

5584

ORDINANCE NO. 2005-01

VICIOUS DOG CONTROL

1.101 DEFINITIONS

A. "Animal" means any living vertebrate creature, other than human beings, whether wild or domestic including but not limited to all livestock and any domestic pet.

B. "Animal Control Officer" means all peace officers as that term is defined in Montana state law as well as all duly appointed animal control officers and animal control supervisors appointed by either a city or the county to carry out and enforce each entity's respective animal control ordinances.

C. "Bite" means a wound, laceration or puncture inflicted on a person or animal by the teeth of an animal, or an impression or bruise on the skin made by the closure of an animal's teeth, or a seizure made by the teeth of an animal.

D. "Dog" means any commonly domesticated canine animal that is a member of the species *canis familiaris*, and includes both the male and female sex of the species.

E. "Domestic animal" means any animal that is tame by nature and includes but is not limited to dogs, cats, rabbits and livestock.

F. "Kennel" means any animal cage or fenced enclosure specifically intended solely for the confinement of dogs as well as commercial kennels where the building or premises is utilized for the business of charging fees for boarding, breeding, letting for hire or training of animals.

G. "Livestock" means cattle, sheep, swine, poultry, ostriches, emus, bees, goats, horses, mules, asses and llamas.

H. "Muzzle" means a humane device securely fastened over the mouth of an animal to prevent its biting.

I. "Owner" means any person or custodian possessing, harboring, keeping or having control or custody of a dog or any person having any financial interest, right, or property in the dog and also includes any person who permits a dog to remain or about any premises occupied by that person.

J. "Person" means any individual, partnership, firm or corporation, trust, association or other legal entity.

K. "Provocation" means any teasing, abusing or assaulting of a dog.

L. "Quarantine" means confined in strict isolation inside a secure locked building, cage, kennel or pen on account of suspected contagion of communicable disease. Isolation shall be required so that contact between the confined animal and any person or other animal is not possible, and so that it can be observed daily under the supervision of a licensed veterinarian or animal control officer.

M. "Rabies vaccination" means the inoculation of an animal with anti-rabies vaccine that has been approved for that species, having an effective immunity of at least one year, and administered by 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.

N. "Restraint" means attached to and controlled by a leash, not to exceed six feet in length, where a person is personally present and physically capable of restraining the dog and is in fact holding the leash to control the dog or within a motor vehicle with the permission of the owner.

O. "Unprovoked" means action by a dog not in response to the dog being teased, abused or assaulted by any person, or not in response to pain or injury suffered by the dog.

P. "Vicious dog" means one which bites or attempts to bit any human being without provocation or which harasses, chases, bites or attempts to bit any other animal . The term "animal" includes all livestock and any domestic pet

1.102 Investigation and disposition of vicious dogs--Unlawful conduct.

A. Upon receipt of a complaint by one or more persons setting forth the nature and the date of the alleged dangerous or vicious dog act(s), the name of the owner of the animal, the address of the owner, and the description of the animal doing such act(s), the sheriff shall investigate the complaint to determine if in fact the animal is a potentially dangerous or vicious dog.

B. It shall be the responsibility and duty of the sheriff's office to conduct an investigation and determine if a dog is a "vicious dog" within the provisions of this chapter. Any determination that a dog is a "vicious dog" shall be made in writing and a copy of the written determination must be provided to the dog's owner or keeper. If the property on which the dog is kept and where the violation occurred is not in compliance with the provisions of this chapter pertaining to the keeping of "vicious" dogs, the sheriff may issue an order requiring that the property be brought into

compliance with the provisions of this chapter pertaining to the keeping of “vicious” or “dangerous” dogs within fourteen days.

C. It is unlawful for the owner, custodian, or keeper of any dog to allow the animal:

1. To engage in any vicious dog conduct or behavior as defined herein. Any such vicious animal may be taken and impounded by the sheriff whenever a violation has occurred in the sheriff’s presence, or whenever a citizen has registered a citizen complaint, that in the opinion of the sheriff adequately establishes probable cause, charging the animal owner with a violation of this section and after performing a thorough investigation the sheriff is of the opinion that the situation requires that the dog be impounded to protect the safety and well being of humans or other animals.

1.103 Vicious Dogs

It is unlawful

A. For the owner, custodian, or keeper of a vicious dog to

1. Have the animal on their property without securing the dog from public contact by keeping the dog in a confined kennel approved by the sheriff 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 vicious dog;

2. Have the animal on their property without warning the public about the presence of the vicious dog by posting visible legible signage on and around the kennel reading either “vicious dog” or “beware of dog”;

3. Have the animal off their property unless the dog is securely muzzled and adequately restrained on a leash;

4. Have, possess, or own the animal unless they are at all times able to produce evidence of liability insurance in an amount not less than twenty-five thousand dollars covering any damage or injury that may be caused by such vicious dog during the period for which the dog is within 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 vicious dog.

B. To engage in any vicious dog conduct or behavior as defined herein. Any such vicious animal may be taken and impounded by the sheriff whenever a violation has occurred in the sheriff’s presence, or whenever a citizen has registered a citizen complaint, that in the opinion of sheriff adequately establishes probable cause, charging the animal owner with a violation of this section and after

performing a thorough investigation the sheriff is of the opinion that the situation requires that the dog be impounded to protect the safety and well being of humans or other animals.

1.104 Animal bites and rabies control--Generally.

A. The following actions must be reported to the local health officer if they are committed by an animal other than a rabbit, hare, or rodent whose species can be infected with rabies:

1. Biting of a human being;
2. contamination of a mucous membrane, scratch, abrasion, or open wound of a human by the saliva or other potentially infectious material from an animal that exhibits:
 - (a) paralysis or partial paralysis of the limbs;
 - (b) marked excitation, muscle spasms, difficulty swallowing, apprehensiveness, delirium, or convulsions; or
 - (c) unusual aggressive or unnatural behavior toward a person, animal, or inanimate object.

B. The local health officer shall investigate each report of possible rabies exposure and gather, at a minimum, information about the circumstances of the possible rabies exposure; nature of the exposure; name, age, and address of the exposed individual; vaccination status of the animal in question; treatment of the exposed person; and eventual outcome for both animal and person involved.

C. As soon as possible after investigating a report of possible rabies exposure, the local health officer must inform the exposed person or the individual responsible for the exposed person if that person is a minor whether or not treatment is recommended to prevent rabies and provide a referral to a health care provider.

D. Whenever the circumstances described in A.1. involve a dog, cat, or ferret, the local health officer must either:

(1) arrange for the animal to be observed for signs of illness during a 10 day quarantine period at an animal shelter, veterinary facility, or other adequate facility, and ensure that any illness in the animal during the confinement or before release is evaluated by a veterinarian for signs suggestive of rabies; or

(2) if the symptoms described in (1)(b) above exist, order the animal killed and the head sent to the department of livestock's diagnostic laboratory at Bozeman for rabies analysis. The local health officer may also order an animal killed subsequent to isolation, and the brain analyzed. If any animal dies during the quarantine period, for any reason whatsoever, the sheriff shall have the head of such animal sent to a diagnostic laboratory for rabies testing

E. If any dog or animal bites any person in the county, and the bite punctures the victim's skin, such dog or animal bit shall be reported within twenty-four hours to 911 or the sheriff by the animal's owner, keeper, or custodian, and/or the victim, his parents or

guardian. Failure to do so shall be deemed unlawful conduct.

F. Whenever it is reported to the sheriff that any dog or other animal has bitten a person; puncturing their skin and it cannot be proven that the animal has a current rabies vaccination, the sheriff shall assist the local health officer by issuing an order requiring that the owner, custodian, or keeper of such dog, cat or other animal to immediately surrender the same to a licensed veterinarian or animal control shelter to be quarantined. The owner, keeper or custodian shall be responsible for the cost of the quarantine regardless of whether or not the animal is reclaimed at the end of the quarantine period. If it can be proved that the animal has a current rabies vaccination, the owner, custodian or keeper of the animal may either surrender the same to a licensed veterinarian, the county animal control shelter for quarantine, or himself keep the dog, cat, or animal quarantined in an adequate locked secure enclosure approved by the sheriff subject to daily animal officer inspections.

G. The quarantine order may be served by the sheriff or any law enforcement officer and, if the owner cannot be found at his place of residence, an 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 the building or residence. In such instances the sheriff may also immediately impound the dog or other animal for quarantine purposes in the public interest for public health, safety and welfare reasons.

H. It is unlawful for any person to refuse or neglect to surrender any such biting animal when requested to do so by the sheriff. In the event that the owner is unknown or not available upon the making of such affidavit, the sheriff or any law enforcement officer may seize and impound the animal without notice.

I. Any dog or other animal may be put to death by order of the County Health Officer twenty-four hours after the end of the quarantine period if the owner fails to reclaim the animal at that time.

J. It is unlawful to keep, harbor, or otherwise maintain any type of wild animal within the county limits unless it is acquired by an educational institution for scientific research, is being detained by a qualified governmental agency, or is being kept by a person or persons possessing a wildlife rehabilitation permit for the purpose of short term rehabilitation.

K. Due to the high rabies risk associated with wild animal bites, the fact that wild animals cannot be effectively quarantined, and the fact that wild animals are illegal within the county limits, any owned wild animal that bites and breaks the skin of a human or animal may be ordered by the county health officer to be destroyed and tested for rabies.

1.105 Freeing confined animals. It is unlawful for any person to open gates or door or otherwise cause or permit animals to escape confinement against the wishes of the owner, custodian, or keeper.

1.106 Provoking animals. It is unlawful for any person to tease, abuse, assault, or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person

1.107 Penalties. A violation of this ordinance is a misdemeanor punishable by a term of imprisonment not to exceed 6 months in the county jail or a fine not to exceed \$500, or both.

By the Board of County Commissioners of Sanders County, Montana, effective November 8, 2005.

DATED this 8th day of November, 2005.

BOARD OF COUNTY COMMISSIONERS
Sanders County, Montana



Carol Brooker, Chairman

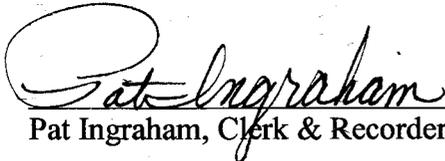


J. Gail Patton, Commissioner



Harold L. Laws, Commissioner

ATTEST:



Pat Ingraham, Clerk & Recorder-Assessor-Surveyor

5584

263427 BOOK: 1 MISC PAGE: 5584 PAGES: 0
STATE OF MONTANA SANDERS COUNTY
RECORDED: 11/08/2005 2:16 KOI: ORDINANCE
PAT INGRAHAM CLERK AND RECORDER
BY: *Pat Ingraham*
FEE: \$0.00
TO: SANDERS COUNTY BOX 519, THOMPSON FALLS, MT 59873