ordinance shall remain valid until the expiration date of the license.
- O. Fees: License fees shall be paid according to the fee schedule adopted pursuant to section 12. Puppy licenses may be issued to Dogs between the ages of four (4) months and six (6) months if they receive their rabies vaccinations during that time.
- P. An Animal Control Officer may, after ten (10) days written notice, revoke any dog license if the person holding the license fails or refuses to comply with any requirement of this Ordinance. If a license has been revoked, a person shall re-apply for a license. In addition to meeting the requirements of Section 4.B of this Ordinance, the person shall provide documentation that he or she is in compliance with the Ordinance and pay a re-statement fee.
- Q. The Owner or Temporary Owner of any Dog whose license is revoked and not re-issued, shall remove the Dog from Missoula County and provide verification to an Animal Control Officer of the removal. As an alternative, the Dog may be relinquished to Animal Control or an Animal Shelter for adoption.
- R. The withholding or falsification of any required information on any application shall be grounds for refusal to issue a license or revocation of a previously issued license.
- S. Any Missoula County resident sixty-five (65) years of age or older shall receive a senior citizen discount of half-price on any of the licenses fees contained herein with the except of late fees, transfer fees, duplicate licenses and Class I and II Kennel licenses and Boarding Kennel licenses. Proof of age must be presented to receive the discount.

SECTION 5. CLASS I, CLASS II AND BOARDING KENNEL REQUIREMENTS

- A. All Dogs kept or maintained in a Class I, Class II or Boarding Kennel must have current rabies vaccinations in accordance with the Missoula City-County Health Code, Regulation 7.
- B. Upon the purchase of a Class I or Class II Kennel License, as approved pursuant to Section 12 all dogs kept or maintained on the premises are exempt from individual Dog license fees so long as the kennel license remains valid.
- C. The owner of Boarding Kennel shall keep accurate records of all Dogs entering or leaving the Boarding Kennel. Records shall include proof of current rabies vaccinations for each Dog.
- D. Class I, Class II and Boarding Kennels may be inspected by an Animal Control Officer upon receipt of a complaint filed by one or more interested citizens. Upon determining that the premises are in violation of this Ordinance or pertinent sections of state laws governing animals, the Animal Control Officer shall provide an investigation report to the Missoula County Attorney's Office and may revoke the kennel license.

- E. If an Animal Control Officer determines a kennel license should be revoked, the Animal Control Officer shall provide written notice of intention to revoke the license to the kennel owner. The kennel owner shall have ten (10) days from the date of receipt of the notice of intention to revoke to bring the kennel into compliance with this Ordinance or pertinent sections of state law.
- F. In the event that the violations are not corrected within ten (10) days, the Animal Control Officer may revoke the kennel license. The Animal Control Officer shall provide written notice of the revocation to the kennel owner. The kennel owner may appeal the revocation to the Local Health Officer. If the Local Health Officer affirms the revocation, the kennel owner may appeal the decision to the Board of County Commissioners within ten (10) days receiving written notice of the Local Health Officer's decision.
- G. In the event a Class I or Class II Kennel License is revoked, the Owner or Temporary Owner must purchase a license for each Dog in accordance with as approved pursuant to Section 12.

SECTION 6. DOGS RUNNING AT LARGE, DOGS IN SIGNED AREAS, DOG NEAR FOOD SERVICE

- A. It is unlawful for an Owner or Temporary Owner to allow any age Dog to be at large at any time.
- B. A Dog is at large if the Dog is off the premises of its Owner or Temporary Owner and not under the immediate control of the Owner or Temporary Owner either by:
 - 1. Leash, tether, lead, harness or other physical control device or voice restraint, or
 - 2. Voice Restraint of a person capable of controlling, subduing or restraining the Dog; or
 - 3. By complete confinement within or upon a vehicle with permission of the owner of the vehicle.
- C. It is unlawful for an Owner or Temporary Owner to allow any age Dog to be on public property posted by the land manager as a "Dogs not allowed" or "No Dogs" or any other signage indicating that Dogs are not allowed.
- D. It is unlawful for an Owner or Temporary Owner to allow a Dog to be Off-Leash on public property posted by the land manager as requiring Dogs to be leashed.
- E. It shall be unlawful for an Owner or Temporary Owner to allow a Dog to be within fifteen (15) feet of any Outdoor Food Service establishment or farmers market, except for properly licensed Service Dogs.

SECTION 7. IMPOUNDMENT AND SAFEKEEPING

- A. Animal Control Officers may impound any Animal as follows:
 - 1. Any Dog at large, whether licensed or unlicensed. Any Dog without a collar and tag will be deemed unlicensed. An Animal Control Officer may return a licensed Dog to its Owner or Temporary Owner in lieu of impoundment.
 - 2. Any sick or injured Animal whose Owner or Temporary Owner cannot be located;
 - 3. Any abandoned Animal;

4. Any Dog subject to a rabies investigation as provided in Missoula City-County Health Code Regulation 7. The Owner or Temporary Owner of a Dog quarantined at the Animal Control Shelter or at another location approved as provided by Regulation 7, Missoula City-County Health Code shall pay a fee as approved pursuant to Section 12.
5. Any Dog suspected of being a Vicious Dog – Level I or Vicious Dog-Level II.
- B. Impounded Animals shall be taken to the Animal Control Shelter. .
- C. If an impounded Dog has a current license or other identification, Animal Control Shelter staff will make reasonable efforts, including the use of social media, to contact the Owner.
- D. The Owner or Temporary Owner shall redeem the impounded Animal from the Animal Control Shelter by claiming the Animal, paying required fees, showing proof of vaccination and obtaining necessary licenses and paying any impoundment fees as approved pursuant to section 12 in full within ninety-six (96) hours excluding Sundays and holidays or the Animal shall be deemed forfeited to Missoula County.
- E. Impoundment fees shall be assessed as approved pursuant to Section 12 for the first twenty-four (24) hours after impoundment and a fee for each subsequent twenty-four (24) hour period or portion thereafter that the Dog remains at the Animal Control Shelter.
- F. If the Owner or Temporary Owner cannot provide proof of current vaccination of an impounded Dog, the Owner or Temporary Owner shall purchase a rabies certificate before the Dog can be redeemed and provide proof of vaccination within 10 days.
- G. If the impounded Dog is not licensed, the Owner or Temporary Owner must obtain a license and pay all fees before the Dog can be redeemed. An Owner or Temporary Owner may be cited for violations of this Ordinance regardless of payment of fees paid to redeem an impounded Animal.
- H. If an impounded Animal is not redeemed by the Owner or Temporary Owner and fees paid within the prescribed time limit, the Owner or Temporary Owner forfeits all right, title and ownership interest in the Animal Dog to Missoula County. Thereafter, Animal Control Shelter staff may offer the Dog for adoption to the public.
- I. If an Owner or Temporary Owner of an impounded Animal is identified but declines to reclaim his or her Animal, the Owner may surrender the Animal. To surrender the Animal, the Owner or Temporary Owner shall pay a surrender fee as approved pursuant to Section 12 in lieu of impoundment fees and sign a release of the Animal to Missoula County. The surrender fee may be waived by Animal Control staff if waiver of the fee is determined to be in the best interest of the Animal.
- J. No Animal suffering from an infectious disease shall be released from the Animal Control Shelter, except upon order of the Local Health Officer.
- K. If an impounded or surrendered Animal is not adopted, the Animal may be humanely euthanized by an Animal Control Officer or a licensed veterinarian.
- L. Animal Control Officers have the authority to hold an Animal at the Animal Control Shelter for safekeeping. Safekeeping animals may be held at the Animal Control Shelter for a period of three business days with no fees charged to the Owner or

Temporary Owner. A safekeeping fee as approved pursuant to Section 12 may be assessed starting on the fourth day of which include vaccinations. Thereafter, the safekeeping animals will be held another four business days. Thereafter the Animal will be deemed to be surrendered to Animal Control.

SECTION 8: ADOPTION OF ANIMALS

- A. If an impounded Animal is not redeemed by the Owner or Temporary Owner within the prescribed time and fees paid as described in Section 7 or is surrendered as described in Section 7, the Owner's right, title and ownership interest in the Animal will be forfeited to Missoula County. Missoula County may offer the forfeited Animal for adoption or may humanely dispose of the forfeited Animal.
- B. Public adoptions shall be held six (6) days per week, Monday through Saturday, during normal Animal Control Shelter hours.
- C. The cost of adopting a Dog shall include all vaccines including rabies or a rabies vaccination certificate issued in compliance with the Missoula City-County Health Code, Regulation 7 and spay or neuter of the Animal (if required) when the spay or neutering occurs prior to adoption, as approved pursuant to Section 12. If the Dog has not been vaccinated, the Animal Control Shelter shall issue a rabies certificate and the adopter shall provide proof of vaccination to Animal Control within thirty (30) days of adoption.
- D. In accordance with §7-23-4201 MCA, the following information shall be provided by Animal Control staff for any cat or Dog available for adoption:
 1. Age, sex and weight of the Dog or cat;
 2. Breed;
 3. A record of vaccinations and veterinary care and treatment the animal has received, including if available, the manufacturer's name and the serial number of the vaccination used; and
 4. A record of surgical sterilization of the Dog or cat or notice of the lack of surgical sterilization, as applicable.
- E. In accordance with §7-23-4202 MCA, the Animal Control Shelter shall not offer for adoption, sale or trade any cat or Dog unless:
 1. The cat or Dog has been spayed or neutered; or
 2. The adopter agrees in writing to have the cat or Dog spayed or neutered and a deposit for spaying or neutering has been paid. The deposit must be in an amount determined by Animal Control Shelter to be comparable to the lowest fee for spaying or neutering that is charged by local veterinarians.
 3. Upon payment of the deposit required in E.2, the adopter must receive a certificate for spaying or neutering to be presented by the adopter to a licensed veterinarian, who shall complete the certificate when the spaying or neutering is done. Upon receipt of the completed certificate verifying that the cat or Dog has been spayed or neutered, the Animal Control Shelter shall forward the deposit to the veterinarian who performed the procedure.
 4. The deposit must be forfeited if the spaying is not done:

- a. Within thirty (30) days if the cat or Dog is more than six (6) months old at the time of adoption; or
 - b. By the time the cat or Dog reaches the age of six (6) months if the Animal is less than six (6) months at the time of adoption, whichever is longer.
5. A deposit forfeited pursuant to E. 4 may be used only for the following purposes:
- a. A public education program designed to prevent the overpopulation of cats and Dogs;
 - b. A program to spay or neuter cats and Dogs; or
 - c. To defray costs incurred in the enforcement of this section, including a follow-up program to ensure that animals adopted from the Animal Control Shelter are spayed or neutered.
6. Failure to fulfill the terms of an agreement entered into pursuant to Section E.2 may, at the discretion of the County Attorney, result in the filing of a misdemeanor charge punishable by a fine of not more than \$500, as provided by §7-23-4202(5) MCA
7. The provisions of E do not apply to a cat or Dog for which a licensed veterinarian verifies in writing that spaying or neutering would be injurious to the cat or Dog's health.
8. The provisions of this section do not apply when if the Animal Control Shelter, at its discretion, chooses to accept an breeding adoption fee as approved pursuant to Section 12 from a person who wishes to adopt a cat or Dog for breeding purposes.
- F. The following information must be retained by the Animal Control Shelter for a period of two (2) years and remains confidential unless requested pursuant to an enforcement action or legal proceeding:
1. If known, the name and address of the breeder of the adopted Dog or cat;
 2. If known, the name and address of any person who owned or harbored the adopted Dog or cat between its birth and the time of sale or adoption; and
 3. A copy of the import permit and health certificate pertaining to a Dog or cat imported from outside Montana.

SECTION 9. NUISANCE BARKING DOGS

- A. It is unlawful for the Owner or Temporary Owner of any Dog or Dogs to cause, allow, or permit a Dog to be a Nuisance Barking Dog.
- B. "Nuisance Barking Dog" means any Dog that barks, howls, yelps, whines, bays or makes other noises at repeated intervals of at least five minutes with less than one minute of interruptions that annoys any person to an unreasonable degree.
- C. In accordance with §7-23-2110 MCA, the prohibition against nuisance barking in 9.A may not apply to a Dog or Dogs owned, kept, harbored as part of the business of a licensed veterinarian, animal boarding facility, or agricultural or livestock operation, including sled dogs.
- D. Upon receiving a first complaint of Nuisance Barking at any address in Missoula County, an Animal Control Officer will respond to the address provided or determined and leave a notice of violation/warning or a verbal warning with the Owner or Temporary Owner

- of the Nuisance Barking Dog or Dogs and provide written or oral instructions on how to correct Nuisance Barking.
- E. The Animal Control Officer will provide the complainant a Nuisance Barking Dog Conduct Log Form and instructions describing what information must be collected in order for a report to be completed for referral for enforcement to the County Attorney.
 - F. Upon receiving a detailed, completed Nuisance Dog Conduct Log Form, acknowledged to be true and correct and signed by the Complainant, an Animal Control Officer will review and evaluate whether the Nuisance Log may be referred to the County Attorney's Office for prosecution. By submitting the completed Nuisance Dog Conduct Form, the Complainant agrees to appear in Court and testify regarding the logged activity.
 - G. No person shall be charged with violating Section 9 unless the person has received a written warning from a peace officer or Animal Control Officer within the past thirty (30) days.

SECTION 10. VICIOUS DOGS – LEVEL I AND LEVEL II

- A. It is unlawful for an Owner or Temporary Owner to own, keep or harbor a Dog that acts or engages in any Vicious Dog-Level I or Vicious Dog-Level II conduct or behavior.
- B. Upon receipt of a complaint by one or more persons setting forth the nature and date of the alleged Vicious Dog acts, the location of the Dog and a description of the Dog doing such acts, an Animal Control Officer shall investigate the complaint to determine if the Dog is potentially a Vicious Dog- Level I or Vicious Dog-Level II.
- C. It shall be the responsibility and duty of an Animal Control Officer to conduct an investigation and determine if a Dog is a Vicious Dog-Level I or Vicious Dog-Level II as provided in this Ordinance. Any determination that the Dog is Vicious Dog-Level I or Vicious Dog-Level II shall be made in writing and a copy of the written determination must be provided to the Dog's Owner or Temporary Owner. If the property upon which the Dog is kept is not in compliance with the provisions of this section pertaining to the keeping of Vicious Dogs, the Animal Control Officer may issue an order requiring that the property be brought into compliance with the requirements of this section within fourteen days.
- D. Any Dog suspected of being a Vicious Dog, Level I or Level II may be impounded by an Animal Control Officer.
- E. It is unlawful for an Owner or Temporary Owner of a Vicious Dog, Level II, to have the Dog on his or her own property without taking the following steps:
 - 1. Securing the Dog from the public, which includes but is not limited to persons that have access to the property such as mail carriers and meter readers, by confining the Dog in a securely locked fenced yard that will prevent the entry of the general public and to preclude any release or escape of the Dog and is adequate to confine all Dogs on the property; and
 - 2. Warning the public about the presence of the Dog by posting visible legible signage on and around the property reading "Dangerous Dog" or "Beware of Dog".

3. Fail to comply with an order to bring property into compliance with this section as provided in Section 10 C.
- F. It is unlawful an Owner or a Temporary Owner of a Vicious Dog, Level I, to:
1. Have the Dog on his or her property without securing the Dog from public contact by keeping the Dog in a confined kennel approved by an Animal Control Officer that includes a secure roof and sides that shall be securely locked to prevent the entry of the general public and to preclude any release or escape of the Dog;
 2. Have the Dog on his or her property without warning the public about the presence of the Dog by posting visible legible signage on and around the property reading either "Vicious Dog" or "Beware of Dog";
 3. Have the Dog off the Owner or Temporary Owner's property unless the Dog is securely muzzled and adequately restrained on a leash;
 4. Have, own or possess the Dog unless they are at all times able to produce evidence of liability insurance in an amount of not less than twenty-five thousand dollars covering any damage or injury that may be caused by the Dog during the period for which the Dog is in the County and the liability insurance policy shall contain a provision requiring the County to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance for the Dog.
 5. Fail to comply with an order to bring property into compliance with this section as provided in Section 10 C.
- G. A police service Dog which bites any person while engaged in the lawful performance of its duties shall not be considered a Vicious Dog as defined in this Ordinance and under such circumstances, shall not be subject to impound to 10. B.

SECTION 11. PENALTIES

- A. It is the intention of this Board to impose absolute liability upon a person for conduct that violates any part of this Ordinance. Unless otherwise specifically provided, a person may be guilty of an offense as described herein without having, as to each element of the offense, one of the mental states of knowingly negligently or purposely.
- B. Violations of this Ordinance are a misdemeanor as provided in §7-23-104 MCA and are punishable by a fine of not to exceed Five Hundred Dollars (\$500).

SECTION 12. FEES

A. The Missoula County Board of Commissioners may adopt fees that are fair and reasonable for Licenses, Permits, Adoptions, Impoundments, tests, or Department services specified in this Ordinance. Fees may be adopted or changed at any regularly scheduled meeting of the Board providing that the action is scheduled on the Board agenda and public comment is allowed. The list of fees shall be available to the public as an attachment to the Ordinance.

Revisions Approved:



David Strohmaier, Chair
Missoula County Commissioners

June 7, 2018

Date

Missoula County Animal Control Ordinance Fee Schedule

A. License fees

- 1. Altered dogs – 1 year -----\$20
- 2. Unaltered dogs – 1 year-----\$35
- 3. Altered dogs – 2 years-----\$35
- 4. Unaltered dogs – 2 years-----\$65
- 5. Altered dogs – 3 years-----\$50
- 6. Unaltered dogs – 3 years-----\$95
- 7. Class I Kennel License – 1 year----- \$100
- 8. Class II Kennel License – 1 year-----\$150
- 9. Boarding Kennel License – 1 year----- \$50
- 10. Late Fee (any license more than 30 days past due)-- \$5
- 11. License Transfer Fee ----- \$5
- 12. Duplicate License Fee----- \$5
- 13. Puppy License -----\$15
- 14. Reinstatement Fee ----- \$10

B. Shelter fees

- 1. Quarantine at shelter \$100
- 2. Quarantine at home \$100 (plus time and travel expense for daily rabies observation if applicable)
- 3. 1st 24 hours of impoundment \$30.00
- 4. Second and subsequent days of impoundment \$10.00
- 5. Safekeeping fee per day \$10.00

C. Impoundment fees

Dogs	Licensed	Unlicensed
1. 1 st impoundment in a 12 month period	\$30	\$60
2. 2 nd impoundment in a 12 month period	\$55	\$110
3. 3 rd impoundment in a 12 month period	\$120	\$240
4. 4 th impoundment in a 12 month period	\$150	\$300
5. Surrender fee in lieu of impoundment fees:	\$40	

D. Adoption fees

- 1. Adoption
 - a. Dogs \$85
 - b. Cats \$60
- 2. Breeder (not spayed or neutered) adoption fee \$200.00