

HEALTH AND ENVIRONMENT REGULATIONS

CHAPTER 7: ANIMAL REGULATIONS

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Subchapter 1: General Provisions

7.1.101 NAME: This ordinance may be cited as the "Lincoln County Animal Ordinance"

7.1.102 DEFINITIONS: As used in this ordinance, the following definitions apply:

1. **"Owner":** When used in this ordinance in relation to property or in possession of dogs shall include every person who owns, harbors, or keeps a dog.
2. **"Animal":** When used in this ordinance includes dog, cat or other domesticated animal.
3. **"At Large":** Any age dog off the premises of its owner and not under the immediate control of its owner or authorized agent by the owner, either by leash or voice and/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 to be excluded from this definition.
4. **"Animal Control Officer":** All duly appointed and qualified persons as designated by the Board of County Commissioners for the purpose of enforcing the provisions of this ordinance.
5. **"Vaccination":** The inoculation of a dog or cat with anti-rabies vaccine, administered by a licensed veterinarian.
6. **"Dog Bite":** A laceration, bruise, or puncture inflicted by the teeth of a dog.
7. **"Kennel":** Any household or establishment wherein or whereon five (5) or more dogs are kept and said dogs are maintained exclusively in that kennel, including any animal rescue organization, animal shelter or boarding facility. Any household or establishment wherein or whereon 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. Kennels will be inspected by the animal control officer for certification as a kennel. Veterinary hospitals, grooming parlors, and pet shops are to be excluded from this definition.
8. **"Animal Rescue Organization":** A group or individual who takes in unwanted, abandoned, stray or shelter pets and offers them for adoption.
9. **"Vicious Dog":** 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. The term animal includes all livestock and any domestic pet.
10. **"Adequate Care" or "care"** means the responsible practice of confinement, feeding, watering, protection, shelter, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.
11. **"Adequate Feed"** means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is provided

in a clean and sanitary manner; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily.

12. **“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.
13. **“Adequate Space”** means sufficient space to allow each animal to stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the animal. When an animal is tethered, “adequate space” means a tether that permits the above actions and is appropriate to the age and size of the animal; is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animal, or from extending over an object or edge that could result in the strangulation or injury of the animal; and is at least three times the length of the animal, as measured from the tip of its nose to the base of its tail, except when the animal is being walked on a leash or is attached by a tether to a lead line.
14. **“Adequate Water”** means provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal and is provided in a clean and sanitary manner.
15. **“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.

“Negligently”: A person acts negligently with respect to a result or to a circumstance described by an ordinance defining an offense when the person consciously disregards a risk that the result will occur or that the circumstance exists or when the person disregards a risk or which the person should be aware that the result will occur or that the circumstance exists. The risk must be of a nature and degree that to disregard it involves a gross deviation from the standard of conduct that a reasonable person would observe in the actor’s situation. “Gross deviation” means a deviation that is considerable greater than lack of ordinary care.

Subchapter 2: Animal Control Officer

7.1.201 ANIMAL CONTROL OFFICERS: County Animal Control Officers are hereby authorized and empowered to apprehend and impound any dog, licensed or unlicensed, found in violation of this ordinance, and to issue notices of violation to owners of dogs in violation of this ordinance. It shall be unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his/her duties as herein prescribed.

Subchapter 3: Dog Licensing

7.1.301 LICENSING:

1. It shall be unlawful for any person to keep, harbor, or maintain in the County of Lincoln any dog over six (6) months of age unless such dog is duly registered and licensed as herein provided. Licenses shall be issued by the County Animal Control Officer at the Lincoln County Animal

Shelter and at other designated locations. The licensing period for annual licenses will run from July 1 to June 30.

2. Before a dog license is issued, the owner of such dog must present a certificate from a recognized veterinarian stating that such dog has a current rabies vaccination. The license is canceled if the rabies vaccination expires.
3. Licenses shall not be issued to any person under the age of eighteen (18) years unless a parent or guardian signs the application as co-owner.
4. No refunds shall be made on any dog license for any reason whatsoever.

7.1.302 LICENSE TAGS:

1. Upon application for a dog license, presentation of spay or neuter certificate, if applicable, presentation of current rabies certificate, and payment of the required fee the County Animal Control Officer at the Lincoln County Animal Shelter, or designated location, shall issue a copy of the license and a metal tag imprinted with the corresponding license number for each dog licensed. Such tag shall be worn on a collar or harness of substantial quality and strength. It shall be lawful to remove collar or harness and license tag only when the dog is under the immediate control of its owner or authorized agent by the owner or when the dog is being maintained and prepared for competition in an AKC or CKC licensed dog show or match.
2. In the event that any license tag for a dog is lost or destroyed, a duplicate thereof may be issued by the County Animal Control Officer upon the submission of such proof as may be required and payment of the required fee.
3. Dog license tags are not transferable from one dog to another. It shall be 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.

7.1.303 EXEMPTIONS:

1. The following dogs are exempt from being licensed:
 - a. Any dog whose owner, keeper or possessor is a non-resident of Lincoln County and who is temporarily within said county for thirty (30) days or less.
 - b. Any dog brought into Lincoln County for the sole purpose of participating in any dog show or contest.
2. The following dogs shall be licensed but shall be exempt from license fees:
 - a. Any dog which has been duly and properly trained as a service dog and is now acting in that capacity.
 - b. Any government owned police service dog.
 - c. Any Lincoln County resident sixty-five (65) years of age or older shall be allowed to have one dog exempt from fees.

7.1.304 LICENSE FEES: 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 by this reference incorporated herein.

7.1.305 FAILURE TO LICENSE DOG: Failure to license a dog in violation of this ordinance shall constitute a misdemeanor punishable by imprisonment in the Lincoln County Jail not exceeding one (1) week, or by a fine not to exceed \$25.00, or both.

7.1.306 KENNEL LICENSING: 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 Animal Control Officer. The intended facilities are subject to inspection by an Animal Control Officer, Lincoln County Health Officer or designee. The permit shall be issued upon the following conditions:

1. There must be adequate shelter and secure enclosure(s) for the animals on the premises.
2. Proof of current rabies vaccination must be provided for each dog over six (6) months of age.
3. Veterinary care provided when needed to prevent suffering or disease transmission.
4. The owner uses suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard.
5. In the investigating officer’s opinion, the animals receive proper care, food, water, shelter and humane treatment.
6. 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;
7. Lincoln County Animal Control shall approve or deny the application based on the information submitted by the applicant and on the recommendation of the investigating officer. Lincoln County Animal Control may issue a conditional permit, but must state the permit conditions on the document and ensure that the applicant is advised of the conditions;
8. The applicant must pay the kennel license fee to Lincoln County Animal Control before the permit is issued;
9. All premises for which a kennel license is issued may be subject to annual inspections by the Animal Control Officer. The inspections may also be instigated if a complaint is received. The Animal Control Officer, on determining that such premises are not being maintained and/or conditions of the permit are not met, may revoke the kennel license.
10. Within ten (10) days of the birth of a litter which is to be for sale, the owner must apply for a kennel license.
11. If the holder of a kennel license moves, he or she must provide written notice of their new address within thirty (30) days of moving. Lincoln County Animal Control will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder’s new residence.
12. The kennel license is valid for one (1) year from the issue date;
13. Kennel licenses must be renewed within thirty (30) days of the expiration date or the application will be treated as a new application.

7.1.307 KENNEL LICENSE FEES: 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 by this reference incorporated herein.

Subchapter 4: Dogs Running at Large

7.1.401 RUNNING AT LARGE: It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. All dogs running at large shall be subject to impoundment. Evidence of violation of this section includes but is not limited to the following:

1. Written affirmation or statement from witness; and/or
2. Videotapes, audio tapes and/or photographs and written documentation; and/or
3. Documentation by an Animal Control Officer on the scene.

Subchapter 5: Impoundment

7.1.501 IMPOUNDMENT: A dog or cat shall be impounded without notice if any of the following conditions exist:

1. Any dog or cat being kept or maintained contrary to the provisions of this ordinance.
2. Any dog running at large contrary to the provisions of this ordinance.
3. Any dog which is by this ordinance required to be licensed and is not licensed. A dog not wearing a current Lincoln County tag shall be presumed to be unlicensed for the purposes of this ordinance.
4. Any sick or injured dog or cat whose owner cannot be located.
5. Any abandoned dog or cat.
6. Any dog or cat to be held for quarantine.
7. Any vicious dog found in violation of Subchapter 6 as stated in this ordinance.

7.1.502 IMPOUNDMENT PROCEDURE:

1. All dogs or cats impounded will be held for seventy-two (72) hours, not including weekends or legal holidays. If such impounded dog or cat has a license or other identification tag, the Animal Control Officer shall 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 Animal Control Officer shall further notify the owner of his right to redeem the dog or cat within seventy-two (72) hours, not including weekends or legal holidays, under the provisions of this ordinance.
2. If, after the prescribed time limit, such dog or cat is not claimed by its owner and the appropriate fees paid, such 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.
3. 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.

7.1.503 IMPOUNDMENT FEES: 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 Animal Control when the animal is reclaimed.

7.1.504 DOGS ON PRIVATE PROPERTY: Any dog at large upon any private property may be taken up by the owner or person lawfully in possession of such property who shall promptly deliver such dog to the Lincoln County Animal Shelter and it shall be impounded; or the Lincoln County Animal Control Officer can impound the dog on private property with the permission of the owner or person lawfully in possession of such property.

7.1.505 DOGS ON PUBLIC PROPERTY: Any dog at large upon any street, avenue, alley, park or public ground shall be taken by the Lincoln County Animal Control Officer and shall be impounded.

Subchapter 6: Vicious Dog

7.1.601 VICIOUS DOG PROHIBITED: It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Lincoln County unless the dog is:

1. 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 property or be a hazard to public safety.
2. Under proper restraint and leashed on a line not to exceed six (6) feet in length, properly muzzled, and under the immediate control of a person of suitable age and discretion to control and/or restrain such dog, while off the premises of the owner.

7.1.602 FAILURE TO CONTROL VICIOUS DOG: If said vicious dog is not being effectively controlled as provided for in 7.1.601(1) and 7.1.601(2), the Lincoln County Animal Control Officer may regulate, restrain, control, kill, or quarantine any such dog.

7.1.603 DOG BITES:

1. If any dog, including but not limited to vicious dogs, bites any person in the county, such dog bite shall be reported immediately to Lincoln County Animal Control by such person, his/her parent or guardian whether such dog is licensed or unlicensed.
2. The owner may be required to surrender the dog to Lincoln County Animal Control for quarantine within twenty-four (24) hours after service of the order. Such order may be served by the Animal Control Officer and, 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 at, or by placing it in a prominent place at the front door of, such residence.
3. It is unlawful for any person to refuse or neglect to surrender any such dog within twenty-four (24) hours after the service of such order as herein provided, and the Animal Control Officer shall seize and impound such at the owner's expense. In the event that the owner is unknown, and the dog is running at large, the Animal Control Officer shall seize and impound such dog without notice.
4. All dogs impounded under this section shall be quarantined for the period and under the same conditions as provided in 7.1.702.

7.1.604 POLICE DOGS: A Police Service Dog which bites any person while engaged in the lawful performance of its duties shall not be considered vicious as defined in this ordinance, and under such circumstances shall not be subject to quarantine procedures as herein prescribed.

Subchapter 7: Rabies Control

7.1.701 IMMUNIZATION REQUIRED: It shall be the duty of every person keeping, harboring or maintaining any dog over six (6) months of age to cause the dog to be vaccinated for rabies by a licensed veterinarian. The dog must be revaccinated for rabies prior to expiration of the rabies certificate. The owner of the dog shall keep proof of current and valid vaccination. This provision shall not apply to licensed veterinarians, grooming parlors or boarding kennel owners and/or operators when keeping dogs owned by others.

7.1.702 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 Animal Control 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 County Health Officer or designee in his absolute discretion. Upon the positive diagnosis of rabies infection of any dog or cat in the county, the County Health Officer or designee 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.
5. It shall be unlawful for any person to remove any such dog or cat as shall be quarantined under this section from the place of quarantine without written permission of the Animal Control Officer.

Subchapter 8: Nuisance Dog

7.1.801 BARKING: No person shall allow a dog to bark, howl, or make sounds common to its species in excess or in any manner which disturbs the peace and quiet of any person or persons. Evidence of violation of this section includes but is not limited to the following:

1. Written affirmation from at least two (2) persons having separate residences; and/or
2. Videotapes, audio tapes and/or written documentation (such as barking logs); and/or
3. Dates, times, and duration of nuisance dog noise as documented by an Animal Control Officer on the scene.

7.1.802 NUISANCE BEHAVIOR: Persons who own or harbor a dog must prevent such animal from engaging in any of the following acts:

1. Chasing vehicles or bicycles in public streets, ways, parks, or easements;
2. Rummaging through or scattering garbage or rubbish;
3. Defecating on property of another, without cleaning up and disposing of the waste immediately;
4. Interfering with vehicular and/or pedestrian traffic.

Subchapter 9: Animal Care

7.1.901 ANIMAL NEGLECT: Any person who negligently fails to provide an animal in the person's custody with adequate feed, adequate water, adequate shelter, adequate space, and adequate care shall be guilty of animal neglect and/or cruelty to animals.

7.1.902 ANIMAL WASTE: The owner of a dog, cat, rabbit or other small animal must use suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard.

Subchapter 10: Penalty

7.1.1001 PENALTY: Violation of any part of this ordinance shall constitute a misdemeanor punishable by imprisonment in the Lincoln County Jail not exceeding six (6) months or by a fine not to exceed \$500.00, or both, unless a specific penalty for the violation is defined in this ordinance. The penalty for violation of subchapter 6 of this ordinance, "Vicious Dog", may include humane euthanasia of the dog.