

## AMENDED ORDINANCE NO. 3

### ANIMAL CONTROL

#### Section 1 DEFINITIONS

- A. **“Abandonment”** means failure to redeem an impounded animal within 72 hours of incarceration, leaving an animal in any place where it may suffer injury, hunger or exposure or become a public charge or changing residence and failing to move an animal within 24 hours.
- B. **“Animal”** means all vertebrates except human beings.
- C. **“Bite”** means any abrasion, scratch, puncture, laceration, bruise, tear, or piercing of the skin inflicted by the teeth of an animal.
- D. **“Collar”** means a band, chain harness, or other suitable device worn on a dog to which a tag may be affixed.
- E. **“Dog”** means 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. **“Flathead County Animal Shelter”** means the Flathead County Animal Shelter located on 225 Cemetery Road, Kalispell, Montana.
- G. **“Flathead County Enforcement Officer”** means the any Flathead County Law Enforcement Officer, Flathead County Animal Control Officer or any person designated by the Flathead County Sheriff to assist with the enforcement of the provisions of this Ordinance.
- H. **“License”** means a tag obtained from the Animal Shelter which must be secured to a collar on the animal. Licenses shall not be transferable between animals. The term “tag” means “license”.
- I. **“Owner”** means every person who owns, harbors, or keeps a dog.
- J. **“Running at Large”** means any dog which is off the premises of the owner and is not under the immediate and continued control of its owner or an authorized agent of the owner either by leash or voice and/or signal control; or by complete confinement within or restraint upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, are to be excluded from this definition.
- K. **“Stray”** means any dog which does not have a current valid license or I.D. tag attached to it, or a micro-chip implant, and which is found off the property of the owner.
- L. **“Vicious Dog”** means any dog licensed or unlicensed, which bites or attempts to bite any human being without provocation or which harasses, chases, bites, or attempts to bite any other animal.

## Section 2 **ENFORCEMENT**

Any Flathead County Enforcement Officer is authorized and empowered to apprehend and impound any dog found in violation of this Ordinance. It shall be unlawful and punishable under the penalty provisions of Section 10 of this Ordinance for any person to knowingly or intentionally interfere with any Flathead County Enforcement Officer in the lawful discharge of their duties as herein prescribed.

## Section 3 **DOG LICENSING**

A. **License.** It shall be unlawful for any person to keep, harbor, or maintain any dog over five (5) months of age in Flathead County, unless the dog has attached to its neck a substantial collar on which is fastened a license tag issued by the authority of Flathead County or a municipal corporation for the purpose of identifying the dog and designating the owner. Licenses shall be issued by the Flathead County Animal Shelter.

If after a license is purchased, the dog is sold, or title to said dog is otherwise transferred to a new owner, such new owner may apply to the Flathead County Animal Shelter for a transfer of the dog's tag and license. Upon receipt of a transfer fee set forth in the Schedule of Fees, a new tag shall be issued.

The license issued shall be valid for the entire life of the dog without requiring renewal. No refund shall be made on any dog license.

B. **Tags.** The Flathead County Animal Shelter shall issue to the owner a tag imprinted with the license number. Such tag shall be worn on a collar. It shall be lawful to remove the collar only when the dog is under the immediate control of its owner or authorized agent. Noncompliance with the section is considered "Running at Large".

In the event any tag is lost or destroyed, a duplicate may be obtained from the Flathead County Animal Shelter upon submission of such proof as may be required and upon payment as set forth in the Schedule of Fees.

It shall be unlawful for any owner or any other person to use a tag on any dog other than the one for which it was issued.

C. **Exemptions.** The following classifications of dogs shall be exempt from the dog licensing requirement.

1. Any dog whose owner is a non-resident of Flathead County and who is temporarily within said County for thirty (30) days or less.
2. Any dog brought into Flathead County for the sole purpose of participating in a dog show or dog contest.
3. Dogs used as eyes for the blind or ears for the deaf or any other dog registered or certified as a service dog.

4. Any government-owned police service dog.

D. **License Fees.** License fees shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal Shelter and the Flathead City-County Health Department.

E. **Failure to License a Dog.** Failure to license a dog in violation of this Ordinance shall constitute a misdemeanor. Any person violating any of the provisions of this section of this Ordinance, shall, upon conviction of the first offense be fined not more than thirty five dollars (\$35.00), and upon conviction of a second offense relating to the same dog be assessed a fine of not more than one hundred dollars (\$100.00). Conviction of three or more offenses shall be punished by a fine not exceeding two hundred fifty dollars (\$250.00).

1. A citation or complaint issued for a third or subsequent offense shall require a mandatory appearance of the Owner before the Justice of the Peace.

F. **"City Dog Licenses-effect of".** Any current dog license tag issued annually by an incorporated city or town within Flathead County, Montana, pursuant to an Ordinance which substantially complies with this Ordinance and which provides for the wearing of the license tag upon the collar of the dog and the keeping of a record which established the identity of the person who owns, keeps or harbors the dog constitutes compliance with the licensing provision of the Ordinance.

#### Section 4

#### **DOGS RUNNING AT LARGE**

A. It shall be unlawful for any owner of a dog to allow it to Run at Large within Flathead County. All dogs found Running at Large without a valid current dog license tag properly issued under these Ordinances may be impounded.

B. Any person violating any of the provisions of this section shall, upon conviction, be fined not more than five hundred dollars (\$500.00).

Nothing in this section shall be interpreted so as to restrict or prohibit the activities of dogs while being used as sled dogs, while hunting under control of their owner or while herding livestock.

#### Section 5

#### **IMPOUNDMENT**

A. Any dog in violation of this Ordinance, sick or injured without a located owner, or found to be abandoned, quarantined, or a stray, is subject to impoundment.

B. **Pursuit of Dog.** Any Flathead County Law Enforcement Officer is hereby empowered and authorized to enter upon private property, including the premises of the dog's owner, in order to apprehend any vicious or non-vicious dog which is Running at Large. This Section does not, authorize the Officer to enter any private residence.

C. **Impoundment Fees and Board.** An initial impoundment fee shall be charged for each dog and a board fee shall be charged for each day a dog is in the custody of the Flathead County Animal Shelter or a Flathead County Enforcement Officer as set forth in the attached Schedule of Fees. The refusal or failure of the owner of a dog to pay the impoundment fee and board fee after notification shall be deemed an abandonment of the dog by the owner. All necessary veterinary bills or professional service bills incurred during the impoundment shall be paid by the owner in addition to the impoundment fee and boarding fee. These fees apply to each animal impounded.

Section 6  
**RABIES CONTROL**

Rabies vaccination and control requirements are found in the Flathead County Rabies Control Program. The Flathead County Rabies Control Program is administered by the Flathead City-County Health Department. The Regulation can be obtained at the Health Department, Animal Shelter or on line at <http://flatheadhealth.org>

Section 7  
**VICIOUS DOG**

It shall be unlawful for any person to keep, harbor, or maintain any vicious dog in Flathead County.

If any dog is found to be a vicious dog under this Section by the a Flathead County Enforcement Officer, Flathead County may regulate, restrain, control, kill, or quarantine any vicious dog consistent with this Section, whether such dog is licensed or unlicensed.

If any vicious dog bites a person in Flathead County, such dog bite shall immediately be reported to the Flathead County Animal Shelter or the Flathead County Sheriff's Office or other appropriate local law enforcement agency.

Any owner who keeps, harbors or maintains a vicious dog in violation of this Ordinance shall be guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500.00). It is the legislative purpose to impose absolute liability, as described in Section 45-2-104 M.C.A., for the conduct described in this Section. In addition, the Justice of the Peace or District Judge may order that the vicious dog be destroyed.

Section 8  
**BARKING OR HOWLING DOGS**

It is unlawful for any person to own, keep, harbor or maintain any dog, which unreasonably annoys or disturbs any person by undue barking or howling. This Section shall not apply to a dog owned, kept, or harbored at the Flathead County Animal Shelter or as part of the business of a licensed veterinarian, animal boarding facility, or agricultural or livestock operation.

Section 9  
**ANIMAL SHELTER FEES AND CHARGES**

All fees charged by the Flathead County Animal Shelter shall be in accordance with a Schedule of Fees adopted by the Flathead County Commissioners and shall be available at the Flathead County Animal Shelter, Treasurer's Office and the Commissioners' Office.

Section 10  
**VIOLATION**

Unless otherwise stated herein, any person violating any part of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or six (6) months in the County jail, or both.

All fines collected under this Ordinance shall be paid into the County Treasury and shall be used to pay fees, salaries, costs or expenses for the enforcement of this Ordinance.

Section 11  
**SEVERABILITY**

If any provisions of this Ordinance is held to be invalid, such invalidity shall not effect other provisions which can be given effect without the invalid provisions. To this end provisions of this Ordinance are to be severable.

DATED this 19<sup>th</sup> day of February, 2015.

BOARD OF COUNTY COMMISSIONERS  
Flathead County, Montana

By/s/Pamela J. Holmquist  
Pamela J. Holmquist, Chairman

By/s/Gary D. Krueger  
Gary D. Krueger, Member

ATTEST:  
Debbie Pierson, Clerk

By/s/Philip B. Mitchell  
Philip B. Mitchell, Member

By/s/Diana Kile  
Deputy

ORDINANCE ADOPTED 8/19/87  
Ordinance Amended: January 24, 1989  
Ordinance Amended: June 20, 1990  
Ordinance Amended: November 10, 1997  
Ordinance Amended: October 14, 2003  
Ordinance Amended: February 19, 2015  
Ordinance Amended: June 17, 2019

## SCHEDULE OF FEES Flathead County Animal Shelter

### License Fees:

Lifetime License Fee	\$45.00
Transfer Fee	\$5.00
Duplicate Tag Fee	\$2.00
Smart License Tag	\$25.00

### Impoundment Fee:

	<u>Licensed</u>	<u>Unlicensed</u>
First Offense	\$ 30.00	\$ 30.00 + license
Repeat Offense*	Double (\$60.00)	

\*During same calendar year

After-hours of Flathead County Animal Shelter impound - double the impound fee.

### Daily Boarding Fee:

Spayed or Neutered	\$25.00 per day
Unaltered	\$35.00 per day

**Owner Surrender: \$25.00**

### Adoption Fees:

Puppies(< 6 months) and Dogs under 25 pounds	\$ 125.00
Adult Dogs up to 7 years	\$ 100.00
Seniors (>7 years)	\$ 75.00
Kittens(< 6 months)	\$ 70.00
Adult Cats up to 7 years	\$ 55.00
Seniors (>7 years)	\$ 40.00

### Fines:

#### Dogs Running at Large:

First Offense	\$35.00
Second Offense	\$100.00
Third and Subsequent Offense	\$250.00*

\*Personal Appearance before Justice of the Peace

#### No License:

First Offense	\$35.00
Second Offense	\$100.00
Third and Subsequent Offense	\$250.00*

\*Personal Appearance before Justice of the Peace

Fees Adopted: 12/14/89

Fees Amended by Resolution: 11/25/1997, No. 1303

Fees Amended by Resolution: 04/05/2006, No. 1303 A

Fees Amended by Resolution: 02/25/2015, No. 1303 B

Fees Amended by Resolution: 06/17/2019, No. 1303 C