

## LINCOLN COUNTY ANIMAL CONTROL POLICIES AND REGULATIONS

### 1. DEFINITIONS

As used in these policy and regulations, the following definitions apply:

- (1) "Adequate Shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; and, enables each animal to be clean and dry.
- (2) "Animal" means any domesticated animal or livestock.
- (3) "Animal Rescue Organization" means a group or individual who takes in unwanted, abandoned, stray or shelter pets and offers them for adoption.
- (4) "At Large" means off the premises of its owner and not under the immediate control of its owner or authorized agent by the owner, either by leash, voice, or signal control; or by complete confinement within or upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, dogs engaged in hunting related activities, and police service dogs are excluded from this definition. Behaviors included within the definition of "at large" include any of the following:
  - (a) Chasing vehicles or bicycles in public streets, ways, parks, or easements;
  - (b) Rummaging through or scattering garbage or rubbish;
  - (c) Interfering with vehicular or pedestrian traffic.
- (5) "Bite" means a laceration, bruise, or puncture inflicted by the teeth.
- (6) "Kennel" mean any household or establishment where five (5) or more dogs are kept and maintained exclusively in that kennel, including any animal rescue organization, animal shelter or boarding facility. Any household or establishment where two (2) or more unaltered dogs are kept for the purpose of breeding or any household or establishment which offers dogs for sale, trade, profit, or barter are also deemed to be kennels. Veterinary hospitals, grooming parlors, and pet shops are excluded from this definition.
- (7) "Owner" means any person who owns, harbors, or keeps a dog.
- (8) "Officer" means any employee of the Lincoln County Health Department, or duly appointed law enforcement officer.
- (9) "Properly Cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants.
- (10) "Vaccination" means the inoculation of a dog or cat with anti-rabies vaccine, administered by a licensed veterinarian.
- (11) "Vicious Dog" means a dog which harasses, chases, bites, or attempts to bite any human being without provocation or which harasses, bites, or attempts to bite any other animal without provocation. A police service dog that bites or chases any

person while engaged in the lawful performance of its duties is not considered a vicious dog under this definition.

## **2. DOG LICENSING, LICENSE TAGS, AND EXEMPTIONS**

- (1) Any person keeping, harboring, or maintaining any dog in Lincoln County over six (6) months of age must duly register and license the dog as provided below:
  - (a) Licenses are issued by the Lincoln County Health Department at the Lincoln County Animal Shelter and at other designated locations.
  - (b) Before a dog license is issued, the owner of the dog must present a certificate from a recognized veterinarian stating that the dog has a current rabies vaccination. Rabies vaccination and control requirements are administered by the Lincoln City-County Board of Health. The license is canceled if the rabies vaccination expires.
  - (c) The applicant must pay the license fee to Lincoln County Health Department before the license is issued. License fees are approved by the County Board of Commissioners as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is herein incorporated by this reference. No refunds will be made on any dog license for any reason whatsoever.
  - (d) Upon issuance of a dog license, the Lincoln County Health Department will issue a copy of the license and a metal tag imprinted with the corresponding license number for each dog licensed. License tags must be worn by the licensed dog on a collar or harness of substantial quality and strength. It is lawful to remove the collar or harness and license tag only when the dog is under the immediate control of its owner or authorized agent or when the dog is being maintained and prepared for competition in a licensed dog show or match.
- (2) If any license tag for a dog is lost or destroyed, a duplicate may be issued by the Lincoln County Health Department upon proof of existing license and payment of the required fee.
- (3) Dog license tags are not transferable from one dog to another. It is unlawful for any owner or any other person to use any license tag on any dog other than the one for which it was issued.
- (4) These licensing requirements are subject to the following exemptions:
  - (a) Any dog whose owner, keeper or possessor is a non-resident of Lincoln County and is temporarily within the county for thirty (30) days or less is not required to be licensed in Lincoln County.
  - (b) Any dog brought into Lincoln County for the sole purpose of participating in any dog show or contest is not required to be licensed in Lincoln County.
  - (c) Any dog which has been properly trained as a service dog and is now acting in that capacity but is exempt from license fees.

- (d) Any government owned police service dog must be licensed but is exempt from license fees and is not required to wear the license tag.
- (e) Lincoln County residents sixty-five (65) years of age or older are allowed to have one dog exempt from fees.
- (5) Failure to license a dog in accordance with these rules is a violation of Lincoln County Ordinance 2018-03 and constitutes a misdemeanor punishable by imprisonment in the Lincoln County Jail not to exceed one (1) week, a fine not to exceed \$25.00, or both.

### **3. KENNEL LICENSING**

- (1) A kennel license is required for any person, family, or household meeting the definition of "kennel." Application for a kennel license must be made to the Lincoln County Health Department. The intended facilities are subject to inspection by an officer. The permit shall be issued upon the following conditions:
  - (a) There must be adequate shelter and secure enclosure(s) for the animals on the premises.
  - (b) Proof of current rabies vaccination must be provided for each dog over six (6) months of age.
  - (c) Veterinary care provided when needed to prevent suffering or disease transmission.
  - (d) The owner uses suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard.
  - (e) In the investigating officer's opinion, the animals receive proper care, food, water, shelter and humane treatment.
  - (f) The kennel license shall list the maximum number of animals over the age of six (6) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location;
  - (g) Lincoln County Health Department shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. Lincoln County Health Department may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;
  - (h) The applicant must pay the kennel license fee to Lincoln County Health Department before the permit is issued. Kennel license fees are approved by the County Board of Commissioners as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is herein incorporated by this reference.
  - (i) All premises for which a kennel license is issued may be subject to annual inspections by an officer. The inspections may also be instigated if a complaint is received. The officer, on determining that such premises are not

being maintained and/or conditions of the permit are not met, may revoke the kennel license.

- (j) Within ten (10) days of the birth of a litter which is to be for sale, the owner must apply for a kennel license.
  - (k) If the holder of a kennel license moves, he or she must provide written notice to the Lincoln County Health Department of their new address within thirty (30) days of moving. An officer will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence.
  - (l) The kennel license is valid for one (1) year from the issue date;
  - (m) Kennel licenses must be renewed within thirty (30) days of the expiration date or the application will be treated as a new application.
- (2) Failure to license a dog in accordance with these rules, as adopted by the Lincoln County Board of Health, constitutes a misdemeanor under section 50-2-124, Montana Code Annotated, and is punishable by a fine not less than \$10 or more than \$200. Each day of violation constitutes a separate offense.

#### **4. IMPOUNDMENT**

- (1) A dog or cat may be impounded without notice if any of the following conditions exist:
  - (a) Any dog or cat is being kept or maintained contrary to the provisions of this policy;
  - (b) Any dog found at large contrary to the provisions of the Lincoln County Dog Control Ordinance;
    - (i) Any dog at large upon any private property may be taken up by the owner or lawful occupant of the property and promptly delivered to the Lincoln County Animal Shelter for impoundment.
    - (ii) An officer may impound an at large dog on private property with the permission of the owner or lawful occupant of the property.
  - (c) Any dog that is not licensed or wearing a license tag as required by the Lincoln County Dog Control Ordinance and this policy;
  - (d) Any sick or injured dog or cat whose owner cannot be located;
  - (e) Any abandoned dog or cat;
  - (f) Any dog or cat to be held for quarantine;
  - (g) Any vicious dog found in violation of the Lincoln County Dog Control Ordinance.
- (2) The procedure for impoundment is as follows:
  - (a) All dogs or cats impounded will be held for seventy-two (72) hours, not including weekends or legal holidays. If the impounded dog or cat has a license or other identification tag, the officer will notify the owner of said dog or cat within twenty-four (24) hours, not including weekends or legal


holidays, by telephone or personal notice that the dog or cat has been impounded and where it may be redeemed. The officer will further notify the owner of his right to redeem the dog or cat within seventy-two (72) hours, not including weekends or legal holidays.

- (b) If, after the prescribed time limit, the impounded dog or cat is not claimed by its owner and the appropriate fees paid, the dog or cat may be adopted to a private individual upon payment of the necessary fees and, if required, compliance with the licensing regulations or transferred to another agency for adoption. In the event an unclaimed dog or cat is not adopted or transferred to another agency, it may be humanely euthanized.
- (c) A critically sick or injured dog or cat may be humanely euthanized to end suffering prior to the seventy-two (72) hour holding period defined above if an owner cannot be identified, contacted or located.
- (d) Impoundment fees are approved by the County Board of Commissioners as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is by this reference incorporated herein. In addition, boarding fees and all reasonable and actual expenses incurred during the impoundment must be paid to Lincoln County Health Department when the animal is reclaimed.

## **5. QUARANTINE**

- (1) In the event that a dog or cat has been bitten by, or exposed to, any animal suspected to have been infected with rabies, it shall be taken by the officer and securely and separately impounded. All such dogs or cats shall be quarantined for a period of forty-five (45) days or as directed by the Montana State Veterinarian, except as specified below:
  - (a) In the case of an unvaccinated dog or cat which is known to have been bitten by a laboratory confirmed rabid animal, the bitten dog or cat must be immediately destroyed or quarantined for a period of 120 days or as directed by the Montana State Veterinarian.
  - (b) In the case of a vaccinated dog or cat which is known to have been bitten by a laboratory confirmed rabid animal, the dog or cat shall be revaccinated within twenty-four (24) hours and quarantined for a period of forty-five (45) days or as directed by the Montana State Veterinarian following revaccination; or if the dog or cat is not revaccinated within twenty-four (24) hours, it shall be isolated and quarantined for 120 days or as directed by the Montana State Veterinarian. The dog or cat shall be destroyed if the owner does not comply with the provisions of this subsection.
  - (c) If the owner of the dog or cat cannot be identified, contacted or located and the dog or cat is injured, sick or feral, the dog or cat may be humanely euthanized and the body sent in to the state lab for rabies testing.

- (2) In the event that a dog or cat has bitten a human, the animal shall be securely quarantined for ten (10) days or as directed by the Montana State Veterinarian. An unvaccinated animal must be vaccinated immediately after the quarantine period.
- (3) After the quarantine period, if the dog or cat is determined to be free of rabies, the owner may reclaim the dog or cat upon the payment of the boarding fees and, if required, licensing.
- (4) If any dog or cat under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the officer in his or her absolute discretion. Upon the positive diagnosis of rabies infection of any dog or cat in the county, the officer shall immediately notify the City-County Board of Health. Such Board may issue orders it deems necessary to be expedient for the protection of the public.

  
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Jan Ivers  
Chair

City-County Board of Health for Lincoln County

7/11/18  
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Date