



ORDINANCE NO. 2020-02

AN ORDINANCE TO CONTROL BARKING DOGS WITHIN SANDERS COUNTY AND TO ESTABLISH PROCEDURES FOR ENFORCEMENT

THE BOARD OF COUNTY COMMISSIONERS FOR SANDERS COUNTY, MONTANA FINDS:

1. Sections 7-23-2108 through 7-23-2110, MCA, authorizes counties to adopt an ordinance for the control of barking dogs within the county.
2. The Board of County Commissioners adopted a new ordinance to control barking dogs within all unincorporated areas of Sanders County and a procedure for its enforcement May 9, 2019, Ordinance 2019-01 sunsets June 22, 2020. Therefore, the Board of County Commissioners adopted a new ordinance to control barking dogs within all unincorporated areas of Sanders County and a procedure for its enforcement (date).

THE BOARD ORDAINS:

1. TITLE

This ordinance may be cited as the “Sanders County Barking Dog Control Ordinance”

2. DEFINITIONS

As used in this ordinance, the following definitions apply:

- 1) “Officer” means any law enforcement officer having jurisdiction within Sanders County to enforce the provisions of this ordinance.
- 2) “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.
- 3) “Nuisance Barking Dog” means any dog that barks, howls, yelps, whines, bays or makes other noises at repeated intervals or incessantly for a prolonged period of time that annoys any person to an unreasonable degree.

3. ENFORCEMENT

Any Sanders County Law 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 5 of

this Ordinance for any person to knowingly or intentionally interfere with any Sanders County Law Enforcement Officer in the lawful discharge of their duties as herein prescribed.

4. BARKING OR HOWLING DOGS

- a) It is unlawful for any person to own, keep, harbor, or maintain any dog, which unreasonably annoys or disturbs the peace and quiet of any person by undue barking or howling.
- b) “Nuisance Barking Dog” means any dog that barks, howls, yelps, whines, bays or makes other noises at repeated intervals or incessantly for a prolonged period of time that annoys any person to an unreasonable degree.
- c) In accordance with §7-23-2110 MCA, the prohibition against nuisance barking may not apply to a dog or dogs owned, kept, harbored as part of the business of licensed veterinarians or licensed animal boarding facilities, or an agriculture or livestock operation.
- d) Upon receiving a first complaint of Nuisance Barking at any address in Sanders County, an Officer will respond to the address provided or determined and leave a written notice of violation/warning with the owner, keeper or custodian of the Nuisance Barking dog or dogs and provide written instructions on how to correct the Nuisance Barking.
- e) The Officer will provide the complainant a Nuisance Barking Dog Conduct Log 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 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 Violation Section 5 unless the person has received a written warning from an Officer.

5. PENALTIES

- a) Violations of any part of this ordinance will constitute a misdemeanor punishable by imprisonment in the Sanders County Jail not exceeding ten (10) days or by a minimum fine of \$50.00 or maximum fine of \$500.00, or both, unless a specific penalty for the violation is defined by this ordinance.

6. THE BOARD FURTHER ORDAINS

- a) This ordinance applies to the whole of Sanders County with the exception

of properties located within incorporated municipalities that have ordinance making powers.

- b) If a provision of this ordinance conflicts with a provision of a previously adopted ordinance or resolution, this ordinance will prevail.
- c) The various sections and clauses of this ordinance are severable. If any part, sentence, clause, or phrase is adjudged to be unconstitutional or invalid, the remainder of the ordinance will not be affected.
- d) Upon first reading and adoption, this ordinance will be posted and made available to the public in accordance with section §7-5-103, MCA.
- e) This ordinance will be effective 30 days after its second and final adoption, in accordance with section §7-5-105, MCA.
- f) Upon second and final adoption of this ordinance, this ordinance will be signed by the Board and published by the Clerk in the Register of Ordinances to be kept on file in the Clerk and Recorder’s Office, as well as published on the official County website, in accordance with sections §7-5-103 and §7-5-107, MCA.

END OF ORDINANCE

Approved as to Form:

Naomi R. Leisz, County Attorney

First reading date June 04, 2020 **Approved (X)** **Disapproved ()** **Amended ()**

Second reading date June 16, 2020 **Approved ()** **Disapproved ()** **Amended ()**

Adopted this ____ day of July, 2020.

**Board of County Commissioners
Sanders County, Montana**

ATTEST:

Nichol Scribner
Clerk & Recorder/Treasurer/Superintendent of Schools

By: _____
Anthony B. Cox, Presiding Officer

By: _____
Glen E. Magera, Commissioner

By: _____
Carol Brooker, Commissioner

