HEALTH AND ENVIRONMENT REGULATIONS
Chapter 2: LINCOLN COUNTY ANIMAL CONTROL REGULATION
(Revised July 2020, October 2025)
SUBCHAPTER 1: GENERAL PROVISIONS

2.1.101 INTENT: The purpose of this regulation is to protect the health, safety and welfare of the people of Lincoln County.

2.1.102 AUTHORITY: Authority for regulations promulgated in this rule is provided for in MCA 50-2-116.

2.1.103 DEFINITIONS:

As used in these policy and regulations, the following definitions apply:

(1) "Adequate Shelter" means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; and, enables each animal to be clean and dry.

(2) "Animal" means any domesticated animal or livestock.

(3) "Animal Rescue Organization" means a group or individual who takes in unwanted, abandoned, stray or shelter pets and offers them for adoption.

(4) "At Large" means off the premises of its owner and not under the immediate control of its owner or authorized agent by the owner, either by leash, voice, or signal control; or by complete confinement within or upon a vehicle. Dogs controlling or protecting livestock or in other related agricultural activities, dogs engaged in hunting related activities, and police service dogs are excluded from this definition. Behaviors included within the definition of "at large" include any of the following:
   (a) Chasing vehicles or bicycles in public streets, ways, parks, or easements;
   (b) Rummaging through or scattering garbage or rubbish;
   (c) Interfering with vehicular or pedestrian traffic.

(5) "Bite" means a laceration, bruise, or puncture inflicted by the teeth.

(6) "Boarding Facility" means a commercial establishment, that is open to the public, where pets are housed, fed, and cared for in exchange for compensation provided by the pet's owner.

(7) "Department" means Lincoln County Health Department

(8) "Health Officer" means the Lincoln County Health Officer or their designated representative.

(9) "Kennel" means any household or establishment where five (5) or more dogs are kept and maintained exclusively in that kennel, or dog(s) and/or cat(s) are kept for the purpose of breeding, or dogs and/or cats are offered for sale, trade, profit,

or barter. All animal rescue organizations, animal shelters and boarding facilities are also deemed to be kennels no matter the number of dogs and/or cats onsite at any given time. Veterinary hospitals, grooming parlors, and pet shops are excluded from this definition.

(10) "Owner" means any person who owns, harbors, or keeps a dog or cat.

(11) "Officer" means a duly appointed law enforcement officer.

(12) "Properly Cleaned" means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants.

(13) "Vaccination" means the inoculation of a dog or cat with anti-rabies vaccine, administered by a licensed veterinarian.

(14) "Vicious Dog" means a dog which harasses, chases, bites, or attempts to bite any human being without provocation or which harasses, bites, or attempts to bite any other animal without provocation. A police service dog that bites or chases any person while engaged in the lawful performance of its duties is not considered a vicious dog under this definition.

SUBCHAPTER 2: COMPLIANCE REQUIREMENTS

2.2.101 DOG LICENSING, LICENSE TAGS, AND EXEMPTIONS

(1) Any person keeping, harboring, or maintaining any dog in Lincoln County over six (6) months of age must duly register and license the dog as provided below:

(a) Licenses are issued by the Department at the Lincoln County Animal Shelter and at other designated locations.

(b) Before a dog license is issued, the owner of the dog must present a certificate from a recognized veterinarian stating that the dog has a current rabies vaccination. Rabies vaccination and control requirements are administered by the City-County Board of Health for Lincoln County. The license is canceled if the rabies vaccination expires.

(c) The applicant must pay the license fee to the Department before the license is issued. License fees are approved by the County Board of Commissioners as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is herein incorporated by this reference. No refunds will be made on any dog license for any reason whatsoever.

(d) Upon issuance of a dog license, the Department will issue a copy of the license and a metal tag imprinted with the corresponding license number for each dog licensed. License tags must be worn by the licensed dog on a collar or harness of substantial quality and strength. It is lawful to remove the collar or harness and license tag only when the dog is under the immediate control of its owner or authorized agent or when the dog is being maintained and prepared for competition in a licensed dog show or match.

(2) If any license tag for a dog is lost or destroyed, a duplicate may be issued by the Department upon proof of existing license and payment of the required fee.

(3) Dog license tags are not transferable from one dog to another. It is unlawful for any owner or any other person to use any license tag on any dog other than the one for which it was issued.

(4) These licensing requirements are subject to the following exemptions:

(a) Any dog whose owner, keeper or possessor is a non-resident of Lincoln County and is temporarily within the county for thirty (30) days or fewer is not required to be licensed in Lincoln County.

(b) Any dog brought into Lincoln County for the sole purpose of participating in any dog show or contest is not required to be licensed in Lincoln County.

(c) Any dog which has been properly trained as a service dog and is now acting in that capacity must be licensed but is exempt from license fees.

(d) Any government owned police service dog must be licensed but is exempt from license fees and is not required to wear the license tag.

(e) Lincoln County residents sixty-five (65) years of age or older are exempt from fees for one annual dog license tag.

2.2.102 KENNEL LICENSING

(1) A kennel license is required for any organization, person, family, or household meeting the definition of "kennel." Application for a kennel license must be made to the Department. The intended facilities are subject to inspection by the Department and/or an officer. The permit shall be issued upon the following conditions:

(a) There must be adequate shelter and secure enclosure(s) for the animals on the premises.

(b) Proof of current rabies vaccination must be provided for each dog over six (6) months of age.

(c) Veterinary care provided when needed to prevent suffering or disease transmission.

(d) The owner uses suitable means of disposing of animal feces so that it does not become a nuisance or a health hazard.

(e) In the Department's opinion, the animals receive proper care, food, water, shelter and humane treatment.

(f) The kennel license shall list the maximum number of animals over the age of six (6) months allowed on the premises and if the holder of the permit exceeds that number, it shall be grounds for revocation of all permits for that location;

(g) The Department shall approve or deny the application based on the information submitted by the applicant and on the results of the inspection. The Department may issue a conditional permit, but must state the permit

conditions on the document and ensure that the applicant is advised of the conditions;

(h) The applicant must pay the kennel license fee to the Department before the permit is issued. Kennel license fees are approved by the County Board of Commissioners as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is herein incorporated by this reference.

(i) All premises for which a kennel license is issued may be subject to annual inspections by the Department. Additional inspections may be instigated if a complaint is received. The Department, on determining that such premises are not being maintained and/or conditions of the permit are not met, may revoke the kennel license.

(j) Within ten (10) days of the birth of a litter which is to be for sale, the owner must apply for a kennel license.

(k) If the holder of a kennel license moves, he or she must provide written notice to the Department of their new address within thirty (30) days of moving. The Department will then conduct an inspection and take appropriate action under this section based on any changes at the permit holder's new residence, if relocation is in Lincoln County.

(l) The kennel license is valid until December 31 of the year it is issued, unless revoked;

(m) Kennel licenses must be renewed within thirty (30) days of the expiration date or the application will be treated as a new application.

(2) Failure to license a kennel in accordance with these rules, as adopted by the City-County Board of Health for Lincoln County is punishable by a civil penalty not less than $10 or more than $200. Each day of violation constitutes a separate offense.

2.2.103 IMPOUNDMENT

(1) A dog or cat may be impounded without notice if any of the following conditions exist:

(a) Any dog or cat is being kept or maintained contrary to the provisions of this policy;

(b) Any dog found at large contrary to the provisions of the Lincoln County Dog Control Ordinance;

(i) Any dog at large upon any private property may be taken up by the owner or lawful occupant of the property and promptly delivered to the Lincoln County Animal Shelter for impoundment.

(ii) An officer may impound an at large dog on private property with the permission of the owner or lawful occupant of the property.

(c) Any dog that is not licensed or wearing a license tag as required by the Lincoln County Dog Control Ordinance and this policy;

(d) Any sick or injured dog or cat whose owner cannot be located;
(e) Any abandoned dog or cat;
(f) Any dog or cat to be held for quarantine;
(g) Any vicious dog found in violation of the Lincoln County Dog Control Ordinance.

(2) The procedure for impoundment is as follows:

(a) All dogs or cats impounded will be held for seventy-two (72) hours, not including weekends or legal holidays. If the impounded dog or cat has a license or other identification tag, the officer will notify the owner of said dog or cat within twenty-four (24) hours, not including weekends or legal holidays, by telephone or personal notice that the dog or cat has been impounded and where it may be redeemed. The officer will further notify the owner of his right to redeem the dog or cat within seventy-two (72) hours, not including weekends or legal holidays.

(b) If, after the prescribed time limit, the impounded dog or cat is not claimed by its owner and the appropriate fees paid, the dog or cat may be adopted to a private individual upon payment of the necessary fees and, if required, compliance with the licensing regulations or transferred to another agency for adoption. In the event an unclaimed dog or cat is not adopted or transferred to another agency, it may be humanely euthanized.

(c) A critically sick or injured dog or cat may be humanely euthanized to end suffering prior to the seventy-two (72) hour holding period defined above if an owner cannot be identified, contacted or located.

(d) Impoundment fees are approved by the County Board of Commissioners as part of the Lincoln County Health Department Fee Schedule. The current Fee Schedule is by this reference incorporated herein. In addition, boarding fees and all reasonable and actual expenses incurred during the impoundment must be paid to Lincoln County Health Department when the animal is reclaimed.

2.2.104 QUARANTINE

(1) In the event that a dog or cat has been bitten by, or exposed to, any animal suspected to have been infected with rabies, it shall be taken by the officer and securely and separately impounded. All such dogs or cats shall be quarantined for a period of forty-five (45) days or as directed by the Montana State Veterinarian, except as specified below:

(a) In the case of an unvaccinated dog or cat which is known to have been bitten by a laboratory confirmed rabid animal, the bitten dog or cat must be immediately destroyed or quarantined for a period of 120 days or as directed by the Montana State Veterinarian.

(b) In the case of a vaccinated dog or cat which is known to have been bitten by a laboratory confirmed rabid animal, the dog or cat shall be revaccinated within

twenty-four (24) hours and quarantined for a period of forty-five (45) days or as directed by the Montana State Veterinarian following revaccination; or if the dog or cat is not revaccinated within twenty-four (24) hours, it shall be isolated and quarantined for 120 days or as directed by the Montana State Veterinarian. The dog or cat shall be humanely euthanized if the owner does not comply with the provisions of this subsection.

(c) If the owner of the dog or cat cannot be identified, contacted or located and the dog or cat is injured, sick or feral, the dog or cat may be humanely euthanized and the body sent in to the state lab for rabies testing.

(2) In the event that a dog or cat has bitten a human, the animal shall be securely quarantined for ten (10) days or as directed by the Montana State Veterinarian. An unvaccinated animal must be vaccinated immediately after the quarantine period.

(3) After the quarantine period, if the dog or cat is determined to be free of rabies, the owner may reclaim the dog or cat upon the payment of the boarding fees and, if required, licensing and vaccination.

(4) If any dog or cat under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the officer in his or her absolute discretion. Upon the positive diagnosis of rabies infection of any dog or cat in the county, the officer shall immediately notify the City-County Board of Health. Such Board may issue orders it deems necessary to be expedient for the protection of the public.

SUBCHAPTER 3: ENFORCEABILITY AND PENALTIES

2.3.101 ENFORCEABILITY: The provisions of this regulation are enforceable by the Lincoln County Sheriff's Office, the Health Officer, the Department, or any other law enforcement personnel with jurisdiction.

2.3.102 POWERS AND DUTIES OF THE DEPARTMENT

(1) The Health Officer is authorized to enter upon private property, at reasonable times and after attempting to notify the property owner, for the purpose of making such inspections as are necessary to determine compliance with the requirements of this regulation.

(2) The Health Officer will determine whether or not this regulation applies after an inspection of the property or area.

(3) The Health Officer will serve a written Notice of Violation and/or Notice to Appear and Complaint on the person who owns, leases or occupies the property on which a violation of this regulation exists.

2.3.103 PENALTIES: Except as provided in the Lincoln County Dog Control Ordinance and 2.2.102(2) of these regulations, violation of any part of these regulations is punishable by a civil

penalty as provided in §50-2-124(1) of the Montana Code Annotated. Each day of violation will constitute a separate offense.

SUBCHAPTER 4: SEVERABILITY AND CONFLICT OF ORDINANCE

2.4.101 CONFLICT: In any case where a provision of this regulation is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation of Lincoln County, existing on the effective date of the regulation, the provision which establishes the higher standard for the protection of public health and safety shall prevail.

2.4.102 SEVERABILITY: If any provision of this regulation is declared invalid by any court or tribunal, the remaining provisions of this regulation shall not be affected thereby.

Amy Fantozzi
Chairperson

10-14-25
Date