

## Yellowstone County Dog Ordinance

### Regulation 1 – Vaccinations and Identifications

CO 4380.020

This regulation is adopted pursuant to authority found in Sections 7-23-2108, 7-23-101, and 7-23-102, MCA. A person shall obtain a rabies vaccination certificate from a licensed veterinarian for each dog three months or older. The vaccination certificate shall be valid for one calendar year except for triennial vaccines that shall be valid for three calendar years. The dog shall display on his collar a metal, commercially made identification tag or shall have a microchip implanted for identification and shall display a tag indicating the dog has a microchip.

#### Identification and Rabies Tags

The identification tag shall indicate the name of the animal and the name, current address and telephone number of the owner. Should the information on the dog's microchip change as to the owner's contact information, or should the ownership of the dog change, the dog's owner must have the microchip's new information reregistered for the implanted microchip.

The veterinarian shall issue a rabies vaccination tag to the person authorizing the vaccination. If a person transfers the ownership or custody of a dog to another person, the previous owner shall cancel and remove the existing identification tag and the new owner shall provide and attach a new identification tag. All required identifications and vaccinations shall be the owner's responsibility and supplied at the owner's expense.

A dog found to have neither the identification tag nor microchip or a current rabies tag shall be cited pursuant to this section. The owner who claims the dog shall be responsible for all costs related to the care of the dog while it is impounded. If a dog is not claimed within 72 hours of being impounded, it may be adopted out or euthanized. Any owner claiming the dog shall take possession of the dog only after the costs related to the care of the dog is paid.

An owner or person in custody of a dog within the County that does not properly have the rabies tag, and the identification tag or microchip is guilty of a misdemeanor. If convicted, the court may place conditions on the person's custody of a dog that could include a prohibition of the custody of dogs in the future.

### Regulation 2 – Dog Control (Prohibition of Dog Running at Large)

CO 4380.130

This regulation is adopted pursuant to authority found in Section 7-23-2108, MCA. A person shall be in control of a dog at all times. A person shall not allow a dog to roam at large without direct physical control of the dog at all times. A dog shall be contained or under the direct supervision of a person when off the owner's property; provided, a leash exception for private property with the owner's permission or on designated leash-less county property. A dog is under direct supervision when on a leash; provided, that an

obedience-trained dog, which is under the control of the owner, may be temporarily without a leash or tag while participating in sanctioned field trials, dog shows, hunting, and dog related sporting events, or competition. The other provisions of this regulation notwithstanding, pursuant to Section 7-23-2108 (4), MCA, the Board of County Commissioners may by resolution, adopt areas of County-owned land to be designated as areas where dogs may be present without a leash. Dogs located in these leash-less areas are not subject to the leash restrictions contained in this regulation.

Where practicable, a dog at large, and not in violation of any other laws or ordinances may be returned to the person whose information is contained on the identification tag or on the implanted microchip and shall be cited pursuant to this section. If this person cannot be located, the dog shall be impounded until this person claims the dog. This person shall be responsible for all costs related to the care of the dog while it is impounded. If a dog is not claimed within 72 hours of being impounded, it may be adopted out or euthanized. An injured dog not in the control of a person may be euthanized if a veterinarian determines it would be inhumane to keep the dog alive and a reasonable attempt has been made to contact the owner. The person who claims the dog shall gain custody of the dog only after the costs related to the care of the dog is paid.

A person in custody of a dog within the County that is not in the physical control of a person is guilty of a misdemeanor. If convicted, the court may place conditions on the person's custody of a dog that could include a prohibition on the custody of any dog.

### **Regulation 3 – Vicious Dog**

CO. 4380.180

This Regulation is adopted pursuant to authority found in Section 7-23-2109 and 27-1-715, MCA.

An unprovoked dog that bites or attempts to bite a person or another animal may be impounded until the case has been resolved and the owner shall be cited pursuant to the terms of this section. In the case of a human fatality, the dog shall be impounded, and the dog will be euthanized should the court find that the dog was a cause of the fatality. When serious injury or a vicious attack has occurred, the Court may order the dog euthanized or impounded and the dog shall not be released until upon the approval of the Court, there is proof of secure containment. If the dog is found not to have bitten or attempted to bite a person or another animal, the person who has custody of the dog shall not be responsible for the costs related to the care of the dog while impounded. The dog shall be returned to the person who had custody of the dog. If the dog is found to have bitten or attempted to bite a person or another animal, the person who has custody as identified by the identification tag or microchip of the dog shall be responsible for all of the costs related to the care of the dog while impounded. The county may regulate, restrain, control, euthanize, adopt out, or quarantine the dog. If the dog is to be returned to the person who had custody of the dog, and the person does not claim the dog within 72 hours of the return order, it may be adopted out or euthanized. The person who claims the dog shall receive the dog only after the costs related to the care of the dog is paid.

A person who has custody or control of a vicious dog is guilty of a misdemeanor. If convicted, the court may place conditions on the person's custody of a dog that could include a prohibition on the custody of any dog.

#### **Regulation 4 – Excessive Barking**

CO 4380. 220

This regulation is adopted pursuant to the authority found in Section 7-23-2110, MCA. A person shall prevent excessive dog barking. A dog barks excessively when by loud, continuous barking, howling, or yelping it interferes with the comfortable enjoyment of life by a reasonable number of people in the vicinity of the dog. A dog that is owned, kept, or harbored by a licensed veterinarian as part of the veterinarian's business or part of an animal kennel/boarding facility or livestock operation is exempt from this regulation.

Complaints. Law enforcement officers shall not respond to complaints under this regulation unless the complainant provides their name, address and telephone number or equivalent contact information to the officer. The officer shall explain to the complainant that the complainant shall document the time, place, and any witnesses regarding the excessive barking and shall make the documentation available to the officer for the officer's use.

A dog that engages in excessive barking shall not be impounded.

Penalties/Prerequisites for Prosecution. A person in custody of a dog within the County that engages in excessive barking is guilty of a misdemeanor. If convicted, the court may place conditions on the person's custody of a dog that could include a prohibition on the custody of a dog. However, before a citation can issue pursuant to this regulation, the following procedure shall be followed:

##### 1<sup>st</sup> Complaint (within a 3-month period).

If the first complaint is substantiated by probable cause to believe this regulation has been violated, the officer will attempt to contact the animal's owner to advise the owner of the complaint. If the owner is not available, a notice will either be left on the door of the residence or business of the owner or the officer shall have the option to mail the owner a certified letter, return receipt requested, informing the owner of the complaint and the contents of this regulation.

##### 2<sup>nd</sup> Complaint (within a 3-month period).

The officer will personally contact the animal's owner. If the complaint is supported by probable cause to believe that this regulation has been violated the officer will have the discretion to issue either a warning or forward the matter to the County Attorney for prosecutorial consideration.

##### 3<sup>rd</sup> Complaint (within a 3-month period).

If the complaint is supported by probable cause to believe that this regulation has been violated the officer shall issue a notice to appear in a court of competent jurisdiction.

### **Regulation 5 – Penalties**

This Regulation is adopted pursuant to the authority found in Section 7-23-2108, 7-23-2109, 7-23-104, 46-18-212, and 7-5-109, MCA.

Unless otherwise specifically provided for in Regulations 1-4 inclusive, the following penalty is applicable for all offenses contained in this ordinance. A person who violates any provision of the Yellowstone County Dog Ordinance is guilty of a misdemeanor and can be incarcerated in the County Detention Facility for up to six months and or fined up to \$500.00. If convicted, the court may place additional conditions on the person's custody of any dog that could include a prohibition on the custody of a dog. These regulations are not intended to limit restrictions on dogs and dog ownership as otherwise provided for in the Montana Code Annotated.

**YELLOWSTONE COUNTY BOARD OF COUNTY COMMISSIONERS**

Resolution / Ordinance No. 10 - 28

**Resolution to Adopt an Amended County Dog Ordinance**

WHEREAS, pursuant to Sections 7-23-2108 through 7-23-2110 of the Montana Code Annotated, a board of county commissioners has the authority to adopt a dog ordinance to regulate dogs within the county.

WHEREAS, the Yellowstone County Board of County Commissioners adopted a dog ordinance for Yellowstone County. Periodically, the Board has reviewed and amended the ordinance. It has been several years since the Board last reviewed and amended the ordinance. The Board believes that the ordinance should be reviewed and amended. Both substantive and stylistic changes to the ordinance could help better achieve the intent of the ordinance.

WHEREAS, on March 16, 2010, the Yellowstone County Board of County Commissioners passed a resolution of intent to amend the dog ordinance for Yellowstone County and set public hearings and votes on the ordinance for March 30, 2010 and April 13, 2010. On March 16, 2010, the Yellowstone County Clerk and Recorder posted the ordinance and made copies of it available to the public. On March 19, 2010 and March 26, 2010, the Clerk and Recorder published notice of the public hearings in the *Billings Gazette*. On March 30, 2010, the Board held a public hearing on the ordinance. The Board heard comments on the ordinance. The Board decided it wanted to consider modifications to the ordinance and suspended consideration of the ordinance to ponder the modifications. The Board did not vote to adopt the ordinance. On April 13, 2010, the Board held a public hearing on the ordinance. The Board heard comments of the ordinance. The Board decided to modify the ordinance. The Board voted to adopt the ordinance and set another public hearing on the ordinance for May 4, 2010. On April 13, 2010, the Yellowstone County Clerk and Recorder posted the ordinance and made copies of it available to the public. On April 23, 2010 and April 30, 2010, the Clerk and Recorder published notice of the public hearing in the *Billings Gazette*. On May 4, 2010, the Board held a public hearing on the ordinance. The Board heard comments of the ordinance. The Board voted to adopt the ordinance.

NOW THEREFORE, BE IT RESOLVED,

The Yellowstone County Board of County Commissioners adopts an amended dog ordinance for Yellowstone County. Attached is a copy of the amended ordinance. The ordinance shall be effective 30 days from the second vote to adopt the ordinance, June 3, 2010, and shall continue until otherwise amended or repealed. The ordinance supercedes all prior resolutions or ordinances related to dogs. The Board orders the Yellowstone County Clerk and Recorder to place the ordinance in the book of ordinances for the County.

Passed and Adopted on the 4<sup>th</sup> day of May 2010.

BOARD OF COUNTY COMMISSIONERS  
YELLOWSTONE COUNTY, MONTANA

Bill Kennedy  
Bill Kennedy, Chairman  
Yellowstone County Commissioner

James E. Reno  
James E. Reno, Member  
Yellowstone County Commissioner

John Ostlund  
John Ostlund, Member  
Yellowstone County Commissioner

Attest:

Tony Nave  
Tony Nave  
Yellowstone County Clerk and Recorder

State of Montana        }  
                                  ss.  
County of Yellowstone   }

On May 4, 2010, Bill Kennedy, John Ostlund and James E. Reno, members of the Yellowstone County Board of County Commissioners, and Tony Nave, the Yellowstone County Clerk and Recorder, acknowledged to me that they executed the attached Resolution to Adopt an Amended County Dog Ordinance on behalf of Yellowstone County in their official capacities as Board Members and the Clerk and Recorder.

*Teri Reitz*

Printed Name:

Notary Public For the State of Montana  
Residing at Billings, Montana.

My commission expires: *2-27-2014*

(Notarial Seal)

