



*Regina Plettenberg*

**RAVALLI COUNTY ORDINANCE NO. 37**

**DOG PROTECTION AND CONTROL**

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**1-1-1: SCOPE AND PURPOSE:**

**A. PURPOSES:** This Ordinance is intended to promote the public health, safety and general welfare of the inhabitants of the County.

**B. AUTHORITY:** This Ordinance is adopted under Title 7, Chapter 23, Part 21, MCA, as well as under the County's general police power to maintain public health and safety.

**C. CONTROL OF VICIOUS DOGS; DOGS AT LARGE:** This Ordinance is designed to control vicious dogs and dogs at large, and to authorize appropriate means of control and other remedies including the use of confinement and quarantine.

**D. LAW ENFORCEMENT DOGS:** Dogs engaged in law enforcement duties by a public law enforcement agency and by a sworn law enforcement officer are not subject to this Ordinance.

**E. ORDINANCE DOES NOT ABSOLVE OWNERS OF OTHER LIABILITY:** This Ordinance is not to be construed as absolving an animal owner of civil or criminal liability for the acts of his or her animal. The provisions of this Ordinance do not displace any other potential criminal action or displace a private civil action.

Return: Commissioners

**1-1-2: DUTY:**

It shall be the duty of every owner of any dog or anyone having any dog in his or her possession to exercise reasonable care and to take all necessary steps and precautions to protect other people, their property and animals from injuries or damage that might result from such dog's behavior.

**1-1-3: DEFINITIONS:**

- A. **ANIMAL:** "Animal" means nonhuman species, including all livestock, pets, and wild animals.
- B. **ANIMAL CONTROL OFFICER:** "Animal Control Officer" means any sworn law enforcement officer as well as an animal control officer designated by the County.
- C. **BCC:** "BCC" means the Ravalli County Board of County Commissioners.
- D. **BITE:** "Bite" means a wound, bruise, laceration or puncture inflicted on a person or animal by the teeth of a dog.
- E. **BUSINESS DAY:** "Business Day" means a day that the individual business or governmental agency, as the context requires, is actually open to the public.
- F. **DESIGNATED FACILITY:** "Designated Facility" means a facility designed to hold/house animals if so designated by the BCC for purposes of this Ordinance.
- G. **DOG:** "Dog" means any member of *Canis familiaris* or any other combination of *Canis familiaris* and other *Canis* species, including, but not limited to, so called wolf-dog or coyote-dog crosses.
- H. **DOG AT LARGE:** "Dog at Large" means any dog off the premises of its owner or the premises of another person charged with the care of the dog, and not under immediate control of its owner or authorized agent of the owner, either by: (i) a leash, tether, lead or other physical control device; or (ii) voice restraint or signal control of a person capable of controlling, subduing, or restraining the dog. **Dogs working cattle or livestock, and dogs while hunting, are not at large if being handled or used in the customary manner for such purposes**
- I. **HARASS:** "Harass" means to worry, chase, or run after

livestock in a manner that may lead to subsequent injury to the livestock.

**J. IMPOUND:** "Impound" means the taking of a dog or other pet into the County's custody or into the custody of a facility designated by the County.

**K. LEASH:** "Leash" means any flexible lead, including nylon leashes, cords, ropes, light chains or other similar device of suitable strength to restrain or control a dog to which attached.

**L. LIVESTOCK:** "Livestock" means domesticated poultry (including but not limited to chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants, § 81-2-702, MCA), cattle, horses, mules, asses, sheep, llamas, alpacas, bison, swine, ostriches, rheas, emus, rabbits, goats, "alternative livestock" as defined in § 87-4-406, MCA.

**M. OWNER:** "Owner" means any person harboring, keeping or having control or custody of an animal, or any person having any right or ownership in the animal

**N. QUARANTINE:** "Quarantine" means to confine an animal in strict isolation inside a building, cage, pen or other enclosure so that contact between the confined animal and any person or any other animal is not possible.

**O. RABIES VACCINATION:** "Rabies vaccination" means the inoculation of an animal with anti-rabies vaccine administered under the supervision of 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.

**P. VICIOUS DOG:** Subject to the following exceptions listed below, "vicious dog" means any dog that, without provocation, bites, attempts to bite, harasses, or chases any human or animal. (§ 7-23-2109, MCA)

**Q. VICIOUS DOG, EXCEPTIONS:** A dog shall not be deemed vicious if any of the following applies:

1. The dog bites, attacks or menaces a person or animal that: (a) assaults the owner; (b) trespasses on the property of the owner; or (c) is in the act of tormenting or abusing the dog or its offspring.

2. The dog is otherwise acting in defense of an attack by a person or other animal upon the owner or other person.

3. The dog is a law enforcement dog following the lawful direction of a sworn law enforcement officer.

**R. WILD ANIMAL:** "Wild animal" means any animal that is wild by nature and is not commonly domesticated, and being kept as a pet or livestock.

**1-1-4: ANIMAL CONTROL OFFICERS:**

**A. ENFORCEMENT:** Any Animal Control Officer may enforce the provisions of this Ordinance and is delegated the power and authority as may be required and incidental to implement and enforce this Ordinance.

**B. Determination:** An Animal Control Officer may designate a dog to be a vicious dog if the Animal Control Officer determines, based upon reasonable grounds, the dog is or has recently been vicious. Such determination shall remain in effect until any period of confinement or impoundment is finished, all fees or fines are paid, and proof of rabies vaccination is provided. Any Court of competent jurisdiction may designate a dog to be a vicious dog if a dog is proven to have acted in a vicious manner on two or more occasions. Such court designation shall remain in effect until removed by the court.

**1-1-5: IMPOUNDMENT:**

**A. POWER TO IMPOUND:** An Animal Control Officer may impound any vicious dog kept or handled in violation of this ordinance.

**B. IMPOUNDED:** If a vicious dog is impounded, the vicious dog shall be taken to a designated facility at the owner's expense.

**1-1-6: REDEMPTION OF IMPOUNDED:**

**A. PROCEDURE:** The owner of any impounded vicious dog may redeem the vicious dog by complying with the policies and paying the fees of the designated facility.

**B. COUNTY FEES FOR REDEEMING IMPOUNDED:** The County may assess impound fees in addition to fees charged by a designated facility, which must be paid to redeem a vicious dog.

**1-1-7: PRESUMPTION OF ABANDONMENT:**

Any vicious dog impounded for more than ten business days for which no one claims ownership shall conclusively be considered legally abandoned by the vicious dog's owner. Ownership of that

vicious dog may be transferred to the County, or the County's agent may take any action regarding the vicious dog, including euthanasia.

**1-1-8: RABIES VACCINATION REQUIRED:**

**A. VACCINATION REQUIRED:** Except for licensed veterinarian facilities, a Humane Society facility, a designated facility, or the County animal shelter (if applicable), it shall be a violation of this Ordinance to keep, harbor, or maintain any dog over the age of four (4) months without a current rabies vaccination.

**B. RECORD KEEPING:** Record of rabies vaccinations shall be kept by all licensed veterinarians administering the rabies vaccines.

**1-1-9: VICIOUS DOGS; DOGS AT LARGE:**

**A. VICIOUS DOGS RESTRICTED:** A person may not keep, harbor, or maintain any vicious dog in the County unless the dog is secured in one of the following ways:

1. The dog is 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 damage any property, or be a hazard to public health and safety.

2. The dog is properly restrained and leashed on a line not to exceed six feet (6') in length, properly muzzled, and under the immediate control of a person of suitable age and capacity to control, subdue, and restrain such dog.

**B. DOGS TO BE KEPT UNDER CONTROL:** No owner may allow a dog to be at large.

**1-1-10: QUARANTINE:**

**A. VACCINATION STATUS:** An Animal Control Officer shall attempt to ascertain the rabies vaccination status of any vicious dog.

**B. DOGS WITHOUT PROOF OF VACCINATION:** If an Animal Control Officer determines that a dog has bitten or caused physical harm to a person and there is no proof of current rabies vaccination, the dog shall be quarantined for a period of at least 10 days from the date of the bite or harm, or for a longer period if

determined to be appropriate. After the quarantine period, the dog shall be examined by a licensed veterinarian and vaccinated unless conclusive proof of current vaccination is provided, both at the owner's expense. A record of the veterinarian exam and vaccination shall be provided to the Animal Control Officer and to the County Public Health Department. If the veterinarian determines that the dog shows no evidence of rabies during the quarantine period, the dog shall be released at the conclusion of the quarantine period. If a veterinarian determines that a quarantined dog displays signs of rabies, the veterinarian shall determine the appropriate course of action, which may range from an extended quarantine period to euthanasia.

**C. DOGS WITH PROOF OF VACCINATION:** If an Animal Control Officer believes a dog that has bitten or caused physical harm to a person shows no signs of rabies, and there is proof the dog has current rabies vaccination, the dog shall be confined at home and the owner shall observe the dog for clinical signs of illness daily for at least ten (10) days.

**D. NO IMMUNIZATION DURING QUARANTINE:** No immunizations for rabies may be administered to a quarantined dog during the quarantine period.

**E. EUTHANASIA OR QUARANTINE OF UNVACCINATED DOGS EXPOSED TO A RABID ANIMAL:** Unvaccinated dogs exposed to a rabid animal should be euthanized. If the owner is unwilling to have this done, an Animal Control Officer may order that the animal be quarantined and vaccinated at the owners expense, as recommended in the current "Compendium Of Animal Rabies Prevention And Control," published by the National Association of State Public Health Veterinarians, Inc.

**1-1-11: PENALTIES:**

**A. FINE AND IMPRISONMENT:** Except as otherwise provided herein, violation of any section of this Ordinance shall constitute a misdemeanor punishable by a fine of not less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00). A person convicted of a second or subsequent offense may also be imprisoned in the Ravalli County Jail for not more than six (6) months.

**B. RESTITUTION:** As part of any sentence, the Court shall require an offender to make full restitution.

**C. EUTHANASIA:** The Court after hearing may order the

euthanasia of a vicious dog, or unvaccinated dog that has been exposed to a rabid animal.

**1-1-12: DISPOSITION OF FUNDS:**

All fines, fees or funds in general derived from the enforcement of this Ordinance [chapter] shall be paid into the County Treasury and designated as the Ravalli County Animal Protection fund. This does not include any amounts required to be paid to Ravalli County Justice Court under State law.

**1-1-13: SEVERABILITY:**

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

**1-1-14: EFFECTIVE DATE:**

This Ordinance shall be effective upon the approval of the second reading.

APPROVED AND INITIALLY ADOPTED AT FIRST READING THIS 2nd DAY OF APRIL 2013.

*Jeff Burrows*  
Jeff Burrows, Chairman

*Suzy Foss*  
Suzy Foss, Member

*Absent*  
Greg Chilcott, Member

*J.R. Iman*  
J.R. Iman, Member

*Absent*  
Ron Stoltz, Member

*Regina Pattenberg*  
Attest: Clerk & Recorder



APPROVED AND ADOPTED AT SECOND READING THIS 17TH DAY OF APRIL 2013.

Jeff Burrows  
Jeff Burrows, Chairman

Suzy Foss  
Suzy Foss, Member

Absent  
Greg Chilcott, Member

Absent  
J.R. Iman, Member

Ron Stoltz  
Ron Stoltz, Member

Reine Rittenberg  
Attest: Clerk & Recorder

